

# MAINE STATE LEGISLATURE

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M  
R. O. S.

L.D. 893

DATE: 5-4-99

(Filing No. H-412)

MINORITY  
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 643, L.D. 893, Bill, "An Act to Amend the Laws Relating to Notaries Public"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 4 MRSA §954-A, as corrected by RR 1997, c. 2, §6, is amended to read:

§954-A. Conflict of interest if notary related

A notary public may not perform any notarial act for any person if that person is the notary public's spouse, parent, sibling, child, spouse's parent, spouse's sibling, spouse's child or child's spouse, except that a notary public may solemnize the marriage of the notary public's parent, sibling, child or spouse's parent ~~if the ceremony is witnessed and the marriage certificate signed by another notary public unrelated by marriage or blood to the parties,~~ spouse's sibling, or spouse's child. This section does not affect or apply to notarial acts performed before August 4, 1988.'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 4 MRSA §959, as enacted by PL 1991, c. 465, §5, is repealed.'

COMMITTEE AMENDMENT

R. W. S.

COMMITTEE AMENDMENT "B" to H.P. 643, L.D. 893

2 Further amend the bill by striking out all of section 4 and inserting in its place the following:

4 'Sec. 4. Application. The Secretary of State shall send notice of the record-keeping requirements enacted under section 2 within 90 days of the passage of this Act to all notaries public with active commissions. Notarial acts performed by a notary public for that notary public's spouse's child or spouse's sibling are not a conflict of interest if performed before the effective date of this Act.'

12 Further amend the bill by inserting after section 4 the following:

16 'Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

18 1999-00

20 SECRETARY OF STATE, DEPARTMENT OF

22 Office of the Secretary of State

24 All Other \$8,450

26 Provides funds for costs related to mailing notice of the recording requirements to all notaries public.'

30 Further amend the bill by inserting at the end before the summary the following:

34 FISCAL NOTE

36 1999-00

38 APPROPRIATIONS/ALLOCATIONS

40 General Fund \$8,450

42 This bill includes a General Fund appropriation of \$8,450 in fiscal year 1999-00 to the Department of the Secretary of State for costs related to mailing notice of the recording requirements to all notaries public.

46 The Office of the Secretary of State will incur some minor additional costs related to notifying the notaries public. These

COMMITTEE AMENDMENT

RWS.

COMMITTEE AMENDMENT "B" to H.P. 643, L.D. 893

2 costs can be absorbed within the office's existing budgeted  
resources.'

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**SUMMARY**

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8 This amendment is the minority report of the Joint Standing  
Committee on State and Local Government. This amendment adds a  
10 spouse's child to the conflict of interest provisions of the laws  
governing notaries public. It also removes the requirement that  
12 another notary public witness a marriage performed by a notary  
public for that notary public's spouse's child or spouse's  
14 sibling. The amendment removes an expired grandfather clause and  
grandfathers documents notarized for a notary public's spouse's  
child or spouse's sibling.

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18 This amendment enacts record-keeping requirements for  
notaries upon passage of this bill and requires the Secretary of  
State to send notice of these requirements to each notary public  
20 with an active commission. The amendment also adds an  
appropriation section and a fiscal note to the bill.

**COMMITTEE AMENDMENT**