

attorney in writing, IT IS A DURABLE POWER OF ATTORNEY UNLESS OTHERWISE PROVIDED BY ITS TERMS [ and the writing contains the words:

(1) "This power of attorney shall not be affected by disability of the principal";

(2) "This power of attorney becomes effective upon the disability of the principal"; or

(3) Similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability, the authority of the attorney in fact or agent is exercisable by him notwithstanding the later disability of the principal or uncertainty whether the principal is dead or alive].

[(b)](C) Any act done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive has the same effect and inures to the benefit of and binds the principal as if the principal were alive, competent, and not disabled.

[(c)](D) If a guardian is appointed for the principal, the attorney in fact or agent shall account to the guardian rather than the principal. The guardian has the same power the principal would have but for his disability or incompetence to revoke, suspend, or terminate all or any part of the power of attorney or agency.

[(d)](E) (1) This section does not apply to an instrument or portion of an instrument that is an advance directive appointing a health care agent under Title 5, Subtitle 6 of the Health - General Article.

(2) An instrument or portion of an instrument that is an advance directive appointing a health care agent is subject to the provisions of Title 5, Subtitle 6 of the Health - General Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any power of attorney in effect before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 1997~~ January 1, 2000.

Approved May 22, 1997.

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**CHAPTER 620**

**(Senate Bill 696)**

AN ACT concerning

**Caroline County - Alcoholic Beverages  
(Board of License Commissioners - Attorney)**

FOR the purpose of ~~creating and generally relating to the position of attorney to the~~