

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1312

S.P. 409

In Senate, March 29, 2011

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.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator PLOWMAN of Penobscot.
Cosponsored by Representative COTTA of China and
Representative: MOULTON of York.

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

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

13 **§961. Record of notarial acts**

14 A notary public shall keep a journal.

15 **1. Required information.** For every notarial act, the notary public shall record in a
16 journal at the time of notarization the following information:

17 A. The date and time of day of the notarial act;

18 B. The type of notarial act;

19 C. The type, title or a description of the proceeding or the document or set of
20 documents comprising a transaction;

21 D. The signature, printed name and address of each principal;

22 E. The evidence of identity of each principal, in the form of:

23 (1) A statement that the person is "personally known" to the notary public;

24 (2) A notation of the type of identification document and the issuing agency, the
25 serial or identification number and the date of issuance or expiration; or

26 (3) The signature, printed name and address of each credible witness swearing to
27 or affirming to the principal's identity. If the credible witnesses are not
28 personally known to the notary public, the entry must include a description of the
29 identification documents on which the notary public relied;

30 F. The fee, if any, charged for the notarial act;

31 G. The address where the notarial act was performed if not the notary public's
32 business address; and

33 H. Any other information that the notary public considers necessary to fulfill the
34 requirements of this section.

35 As used in this subsection, "principal" means the person for whom the notarial act is
36 being performed.

