

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 439

H. P. 1282 House of Representatives, February 21, 1929.

Referred to Committee on Revision of Statutes and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Burkett of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT Relative to Acknowledgment and Record of Deeds
and Other Instruments.

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

Section twenty-three of chapter seventy-eight of the re-
2 vised statutes as amended by chapter forty of the public
3 laws of nineteen hundred twenty-one as amended by chap-
4 ter one hundred seventy-six of the public laws of nineteen
5 hundred twenty-five as amended by chapters on hundred
6 and one hundred ninety of the public laws of nineteen hun-
7 dred twenty-seven is hereby amended by striking out the
8 words "or woman otherwise eligible under the constitution
9 and appointed for the purpose by the governor with the

10 advice and consent of the council” in the eighth, ninth, and
11 tenth lines of said section as amended and by striking out
12 the last paragraph of said section as amended by said chap-
13 ter one hundred and by striking out the last paragraph of
14 said section as amended by said chapter one hundred ninety
15 and by inserting in place thereof the following paragraph:
16 ‘This section shall not be construed as invalidating any in-
17 strument duly executed in accordance with the statutes here-
18 tofore in effect, or made valid by any such statute. All
19 such instruments may be admitted to record which at the
20 time of their execution or subsequent validation could be
21 so recorded,’ so that said section as amended shall read as
22 follows:

‘Sect. 23. *Deeds and other instruments, before whom to
2 be acknowledged; when admitted to record.* Deeds and all
3 other written instruments before recording in the registries
4 of deeds, except those issued by a court of competent jur-
5 isdiction and duly attested by the proper officer thereof, and
6 excepting plans and notices of foreclosure of mortgages,
7 shall be acknowledged by the grantors, or by the persons
8 executing any such written instruments, or by one of them,
9 or by their attorney executing the same, or by the lessor
10 in a lease or one of the lessors or his attorney executing
11 the same, before a justice of the peace, or notary public
12 having a seal, in the state; or before any clerk of a court of
13 record having a seal, notary public, justice of the peace, or
14 commissioner appointed by the governor of this state for

15 the purpose or a commissioner authorized in the state where
16 the acknowledgment is taken, within the United States; or
17 before a minister or consul of the United States or notary
18 public in any foreign country. The seal of such court or
19 the official seal of such notary or commissioner if he have
20 one, shall be affixed to the certificate of acknowledgment
21 but if such acknowledgment is taken outside the State of
22 Maine before a justice of the peace, notary public not hav-
23 ing a seal, or commissioner, a certificate under seal from
24 the secretary of state, or clerk of a court of record in the
25 county where the officer resides or took the acknowledg-
26 ment, authenticating the authority of the officer taking such
27 acknowledgment, and the genuineness of his signature, must
28 be annexed thereto.

Any justice of the peace who is a stockholder, director,
2 officer or employee of a bank or other corporation, may
3 take the acknowledgment of any party to any written in-
4 strument executed to or by such corporation; provided that
5 such justice of the peace is not a party to such instrument
6 either individually or as a representative of such bank or
7 other corporation.

This section shall not be construed as invalidating any
2 instrument duly executed in accordance with the statutes
3 heretofore in effect, or made valid by any such statute. All
4 such instruments may be admitted to record which at the
5 time of their execution or subsequent validation could be
6 so recorded.'