

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1829

H. P. 1718

House of Representatives, January 18, 1980

On Motion of Mrs. Kany of Waterville referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Masterton of Cape Elizabeth.

Cosponsors: Mr. Silsby of Ellsworth, Mr. Hughes of Auburn and Ms. Benoit of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State.

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

Sec. 1. 4 MRSA § 158 is amended to read:

§ 158. Ex officio, notary public; may administer oaths

Judges and clerks of the District Court are, ex officio, ~~justices of the peace~~ **notaries public**, and all their official acts, attested by them in either capacity, except those pertaining to the exclusive jurisdiction of Judges and clerks of District Courts, are of equal effect. Judges and clerks of the District Court may administer all oaths required by law, unless another officer is specifically required to do it.

Sec. 2. 4 MRSA § 169 is amended to read:

§ 169. Administration of oaths

Judges of the District Court and ~~justices of the peace~~ **notaries public** may administer all oaths required by law, unless another officer is specially required to do it.

Sec. 3. 4 MRSA § 202, first sentence, as amended by PL 1979, c. 540, § 6, is further amended to read:

All oaths required to be taken by personal representatives, trustees, guardians, conservators, or of any other persons in relation to any proceeding in the probate court, or to perpetuate the evidence of the publication of any order of notice, may be administered by the judge or register of probate or any ~~justice of the peace or~~ notary public.

Sec. 4. 4 MRSA § 860, last sentence is amended to read:

No person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other part or be eligible for appointment as a ~~justice of the peace~~ **notary public**.

Sec. 5. 4 MRSA § 951, first sentence is amended to read:

~~Every~~ A notary public ~~shall constantly~~ **may** 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.

Sec. 6. 4 MRSA § 953, next to last sentence is repealed as follows:

~~He may do all things that justices of the peace are or may be authorized to do and shall have the same territorial jurisdiction.~~

Sec. 7. 4 MRSA § 955 is amended to read:

§ 955. Copies; evidence

The protest of any foreign or inland bill of exchange, promissory note or order, and all copies or certificates by him granted shall be under his hand ~~and notarial seal~~ and shall be received in all courts as legal evidence of such transactions and as to the notice given to the drawer or indorser and of all facts therein contained.

Sec. 8. 4 MRSA § 955-A, as last amended by PL 1977, c. 694, § 4, is further amended to read:

§ 955-A. Removal from office

Whenever the Administrative Court, upon complaint, after due notice and hearing, shall find that a notary public ~~or justice of the peace~~ has performed any duty imposed upon him by law in an improper manner, or has performed acts not authorized by law, the Administrative Court may remove such notary public ~~or justice of the peace~~ from office.

Sec. 9. 4 MRSA C. 21 is repealed.

Sec. 10. 4 MRSA § 1056, as enacted by PL 1967, c. 206, is amended to read:

§ 1056. Powers of attorneys

Attorneys at law duly admitted and eligible to practice in the courts of the State

shall have all of the powers of ~~justices of the peace and~~ notaries public and be authorized to do all acts which may be done by ~~justices of the peace and~~ notaries public with the same effect thereof and have the same territorial jurisdiction.

Sec. 11. 5 MRSA § 6, 2nd ¶, as enacted by PL 1975, c. 87, § 1, is amended to read:

All persons renewing a commission as a notary public or ~~justice of the peace~~ ~~must~~ **shall** requalify within 30 days after issuance of ~~said~~ **the** renewal in the manner prescribed by the Secretary of State.

Sec. 12. 5 MRSA § 82, as last amended by PL 1979, c. 541, Pt. A, § 19, is repealed and the following enacted in its place:

§ 82. Appointment of notaries public; renewal of commissions

The Secretary of State shall have the authority to appoint and renew commissions of all notaries public.

Notaries public shall serve terms of 7 years and exercise their power and duties in any county. Only adult residents of this State may be appointed to such offices.

The Secretary of State shall adopt rules relating to the appointment and renewal of commissions of notaries public. At a minimum, the rules shall establish criteria and a procedure to be applied by the Secretary of State in appointment and renewal. The Secretary of State may not refuse to appoint or renew solely because the applicant lives or works in a specific geographic area or is a member of a specific political party.

The Secretary of State shall provide written notice of the expiration of their commission to notaries public 30 days prior to the expiration date. Failure to receive a notice shall not affect the expiration date of a commission.

