

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

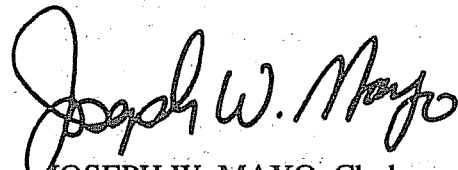
No. 807

H.P. 592

House of Representatives, March 8, 1993

An Act Regarding Records of Notaries Public.

Submitted by the Judicial Department pursuant to Joint Rule 24.
Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FAIRCLOTH of Bangor.

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

4 Sec. 1. 4 MRSA §956 is amended to read:

6 **§956. Resignation or removal; deposit of records**

8 On the resignation or removal from office of any notary
public, ~~his the notary's~~ records shall ~~must~~ be deposited with the
clerk of the judicial courts in the county for which he was
10 appointed transferred to the custody of the State Archivist. Any
notary public who shall, for a period of 3 months, neglect
12 neglects to comply with such this requirement and any
administrator or executor representing a deceased notary public
14 who shall, for a period of 3 months, neglect neglects to comply
with such this requirement shall ~~forfeit~~ forfeits not less than
16 \$50 nor more than \$500.

18 **STATEMENT OF FACT**

20 Current statutory language requires that the records of a
22 resigning notary public be deposited with the clerk of the
judicial courts in the county for which the notary public was
24 appointed. This language raises questions as to whether the
intent is for these records to be deposited in the District Court
26 or in the Superior Court, and also as to whether the records
properly belong with the courts at all.

28 This legislation tracks the language of the archives law, in
30 the Maine Revised Statutes, Title 5, section 95, subsection 10,
concerning the public records of any public office and requires
32 that public records be transferred to the custody of the State
Archivist upon the termination of the existence or function of
34 the public office.