

In subsection (f)(2) of this section, the phrase "except as provided in paragraph (2) of this subsection" is standard language substituted for the former clause "but he may receive and keep the payments made under paragraph (i) of this subsection", for brevity.

In subsection (i) of this section, the former word "children" is deleted in light of the word "child" and Art. 1, § 8 of the Code, which provides that the singular includes the plural.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the relationship between subsection (c) and subsection (f)(2) of this section is unclear. Subsection (c) imposes a \$45,000 limitation on payments of death benefits. Subsection (f)(2) provides that a surviving spouse who is wholly dependent and remarries and does not have dependent children at the time of remarriage is entitled to receive death benefits for 2 years after the date of the remarriage. It could be argued that payments under subsection (f)(2) are not subject to the \$45,000 limitation under subsection (c) and continue for 2 years even if \$45,000 is paid. The General Assembly may wish to clarify whether the payment of death benefits for 2 years after remarriage under subsection (f)(2) of this section is subject to the \$45,000 limitation under subsection (c) of this section.

Defined terms: "Accidental injury" § 9-101

"Commission" § 9-101 "Compensation" § 9-101

"Covered employee" § 9-101

"Occupational disease" § 9-101

9-682. PARTLY DEPENDENT INDIVIDUALS.

(A) IN GENERAL.

IF THERE ARE NO INDIVIDUALS WHO WERE TOTALLY DEPENDENT ON THE DECEASED COVERED EMPLOYEE AT THE TIME OF DEATH, BUT THERE ARE INDIVIDUALS WHO WERE PARTLY DEPENDENT, THE EMPLOYER OR ITS INSURER SHALL PAY DEATH BENEFIT IN ACCORDANCE WITH THIS SECTION.

(B) AMOUNT OF DEATH BENEFIT.

(1) THE MAXIMUM WEEKLY DEATH BENEFIT PAYABLE UNDER THIS SECTION SHALL EQUAL TWO-THIRDS OF THE AVERAGE WEEKLY WAGE OF THE DECEASED COVERED EMPLOYEE, BUT MAY NOT EXCEED TWO-THIRDS OF THE STATE AVERAGE WEEKLY WAGE.

(2) THE WEEKLY DEATH BENEFIT PAYABLE UNDER THIS SECTION SHALL BE THE PERCENTAGE OF THE MAXIMUM WEEKLY DEATH BENEFIT UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT:

(I) THE WEEKLY EARNINGS OF EACH PARTLY DEPENDENT INDIVIDUAL BEAR TO THE AVERAGE WEEKLY WAGE OF THE DECEASED COVERED EMPLOYEE; AND