The Secretary of State, upon receiving notice of the qualification of any notary public, shall immediately notify the register of probate and the clerk of the judicial courts of the county where the officer resides of the officer's appointment and qualification.

Sec. 13. 5 MRSA § 87, as amended by PL 1969, c. 225, § 2, is further amended to read:

§ 87. Fees payable by public officers

A fee of \$10 shall be paid to the Secretary of State by any person appointed to the office of ~~justice of the peace~~ notary public, commissioner to take depositions and disclosures, disclosure commissioner and commissioner appointed under Title 33, section 251, before such person enters upon the discharge of his official duties.

Sec. 14. 13 MRSA § 2691 is amended to read:

§ 2691. Warrant for calling meetings

When any 5 or a majority of the proprietors of lands or wharves held in common

desire a meeting of the proprietors for the purpose of forming a corporation or for any other purpose, they may make written application signed by them or their agents to any ~~justice of the peace~~ **notary public** residing in the county in which the lands or wharves are situated. ~~Said justice~~ **The notary** shall thereupon issue his warrant calling a meeting at the time and place and for the purposes distinctly stated in the application, directed to one of the proprietors, requiring him to give notice thereof.

Sec. 15. 13 MRSA § 2732 is amended to read:

§ 2732. Officers sworn

The clerk, treasurer, assessors and collector shall be sworn by the moderator or a ~~justice of the peace~~ **notary public**, and the clerk shall record the votes passed at all meetings.

Sec. 16. 13 MRSA § 2861, as last amended by PL 1971, c. 598, § 12, is amended to read:

§ 2861. Meeting to form parish

Any persons of age 18 or older, desirous of becoming an incorporated parish or religious society, may apply to a ~~justice of the peace~~ **notary public**, who shall issue his warrant to one of them, directing him to notify the other applicants to meet at some proper place expressed in such warrant. He shall give notice of such meeting 7 days at least before holding the same, by posting a notification thereof on the outer door of the meetinghouse or place of public worship of such society, if any, otherwise at such place as the ~~justice~~ **notary** appoints.

Sec. 17. 13 MRSA § 2904 is amended to read:

§ 2904. Refusal of assessors

If the assessors unreasonably refuse, any ~~justice of the peace~~ **notary public** on like application may issue his warrant to one of the applicants, who shall notify such meeting as prescribed in section 2861 or as agreed on by parish vote.

Sec. 18. 13 MRSA § 3022 is amended to read:

§ 3022. Notice of meeting

When 3 or more members of such church who are voters according to section 3023 shall apply in writing to any ~~justice of the peace~~ **notary public** in the county for the purpose of incorporating said church, ~~said justice~~ **the notary** shall issue his warrant addressed to one of said applicants, stating the time, place and purposes of the meeting and directing him to notify the members of said church by posting a certified copy of said warrant in a conspicuous place near the main entrance to the usual place of meeting of such church and in one other public and conspicuous place in the same town, for 7 days, at least, prior to said meeting.

Sec. 19. 13 MRSA § 3107 is amended to read:

§ 3107. Owners may incorporate

The owners of a meetinghouse or building for public worship and the pew owners may be incorporated, when any 3 or more of them apply therefor to a ~~justice of the peace~~ **notary public**, who shall issue his warrant to one of them, stating the time, place and purpose of the meeting, and directing him to notify said owners by posting a certified copy of it for 14 days on the principal outer door of such building and in one or more public places in the same town.

Sec. 20. 13 MRSA § 3110 is amended to read:

§ 3110. Meetings of owners

When there has been no meeting of the incorporated pew owners, or proprietors or owners of a meetinghouse or building for public worship for 3 years, a meeting may be called on application of 3 or more members thereof to a ~~justice of the peace~~ **notary public**, who shall issue his warrant to one of them stating the time, place and purposes of the meeting, directing him to notify such meeting by posting a certified copy of said warrant, 3 weeks before the time of meeting, on the principal outer door of such building, and in one or more public places in the same town and publishing in a newspaper published in the county, if any, otherwise in an adjoining county or in the state paper.

Sec. 21. 13 MRSA § 3111, first sentence is amended to read:

When a house of public worship is owned by persons of different denominations and when an organized society or its members own 5 pews therein, one or more of the minority owning not less than 5 pews may apply to a ~~justice of the peace~~ **notary public** to obtain a division of the time of occupying the house.

