

payments to a surviving spouse who was wholly dependent at the time of the covered employee's death but who later becomes partly self-supporting; ~~specifying certain rates for determining a surviving spouse's benefits; providing that the combined payments to a surviving spouse who was wholly dependent at the time of the covered employee's death but who later becomes partly self-supporting may not exceed a certain amount under certain circumstances;~~ providing for the application of this Act; and generally relating to death benefits for wholly dependent spouses who become partly self-supporting after the death of the covered employee under workers' compensation.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9-681 and 9-682

Annotated Code of Maryland

(1999 Replacement Volume and 2002 Supplement)

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~~Article – Labor and Employment~~

~~Section 9-682~~

~~Annotated Code of Maryland~~

~~(1999 Replacement Volume and 2002 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Labor and Employment**

9-681.

(a) If there are individuals who were wholly dependent on a deceased covered employee at the time of death resulting from an accidental personal injury or occupational disease, the employer or its insurer shall pay death benefits in accordance with this section.

(b) (1) Except as provided in paragraph (2) of this subsection, the death benefit payable under this section shall equal two-thirds of the average weekly wage of the deceased covered employee, but may not:

- (i) exceed the State average weekly wage; or
- (ii) be less than \$25.

(2) If the average weekly wage of the deceased covered employee was less than \$25 at the time of the accidental personal injury or the last injurious exposure to the hazards of the occupational disease, the weekly death benefit payable under this section shall equal the average weekly wage of the deceased covered employee.

(c) Except as otherwise provided in this section, the employer or its insurer shall pay the weekly death benefit: