

# MAINE STATE LEGISLATURE

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Date: 3-12-08

(Filing No. H-747)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1441,  
L.D. 2057, Bill, "An Act To Amend the Conflict of Interest Laws for Notaries Public"

Amend the amendment by striking out all of the first 2 indented paragraphs (page 1,  
lines 11 to 14 in amendment) and inserting the following:

'Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 4 MRSA §954-A, as amended by PL 1999, c. 425, §1, is repealed and the  
following enacted in its place:

**§954-A. Conflict of interest if notary related**

**1. Definition.** As used in this section, "registered domestic partner" has the same  
meaning as in Title 22, section 2710.

**2. Familial relationship; conflict of interest.** Except as provided in subsection 3, a  
notary public may not perform a notarial act for a person if:

A. The person requesting the notarial act is a member of the notary public's family. For purposes of this paragraph, "member of the notary public's family" means the notary public's spouse, registered domestic partner, parent, sibling, child or child's spouse; spouse's parent, sibling, child or child's spouse; or registered domestic partner's parent, sibling, child or child's spouse; and

B. The notary public has a conflict of interest. For purposes of this paragraph, a conflict of interest exists if the notary public could foreseeably derive some pecuniary benefit from the execution of the document being notarized.

**3. Solemnization of certain marriages permitted.** Subsection 2 does not limit a  
notary public's power to solemnize the marriage of the notary public's parent; sibling;  
child; spouse's parent, sibling or child; or registered domestic partner's parent, sibling or  
child.

**4. Application.** This section does not affect or apply to notarial acts performed  
before September 1, 2008.'

RS

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1441, L.D. 2057

1 Amend the amendment in section 3 in the 2nd line (page 1, line 20 in amendment) by  
2 striking out the following: "subsection 1" and inserting the following: 'subsection 2,  
3 paragraph A'

4 **SUMMARY**

5 This amendment prohibits a notary public from performing a notarial act for a person  
6 with whom that notary has a familial relationship, as defined in the amendment, if the  
7 notary could foreseeably derive some pecuniary benefit from the execution of the  
8 document being notarized. This amendment strikes from the bill the list of persons for  
9 whom a notary public may not perform a notarial act and instead uses the list of persons  
10 in current law, with the addition of a registered domestic partner and that partner's parent,  
11 sibling, child or child's spouse. The effect of this amendment is that a notary may  
12 perform notarial acts for any family members as long as no conflict exists.

13 **SPONSORED BY:**   
14 **(Representative BARSTOW)**  
15 **TOWN: Gorham**