Sec. 22. 13 MRSA § 3112, first sentence is amended to read:

At a meeting called under section 3111, the owners, who are not applicants, or if they refuse or neglect, the ~~justice~~ **notary** who called the meeting may designate another ~~justice~~ **notary**, and the 2 may appoint a 3rd disinterested person, not an inhabitant of the town in which the house is located, or belonging to the denomination of either party interested.

Sec. 23. 14 MRSA § 2002, first sentence is amended to read:

The appraisers may be sworn by the officer without fee or by a ~~justice of the peace~~ **notary public**, faithfully and impartially to appraise the real estate to be taken, and a certificate of the oath shall be made, stating the date of its administration on the back of the execution by the person who administered it.

Sec. 24. 14 MRSA § 2102, first sentence is amended to read:

The debtor may have the amount due ascertained by 3 ~~justices of the peace~~ **notaries public** chosen, one by the debtor, one by the creditor and the other by those 2.

Sec. 25. 14 MRSA § 2704 is amended to read:

§ 2704. Trustee leaving State discloses before notary

When a person summoned as trustee is about to depart from the State or go on a voyage and not return before his disclosure under oath is required to be served, he may apply to a ~~justice of the peace~~ **notary public** of the county where he resides for a notice to the plaintiff to appear before ~~said justice~~ **the notary** at a place and time appointed for taking his disclosure. On service made and returned according to the order of the ~~justice~~ **notary**, the examination and disclosure shall be taken and sworn to before him; and being certified and returned to the court, the same proceedings may be had thereon as if it had been in court.

Sec. 26. 14 MRSA §§ 2706 to 2708 are amended to read:

§ 2706. Disclosure sworn to

The disclosure, when completed and subscribed by the trustee, shall be sworn to by him in open court or before ~~some justice of the peace~~ **a notary public**.

§ 2707. Examination of trustee

If the plaintiff thinks proper to examine such supposed trustee on oath, the answers may be taken in the county in which the trustee resides before a Justice of the Superior Court or a ~~justice of the peace~~ **notary public**.

§ 2708. Disclosure under oath

When a trustee has submitted himself to examination on oath in court, his disclosure may be sworn to before a justice of the court or a ~~justice of the peace~~ **notary public**, and being filed in court, shall have the same effect as if sworn to in open court.

Sec. 27. 14 MRSA § 5524, last sentence is amended to read:

A ~~justice of the peace~~ **notary public** may, at any time before the sitting of the court, bail the party pursuant to such order.

Sec. 28. 14 MRSA § 5541, last sentence, as repealed and replaced by PL 1979, c. 257, § 1, is amended to read:

Bail commissioners shall have the powers of ~~justices of the peace~~ **notaries public** to administer oaths or affirmations in carrying out their duties.

Sec. 29. 14 MRSA § 7153 is amended to read:

§ 7153. Appraisal

The value shall be ascertained by the appraisalment of 3 disinterested men mutually chosen by the parties, or, if they cannot agree, by a ~~justice of the peace~~ **notary public** in the county.

Sec. 30. 15 MRSA § 707, as enacted by PL 1965, c. 356, § 25, is amended to read:

§ 707. Certain District Court clerks may issue process

The Chief Judge of the District Court may authorize any clerk of the District Court, who is also a ~~justice of the peace~~ **notary public**, to issue process for the arrest of persons charged with offenses, if the Chief Judge of the District Court is satisfied that such clerk has the necessary training and learning to perform such function.

Any process issued by a clerk so authorized shall be issued in his capacity as a ~~justice of the peace~~ **notary public**.

Sec. 31. 16 MRSA § 101 is amended to read:

§ 101. Subpoenas for witnesses

The clerks of the several courts and ~~justices of the peace~~ **notaries public** may issue subpoenas for witnesses to attend before any court or before persons authorized to examine witnesses, to give evidence concerning any pending matter.

Sec. 32. 17-A MRSA § 506-A, sub-§ 1, as enacted by PL 1975, c. 740, § 67, is amended to read:

1. A person is guilty of harassment if, without reasonable cause, he engages in any course of conduct with the intent to harass, torment or threaten another person, after having been forbidden to do so by any sheriff, deputy sheriff, constable, police officer or ~~justice of the peace~~ **notary public**.

Sec. 33. 19 MRSA § 121, first sentence is amended to read:

Every ~~justice of the peace and every~~ notary public residing in this State may solemnize marriages therein.

