

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 286, L.D. 379, Bill, "An Act To Amend the Notary Public Laws"

Amend the bill by inserting before section 1 the following:

Sec. 1. 4 MRSA §951-A is enacted to read:

§951-A. Commission signature

1. Official signature. When performing a notarization, a notary public must sign by producing that notary public's official signature by hand in the same form as indicated on the notary public's commission. For the purposes of this section, the notary public's official signature is the signature that appears on the notary public's most recent oath of office or most recent application for a notary public commission.

2. Change of signature. If the official signature of a notary public changes during the term of the notary public's commission, the notary public shall immediately provide the Secretary of State with a new sample of the notary public's official signature.

Sec. 2. 5 MRSA §5, as amended by PL 2001, c. 667, Pt. C, §1, is further amended to read:

§5. Oath of office; before whom taken

The Justices of the Supreme Judicial Court and of the Superior Court, the Judges of the District Court and all state officials elected by the Legislature shall take and subscribe the oath or affirmation required by the Constitution, before the Governor. Every other person elected or appointed to any civil office shall take and subscribe the oath before any dedimus justice commissioned by the Governor for that purpose, except when the Constitution otherwise provides. A newly appointed notary public shall take and subscribe the oath or affirmation before a dedimus justice as required by section 82, subsection 3-A.

Sec. 3. 5 MRSA §82, sub-§3-A is enacted to read:

1 3-A. Oath. A newly appointed notary public shall take and subscribe the following
2 oath or affirmation before a dedimus justice:

3 "I, (name), do swear that I will support the Constitution of the United States and of
4 this State, so help me God."

5 "I, (name), do swear that I will faithfully discharge, to the best of my abilities, the
6 duties incumbent on me as a Notary Public according to the Constitution of Maine
7 and laws of this State, so help me God."

8 When a person is conscientiously scrupulous of taking an oath, the word "affirm" may be
9 substituted for the word "swear" and the words "this I do under penalty of perjury" may
10 be substituted for the words "so help me God."

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
12 section number to read consecutively.

13 **SUMMARY**

14 This amendment adds a requirement for a notary public to keep an official
15 handwritten signature on file with the Secretary of State and, when performing a
16 notarization, sign by producing that official signature by hand. It also clarifies that a
17 newly appointed notary public must take an oath that mirrors the oath in the Constitution
18 of Maine but without the requirement to be a citizen.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 379

LR 559(02)

An Act To Amend the Notary Public Laws

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Secretary of State can be absorbed within existing budgeted resources.