

MAINE STATE LEGISLATURE

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L.D. 1752

DATE: 3-9-04

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1274, L.D. 1752, Bill, "An Act To Update Laws Affecting the Military"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 18-A MRSA §5-104, sub-§b, as enacted by PL 1997, c. 455, §7, is amended to read:

(b) Notwithstanding subsection (a), unless otherwise stated in the power of attorney, if the parent or guardian is a member of the National Guard or Reserves of the United States Armed Forces Reserve under an order to active duty for a period of more than 30 days, a power of attorney that would otherwise expire is automatically extended until 30 days after the parent or guardian is no longer under those active duty orders or until an order of the court so provides.

This subsection applies only if the parent or guardian's service is in support of:

(1) An operational mission for which members of the reserve components have been ordered to active duty without their consent; or

(2) Forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

2 **Sec. 2. 18-A MRSA §5-207, sub-§(c)**, as amended by PL 1999, c.
303, §1, is further amended to read:

4 (c) If necessary, the court may appoint a temporary
6 guardian, with the status of an ordinary guardian of a minor, but
the authority of a temporary guardian may not last longer than 6
8 months, except as provided in subsection (c-1).

10 Notice of hearing on the petition for the appointment of a
12 temporary guardian must be served as provided under subsection
(a), except that the notice must be given at least 5 days before
14 the hearing, and notice need not be given to any person whose
address and present whereabouts are unknown and ~~cannot~~ can not be
16 ascertained by due diligence. Upon a showing of good cause, the
court may waive service of the notice of hearing on any person,
other than the minor, if the minor is at least 14 years of age.

18 **Sec. 3. 18-A MRSA §5-207, sub-§(c-1)** is enacted to read:

20 (c-1) If one of the parents of a minor is a member of the
22 National Guard or the Reserves of the United States Armed Forces
under an order to active duty for a period of more than 30 days,
24 a temporary guardianship that would otherwise expire is
automatically extended until 30 days after the parent is no
26 longer under those active duty orders or until an order of the
court so provides. This subsection applies only if the parent's
28 service is in support of:

30 (1) An operational mission for which members of the reserve
components have been ordered to active duty without their
32 consent; or

34 (2) Forces activated during a period of war declared by
Congress or a period of national emergency declared by the
36 President or Congress.'

38 Further amend the bill by striking out all of section 5
(page 2, lines 27 to 37 in L.D.)

40 Further amend the bill by relettering or renumbering any
42 nonconsecutive Part letter or section number to read
consecutively.

44

46 **SUMMARY**

48 This amendment clarifies that the provision of the bill
regarding extension of temporary guardianship applies to members
50 of the National Guard as well as members of the Reserves of the

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2 United States Armed Forces. The amendment adds a provision to
make the same clarification in the provision of law regarding
extension of power of attorney. The amendment eliminates the
4 provision of the bill that amends the tax exemption for military
property.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



121st Maine Legislature
Office of Fiscal and Program Review

LD 1752

An Act To Update Laws Affecting the Military

LR 2491(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Legal and Veterans Affairs

Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium cost increase - Federal Expenditures Fund
Undetermined current biennium cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Reducing the number of consecutive days that a Maine National Guard member must be on active status in order to participate in the Maine State Retirement System from 15 days to 5 days will increase the number of members eligible to participate. This will increase the normal cost component of the employer retirement rate associated with the payroll of those employees that join the system. The additional cost to the Military Training and Operations program within the Department of Defense, Veterans and Emergency Management can not be determined at this time and will depend on the number of eligible Maine National Guard members who choose to join the Maine State Retirement System.