Sec. 34. 19 MRSA § 122 is amended to read:

§ 122. lack of jurisdiction or authority

No marriage, solemnized before any known inhabitant of the State professing to be a ~~justice of the peace~~ **notary public** or an ordained or licensed minister of the gospel duly appointed and commissioned, is void, nor is its validity affected by any want of jurisdiction or authority in the ~~justice~~ **notary** or minister or by any omission or informality in entering the intention of marriage, if the marriage is in other respects lawful and consummated with a full belief, on the part of either of the persons married, that they are lawfully married.

Sec. 35. 19 MRSA § 532, sub-§ 5, first ¶, as enacted by PL 1979, c. 391, is amended to read:

Consent may be acknowledged before a ~~justice of the peace or~~ notary public, who is not an attorney nor an employee of an attorney for the adopting parents, if:

Sec. 36. 19 MRSA § 532-C, 3rd ¶, as enacted by PL 1973, c. 791, § 2, is amended to read:

If the judge finds that the putiative father has waived his right to notice in a

document acknowledged before a ~~justice of the peace~~ notary public or a judge of probate, which document must indicate that the putative father understands the consequences of the waiver of notice, the judge shall rule that only the mother of the illegitimate child must consent to the adoption of the child or execute a surrender and release for the purpose of adoption of the child. The notary public ~~or justice of the peace~~ may not be an attorney representing either the mother or the possible transferee.

Sec. 37. 21 MRSA § 102-A, sub-§ 1, ¶ I, as repealed and replaced by PL 1975, c. 761, § 9, is amended to read:

I. Certification that all information is correct, sworn before a notary public ~~or a justice of the peace~~; and

Sec. 38. 21 MRSA § 104, as enacted by PL 1977, c. 339, is amended to read:

§ 104. Applications before notaries public

A ~~justice of the peace~~ notary public or other authorized person before whom a person completes an application for registration to vote, as provided in section 102-A, shall deliver the application to the registrar before the closed period for the acceptance of registrations in the person's municipality, to be placed on the voting list prior to the next election.

Sec. 39. 21 MRSA § 445, sub-§ 7, ¶ A, as repealed and replaced by PL 1977, c. 425, § 1, is amended to read:

A. The circulator of a primary petition shall verify by oath or affirmation before a notary public ~~Justice of the Peace~~ or other person authorized by law to administer oaths or affirmations that all of the signatures to the petitions were made in his presence and that to the best of his knowledge and belief each signature is the signature of the person whose name it purports to be and each such person is enrolled in the party named in the petition and is a resident of the electoral district named in the petition.

Sec. 40. 21 MRSA § 494, sub-§ 7, ¶ A, as enacted by PL 1977, c. 425, § 2, is amended to read:

A. The circulator of a nomination petition shall verify by oath or affirmation before a notary public ~~Justice of the Peace~~ or other person authorized by law to administer oaths that all of the signatures to the petition were made in his presence and that to the best of his knowledge and belief each signature is the signature of the person whose name it purports to be and each person is a resident of the electoral district named in the petition.

Sec. 41. 21 MRSA § 1254, sub-§ 1, first sentence is amended to read:

When an absentee voter is within the State, he must mark his ballot in the presence of one of the following officials: ~~Justice of the peace, notary~~ Notary public, clerk or deputy clerk of a municipality, dedimus justice or clerk of courts.

Sec. 42. 30 MRSA § 4154, first sentence is amended to read:

The members of the said committee mentioned in section 4153, before acting, shall be sworn before a ~~justice of the peace~~ **notary public**, and a certificate thereof shall be indorsed on the warrant.

Sec. 43. 32 MRSA § 576, as amended by PL 1967, c. 205, is further amended to read:

