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Legislative Document

No. 1516

H.P. 1089

House of Representatives, May 8, 2013

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

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative FREDETTE of Newport.

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

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

3 **§390-C. Administration of oaths and notarial acts**

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

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

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

29 **SUMMARY**

30 This bill provides that commissioned and warrant officers of the state military forces
31 may administer oaths for the purpose of the administration of military justice and for
32 other purposes of military administration. It also provides that judge advocates and
33 paralegals serving in the state military forces have the powers of a notary public in the
34 performance of all notarial acts to be executed for a member of the state military forces or
35 United States Armed Forces or the spouse of a member of the state military forces or
36 United States Armed Forces.