

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 893

H.P. 643

House of Representatives, February 2, 1999

An Act to Amend the Laws Relating to Notaries Public.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAGLEY of Machias.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: BROOKS of Winterport, GOODWIN of Pembroke, LEMOINE of Old
Orchard Beach, SANBORN of Alton.

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

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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 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.~~ This section does not affect or apply to notarial acts performed before August 4, 1988.

Sec. 2. 4 MRSA §955-B, as amended by PL 1993, c. 485, §1, is further amended to read:

§955-B. Maintenance of records

~~The Secretary of State shall recommend that every~~ Every notary public shall keep and maintain records of all notarial acts performed. These notarial acts must be recorded in a separate, permanently bound record book, and each entry must include: the type, date and time of day of each notarial act; a description of the document or proceeding; the signature, printed name and address of each person whose signature is notarized and of each witness; and whether each signer was personally known to the notary public, identified on sworn word of a credible witness or identified through identification cards that must be described in the record book. The notary shall safeguard and retain exclusive custody of these records. The notary may not surrender the records to another notary or to an employer. The records may be inspected in the notary's presence by any individual whose identity is personally known to the notary or is proven on the basis of satisfactory evidence and who specifies the notarial act to be examined.

Sec. 3. 4 MRSA §959, as enacted by PL 1991, c. 465, §5, is amended to read:

§959. Grandfather clause; seal; records

The requirements requirement to keep a seal under section 951 ~~and records under section 955-B are~~ is not in force for notaries who are commissioned before November 1, 1991. If the commissions are renewed, the requirements of those sections take effect upon renewal.

2 **Sec. 4. Application.** The requirement to keep records under
the Maine Revised Statutes, Title 4, section 995-B is not in
4 force for notaries who are commissioned before the effective date
of this Act.

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SUMMARY

10 This bill clarifies that a spouse's relationship with a
sibling is considered a conflict of interest for notarial
12 purposes. The bill also clarifies that notaries public should
not perform any notarial act, including a wedding ceremony, for
14 an immediate family member.

16 The bill also requires notaries to maintain records of all
notarial acts performed.

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20 The bill adds an application clause for notaries
commissioned before the effective date of this bill.