§ 576. Prohibited practices

No collection agency shall: Threaten to bring legal action in its own name or list the name of a lawyer; use or employ ~~justices of the peace~~ **notaries public**, constables, sheriffs or any other officer authorized to serve legal papers in connection with the collection of a claim; use or threaten to use physical violence in connection with the collection of claims; furnish legal advice or otherwise engage in the practice of law or represent that it is competent to do so, or institute judicial proceedings on behalf of others; communicate with debtors in the name of a lawyer or upon the stationery of a lawyer, or prepare any forms or instruments which only lawyers are authorized to prepare; purchase, receive or solicit assignments of claims for the purpose of collection, or institute suits thereon in any court; use instruments which simulate the form and appearance of judicial process; exercise authority on behalf of a creditor to employ the services of lawyers unless the creditor has specifically authorized the agency in writing to do so and the agency's course of conduct is at all times consistent with the true relationship of attorney and client between the lawyer and the creditor; demand or obtain in any manner a share of the compensation for services performed by a lawyer in collecting a claim; publish or cause to be published any list of debtors except for credit reporting purposes or threaten to do so; use "shame cards," "shame automobiles," or similar devices, methods of intimidation or methods contrary to postal regulations to collect accounts; refuse to return any claim or claims upon written request of the creditor, claimant or forwarder after the tender of such amounts, if any, as may be due and owing to the agency; advertise or threaten to advertise for sale any claim as a means of forcing payment thereof, unless such agency is acting as the assignee for the benefit of creditors or acting under an order of court; refuse or intentionally fail to account to its clients for all money collected within 60 days from the last day of the month in which the same is collected; refuse or intentionally fail to return to the creditor all valuable papers deposited with a claim when such claim is returned, operate under a name or in a manner which implies that such agency is a branch of or associated with any department of the Federal Government or of any state or municipal government, or use any seal, insignia, envelope or other format which simulates that of any government department or agency; commingle money collected for a customer with the agency's own funds or use any part of a customer's money in the conduct of the agency's business; share quarters or office space, or have a common waiting room with a practicing lawyer; make repeated or harassing communications to employers, or make collect telephone calls by subterfuge; engage in the business of lending money to any person, or contact any person for

the purpose of securing a loan for any person with which to pay any claim left with it for collection, or recommend any person or persons as a source of funds to pay any such claim; collect or attempt to collect from any person an amount in excess of the amount submitted by the creditor for collection.

Sec. 44. 33 MRSA § 203, first sentence, as amended by PL 1969, c. 260, is further amended to read:

Deeds and all other written instruments before recording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages and certain financing statements as provided in Title 11, section 9-401, and excepting notices of liens for internal revenue taxes and certificates discharging such liens as provided in section 664, shall be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or his attorney executing the same, before a ~~justice of the peace or~~ notary public having a seal, in the State, or before an attorney-at-law duly admitted and eligible to practice in the courts of the State, if within the State; or before any clerk of a court of record having a seal, notary public ~~justice of the peace or~~ commissioner appointed by the Governor of this State for the purpose, or a commissioner authorized in the state where the acknowledgment is taken, within the United States; or before a minister, vice-consul or consul of the United States or notary public in any foreign country.

Sec. 45. 33 MRSA § 203, 3rd ¶ is amended to read:

Any **notary public** or justice of the peace who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgment of any party to any written instrument executed to or by such corporation, provided such **notary or** justice of the peace is not a party to such instrument either individually or as a representative of such bank or other corporation.

Sec. 46. 33 MRSA § 304, first sentence is amended to read:

In such case, a ~~justice of the peace or~~ notary public where the grantor resides or where his land lies, upon application of the grantee or person claiming under him, may summon the grantor to appear before him at a time and place named, to hear the testimony of the subscribing witnesses.

Sec. 47. 33 MRSA § 305 is amended to read:

§ 305. —certification

When the ~~justice or~~ notary at ~~said~~ the hearing is satisfied by the testimony of witnesses that they saw the deed duly executed by the grantor, he shall certify the same thereon, and state in his certificate the presence or absence of the grantor.

Sec. 48. 33 MRSA § 352, as amended by PL 1971, c. 469, § 1, is further amended to read:

