

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 561

S.P. 232

In Senate, February 9, 2023

An Act to Require a Military Service Member's Agent with Power of Attorney to Be Legally Responsible for Paying Bills During the Member's Deployment

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin. (BY REQUEST)
Cosponsored by Representatives: ANDREWS of Paris, BOYER of Poland, HYMES of Waldo,
WHITE of Guilford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 18-C MRSA §5-914, sub-§9** is enacted to read:

3 **9. Mobilized or deployed military.** Unless stated otherwise in the power of attorney,
4 the agent for a member of the United States Army, Navy, Air Force, Marine Corps, Space
5 Force, Coast Guard, Army National Guard or Air National Guard who is mobilized or
6 deployed outside the boundaries of the United States for more than 30 days shall pay the
7 debts and other financial obligations of the principal in accordance with the terms of the
8 debt or financial obligation to the extent funds of the principal are available to the agent.

9 **Sec. 2. 37-B MRSA §3, sub-§1, ¶D,** as amended by PL 2021, c. 634, Pt. B, §§10
10 and 11, is further amended by enacting a new subparagraph (26) to read:

11 (26) The Adjutant General shall implement a program to reimburse a resident of
12 the State who is a member of the United States Army, Navy, Air Force, Marine
13 Corps, Space Force, Coast Guard, Army National Guard or Air National Guard
14 who is mobilized or deployed outside the boundaries of the United States for more
15 than 30 days and who suffers financial loss during the mobilization or deployment
16 due to the failure of the agent having power of attorney for the member to fulfill
17 the agent's duties under Title 18-C, section 5-914, including subsection 9. The
18 amount reimbursed to a member must equal the amount of financial loss suffered.
19 To ensure adequate funds are available to reimburse a member under this
20 subparagraph, the Adjutant General shall purchase and maintain surety and fidelity
21 insurance for the joint benefit of members. The department may adopt rules as
22 necessary to implement this subparagraph. Rules adopted pursuant to this
23 subparagraph are routine technical rules as defined in Title 5, chapter 375,
24 subchapter 2-A.

25 SUMMARY

26 This bill clarifies that the person having power of attorney for a Maine resident who is
27 a member of the United States Army, Navy, Air Force, Marine Corps, Space Force, Coast
28 Guard, Army National Guard or Air National Guard who is mobilized or deployed outside
29 the boundaries of the United States for more than 30 days is obligated to pay the debts and
30 other financial obligations of the member in accordance with the terms of the debts or other
31 financial obligations to the extent funds of the member are available to the person. The bill
32 requires the Adjutant General of the Department of Defense, Veterans and Emergency
33 Management to implement a program to reimburse a member who suffers financial loss
34 because the person having power of attorney for the member failed to fulfill this obligation.
35 The Adjutant General is required to purchase and maintain surety and fidelity insurance to
36 ensure that funds are available to reimburse members who suffer a loss under these
37 circumstances.