

MAINE STATE LEGISLATURE

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February 26, 1975

Doris Hayes, Supervisor

Corporations

John W. Benoit, Jr., Deputy

Attorney General

Notary Public Seal

This is a reply to your memorandum of February 21 requesting an opinion whether Maine law allows a Notary Public to utilize a rubber-fabricated stamp (sometimes referred to as a Notary Public's seal) in lieu of a metal-fabricated stamp that has been used for many years by Notaries Public. The metal fabricated stamp (or seal) makes an impression in the paper; the rubber-fabricated stamp makes an impression on the paper. You seek an opinion because the National Notary Association advised you in writing of the Association's receipt of several orders for Notary Public rubber-fabricated stamps from Maine notaries public. The letter requested that if the Secretary of State's Office had any objection to the rubber-fabricated stamp, because of State requirements, notification of such objection should be made immediately to the Association.

The provisions of Maine law do not specify that the Secretary of State is to approve forms of Notary Public stamps. The statute closest in point is 4 M.R.S.A. § 951, which specifies that: "Every Notary Public shall constantly keep a seal of office, whereon is engraven his name and the words 'Notary Public' and 'Maine' or its abbreviation 'Me.,' with the arms of state or such other device as he chooses* * *." (Emphasis mine.) The rubber-fabricated stamp would, we are advised, contain the name of the Notary Public embossed in rubber. The quoted statutory provision is not at all clear on the issue whether a metal seal is required to the exclusion of all other devices. Too, it is not entirely clear what is meant by the words "or such other device as he chooses." (emphasis supplied)

In any event, since state law does not require the Secretary of State to approve every Notary Public's seal, any legal advice we give your office is not in any way binding upon the National Notary Association. We suggest the provisions of 4 M.R.S.A. § 951 be clarified by appropriate legislation. In the absence of that, the question is for the Secretary of State to determine, if he wishes to take a position. The form of the rubber-fabricated stamp will contain everything required by the provisions of § 951 and the only difference will be that the rubber-fabricated stamp will not produce a raised impression upon the document as is presently the case with the metal-fabricated stamp. The necessity of such a result is not clearly expressed in § 951.

JOHN W. BENOIT, JR.
Deputy Attorney General

JWBJr:mfe

* The stamp (seal) would, of course, have to contain the statutory requirements.