

# MAINE STATE LEGISLATURE

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KWS

L.D. 2072

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1451, L.D. 2072, Bill, "An Act to Clarify the Admissibility of Electronic Records and Signatures"

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify Signature Requirements on Certain Legal Documents'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 18-A MRSA §5-509 is enacted to read:

§5-509. In-person signature required

Notwithstanding any law validating electronic or digital signatures, signatures on a durable power of attorney must be made in person and not by electronic means.

Sec. 2. 18-A MRSA §5-802, sub-§(b), as enacted by PL 1995, c. 378, Pt. A, §1, is amended to read:

(b) An adult or emancipated minor with capacity may execute a power of attorney for health care, which may authorize the agent to make any health-care decision the principal could have made while having capacity. The power must be in writing and signed by the principal and 2 witnesses. Notwithstanding any law validating electronic or digital signatures, signatures of the principal and witnesses must be made in person and not by electronic means. The power remains in effect notwithstanding the principal's later incapacity and may include individual

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instructions. Unless related to the principal by blood, marriage or adoption, an agent may not be an owner, operator or employee of a residential long-term health-care institution at which the principal is receiving care.

Sec. 3. 33 MRSA c. 7, sub-c. III-A is enacted to read:

SUBCHAPTER III-A

VALIDITY OF SIGNATURES

§331. Electronic signatures not valid on certain real property documents

Notwithstanding any law validating electronic or digital signatures, an electronic signature, digital signature or other signature effected by electronic means is not recognized under the law of this State as a valid, enforceable signature on any deed, mortgage or other document, including but not limited to a document granting a power of attorney, purporting to affect title to real property.'

**SUMMARY**

This amendment replaces the bill. It provides that electronic signatures, digital signatures and other signatures effected by electronic means are not valid on documents purporting to affect real estate or on powers of attorney.