

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public**

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

**Sec. 1. 37-B MRSA §390-C** is enacted to read:

### **§ 390-C. Administration of oaths and notarial acts**

**1. Power to administer oaths.** A commissioned or warrant officer of the state military forces and other personnel of the state military forces authorized to administer oaths under the laws of this State may administer oaths for the purpose of the administration of military justice and for other purposes of military administration, including administering enlistment oaths to persons enlisting or reenlisting in the National Guard. A commissioned or warrant officer of the United States Armed Forces may administer enlistment oaths to persons enlisting or reenlisting in the National Guard.

**2. Powers of notary public.** A judge advocate or paralegal serving in the state military forces has, by virtue of the judge advocate's or paralegal's office and service, the powers of a notary public in the performance of all notarial acts to be executed for any member of the state military forces or United States Armed Forces or spouse of a member of the state military forces or United States Armed Forces. A fee may not be paid to or received by any person for the performance of a notarial act authorized in this subsection. The signature of any such person acting as a notary, together with that person's official title, is prima facie evidence that the signature is genuine, that the person holds the designated title and that the person is authorized to perform a notarial act. A notarization or acknowledgment accomplished under the authority of this subsection must generally follow the form below but is not required to be under official seal:

I, (name of notary public), certify that the foregoing instrument was subscribed and (sworn/affirmed) before me this (day of the month) day of (month), (year) by (name of person making statement), (state military forces or United States Armed Forces service number/social security number), and who is known to me to be (a member of the state military forces or United States Armed Forces/the spouse of a member of the state military forces or United States Armed Forces).

### **SUMMARY**

This bill provides that commissioned and warrant officers of the state military forces may administer oaths for the purpose of the administration of military justice and for other purposes of military administration. It also provides that judge advocates and paralegals serving in the state military forces have the powers of a notary public in the performance of all notarial acts to be executed for a member of

the state military forces or United States Armed Forces or the spouse of a member of the state military forces or United States Armed Forces.