

MAINE STATE LEGISLATURE

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No. 1515

S.P. 538

March 20, 2007

An Act To Require That Notaries Public Keep Records of Notarial Acts

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 "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOBBS of York.

Cosponsored by Senator: PERRY of Penobscot, Representatives: ADAMS of Portland, BRAUTIGAM of Falmouth, MILLS of Farmington, SIMPSON of Auburn.

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

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

4 **§955-B. Maintenance of records**

5 ~~The Secretary of State shall recommend that every~~ A notary public shall keep and
6 maintain records of all notarial acts performed in a journal according to section 961. The
7 notary shall safeguard and retain exclusive custody of these records. The notary may not
8 surrender the records to another notary or to an employer. The records may be inspected
9 in the notary's presence by any individual whose identity is personally known to the
10 notary or is proven on the basis of satisfactory evidence and who specifies the notarial act
11 to be examined.

12 **Sec. 2. 4 MRSA §961** is enacted to read:

13 **§961. Record of notarial acts**

14 **1. Required record keeping.** For every notarial act, a notary public shall record in
15 a journal as described in subsection 5 at the time of notarization at least:

- 16 A. The date and time of day of the notarial act;
17 B. The type of notarial act;
18 C. The type or title or a description of the document or proceeding;
19 D. The signature, printed name and address of each principal;
20 E. The evidence of identity of each principal, in the form of:
21 (1) A statement that the principal is personally known to the notary public;
22 (2) A notation of the type of identification document, its issuing agency, its serial
23 or identification number and its date of issuance or expiration; or
24 (3) The signature, printed name and address of each credible witness swearing to
25 or affirming the principal's identity. If the credible witnesses are not personally
26 known to the notary public, a description of identification documents on which
27 the notary public relied;
28 F. The fee, if any, charged for the notarial act;
29 G. The address where the notarization was performed if not the notary public's
30 business address; and
31 H. Any information that the notary public considers necessary to fulfill the
32 requirements under this section.

33 **2. Prohibited records.** A notary public may not record a social security or credit
34 card number in a journal as described in subsection 5.

1 3. Incomplete records. A notary public shall record in a journal as described in
2 subsection 5 the reasons for not completing a notarial act.

3 4. Requested records. For the inspection allowed under section 955-B, a notary
4 public shall record in a journal as described in subsection 5 the circumstances of any
5 request to inspect or copy an entry in the journal, including the requestor's name, address,
6 signature and evidence of identity. The reasons for refusal to allow inspection or copying
7 of a journal entry must also be recorded.

8 5. Journal form. A notarial journal of a notary public may be in any form that
9 meets the physical requirements set out in this subsection.

10 A. The cover and pages inside the cover must be bound together by a binding
11 method that is designed to prevent the insertion or removal of the cover or a page.

12 B. The pages must be consecutively numbered from the beginning to the end of the
13 journal. If a journal provides 2 pages on which to record the required information
14 about the same notarial act, then both pages may be numbered with the same number
15 or each page may be numbered with a different number. A page number must be
16 preprinted.

17 C. The journal must contain on the inside of the front cover or on the first page the
18 following information:

19 (1) The name of the notary public;

20 (2) The notary public's commission expiration date;

21 (3) The notary public's residence or business street or mailing address;

22 (4) At the time of each entry, the dates of the first and last notarial acts recorded
23 in the notarial journal;

24 (5) A statement that the journal may not be destroyed before 7 years after
25 expiration of the last commission under which an entry was made in the journal;
26 and

27 (6) That, in the event of the decease of the notary public, the journal must be
28 delivered or mailed to the Secretary of State;

29 (7) The meaning of any uncommon abbreviation or symbol used in recording a
30 notarial act in the notarial journal; and

31 (8) The signature of the notary public.

32 SUMMARY

33 This bill makes record keeping for all notarial acts performed by a notary public
34 mandatory.