§ 352. Defective acknowledgments

All records of all deeds and other instruments, including powers of attorney,

heretofore made prior to January 1, 1970, for the conveyance of real property in this State, or of any interest therein, and recorded or written out at length in the books of record in the registry of deeds of the county in which said real property lies, the acknowledgment of which was not completed, or was erroneously taken, or was taken by a person not having authority to take such acknowledgment, or where the authority of the person taking such acknowledgment was not completely stated, or was erroneously stated, or where it does not appear whether the authority taking such acknowledgment acted as a notary public ~~a justice of the peace~~ or other duly authorized authority for the taking of such acknowledgment, or where no acknowledgment of such deed or other instruments was taken, or where the authority taking such acknowledgment had not signed the same but had attached or had affixed or had stamped thereon his seal of authority, or where the acknowledgment was taken by the grantor or grantee, or by the husband or wife of the grantor or grantee, or the acknowledgment was taken by a magistrate who was a minor, or an interested party or whose term of office had expired at the time of such acknowledgment, or an acknowledgment of which was taken by a proper officer but outside of the territory in which he was authorized to act, or was taken before any person who, at the time of such acknowledgment had received an appointment, election or permission authorizing him to take such acknowledgment, but had not qualified, but who was since such time duly qualified, or where the grantor was acting as a duly authorized agent or in a fiduciary or representative capacity, or was acting as an officer of a corporation and acknowledged said instrument individually, or where the acknowledgment was taken without the State before any person authorized to take acknowledgments, and using the form of acknowledgment prescribed by the laws of the state or country in which such instrument was executed, or such person has failed to affix to such instrument a proper certificate, showing his authority to act as such magistrate; or where such acknowledgment was not signed by a magistrate of this State or any other state or territory of the United States, or any foreign country, authorized to take such acknowledgment, but such acknowledgment was signed by an ambassador, minister, charge d'affaires, consul, vice-consul, deputy consul, consul-general, vice-counsel-general, consular agent, vice-consular-agent, commercial agent or vice-commercial agent of the United States in any foreign country, who was not qualified to take such acknowledgment, but has since become qualified by law to do so, but which acknowledgment was complete in every other respect; or where the acknowledgment was signed by a proper magistrate but there has been omitted therefrom, his official seal, if he had one, or the names of the grantors, the date and place of acknowledgment, or the words, "personally appeared before me," or a statement that it was acknowledged as the grantor's "free act and deed;" or such certificate of acknowledgment is in the form of an oath, or states merely that the said instrument was subscribed in his presence, or is otherwise informal or incomplete, if signed by a proper magistrate; and all records in any such registry of instruments relating to the title to real property which fail to disclose the date when received for record or the record of which has not been signed by the register of deeds for said county or other duly authorized recording officer, such records are validated.

Sec. 49. 35 MRSA § 2, 2nd sentence is amended to read:

No commissioner shall hold any other civil office of profit or trust under the

Government of the United States or of this State except the office of Coordinator of Atomic Development Activities or the office of ~~justice of the peace~~ or notary public, nor shall he serve on or under any committee of any political party.

Sec. 50. 36 MRSA § 898, last sentence is amended to read:

If he complies with this demand, he shall receive such credit as the municipal officers, on inspection of the tax lists, adjudge him entitled to, and account for the balance; but if he refuses, he shall forthwith be committed to jail by the officer who so took him or by warrant from a ~~justice of the peace~~ **notary public**, there to remain until he complies.

Sec. 51. Revision clause. Wherever in the Revised Statutes the words justice of the peace appear or reference is made to that name, they shall be amended to read and mean notary public.

Sec. 52. Transition provision. Whoever is justice of the peace or notary public on December 31, 1980, shall continue in office after December 31st until the expiration of his term, except that he shall be a notary public as provided in this Act. The commission of any notary or any justice of the peace who becomes a notary pursuant to this Act shall be renewed as provided in Title 5.

Sec. 53. Effective date. This Act shall become effective on January 1, 1981.

STATEMENT OF FACT

The purpose of this bill is to combine the offices of notary public and justice of the peace into one new office, to be called notary public.

There are no accurate statistics available on the number of notaries and justices of the peace in Maine. A good estimate is that there are roughly 20,000 in total and that about 7,500 of these are notaries.

The problem that this bill seeks to resolve is not so much that there are too many notaries and justices of the peace, rather, it is that duplication and overlapping of responsibilities and differences in initial appointing procedures for the 2 offices frequently result in confusion, inconvenience and cost to the public.

For example:

1. A justice of the peace is initially appointed by the Governor, a notary public by the Secretary of State. The Secretary of State, however, renews commissions for both;
2. A notary may do anything that a justice of the peace is authorized to do, and is authorized to perform other acts; and
3. A notary is required by present law to keep a stamp or seal of office for use in notarizing documents. A justice of the peace is not required to keep either and his signature alone usually serves the same purposes as the notary's signature and seal. For all practical purposes, the notary seal is not legally necessary, except in situations in which it may be required by another state.

The effective date of the bill will be January 1, 1981. Persons who are notaries or justices of the peace on the day before the effective date will be able to complete their 7-year terms, but with the powers of the new single office of notary.