

employee's employment; or that the claimant sustained a hernia resulting from a strain arising out of and in the course of his or her employment.

Second. That the hernia did not exist prior to the injury or strain for which compensation is claimed; provided that if as the result of an accidental injury, or as the result of a strain, arising out of and in the course of the employee's employment a preexisting hernia becomes so strangulated, incarcerated or becomes so aggravated that an immediate operation is necessary, the provision of this subparagraph requiring proof that THE hernia did not exist prior to the injury for which compensation is claimed shall not apply.

Third. That, anything in this article respecting notice to the contrary notwithstanding, such injury or strain was reported to the employer within thirty days next following its occurrence.

(7) (a) In case the injury causes death within the period of seven years from the date of the accident the benefits shall be in the amounts and to the persons following: If there are wholly dependent persons at the time of death, the payment shall be sixty-six and two-thirds per centum of the average weekly wages of the deceased employee, not to exceed, however, a maximum of 100 percent of the average weekly wage of the State of Maryland as determined by the Department of Employment Security, as provided in [§ 36(2) of this article] SUBSECTION (2) OF THIS SECTION and not less than a minimum of twenty-five dollars per week unless the deceased employee's established weekly wages were less than twenty-five dollars per week at the time of the injury in which event the compensation shall be an amount equal to the average weekly wages, and to continue to be paid during total dependency but not to exceed \$45,000.00, except as otherwise provided in this section. If a surviving wife, husband, or child continues to be totally dependent after the total amount of \$45,000.00 has been paid, further payments to the surviving wife, husband, or child shall be paid at the same weekly rate during his or her total dependency. If a surviving wife, husband, or child, except as set forth in paragraph (d) herein, who is wholly dependent at the time of death becomes thereafter wholly or partially self-supporting, payments shall nevertheless continue until the total sum of \$45,000.00 has been paid, and thereafter further benefits shall cease. It is the intention herein that a surviving wife or husband who is wholly dependent at the time of death shall receive at least the total sum of \$45,000.00, even though she or he becomes wholly or partially self-supporting before that sum is paid. The Commission has continuing jurisdiction to determine whether the surviving wife, husband, or child has become wholly or partially self-supporting, and to suspend, terminate or reinstate suspended or terminated payments of compensation. The provisions of this subparagraph which provide for a continuation of payments until the total sum of