

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2000

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

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 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.

See title page for effective date.

CHAPTER 712

S.P. 878 - L.D. 2293

An Act to Amend the Laws Governing Municipal Elections

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

Sec. 1. 30-A MRSA §2531-A, sub-§11 is enacted to read:

11. Resolution; disputed or challenged ballots. A municipality may provide by ordinance, or order of the municipal officers, a method for resolving disputed or challenged ballots in an election in which there are enough challenged or disputed ballots to affect the result of the election. The ordinance or order may delegate the municipal officers' responsibility to resolve disputed or challenged ballots to an independent panel or the Superior Court. An independent panel consists of 3 members chosen by a majority vote of the municipal officers. A member of the independent panel may not be a municipal officer or a candidate in the election. If the delegation is to the Superior Court, the municipal clerk shall forward the disputed or challenged ballots and related records to the clerk of the nearest Superior Court in the county in which the election was held. If the delegation is to an independent panel, the municipal clerk shall provide a location for the panel to conduct its duties and in such manner that ensures the security of the ballots and related records at all times. The Superior Court or the independent panel shall determine the result of the election as soon as reasonably possible. The decision of the Superior Court or the independent panel is final and must be certified to the municipal clerk.

See title page for effective date.

CHAPTER 713

H.P. 1672 - L.D. 2339

An Act to Provide Assistance in the Cleanup of the Plymouth Waste Oil Site

Emergency preamble. **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order to provide financial assistance in a timely fashion through a loan program to persons obligated to pay for the feasibility study at the Plymouth waste oil site, the program must be established as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,