

# MAINE STATE LEGISLATURE

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L.D. 2023

Date: 4/19/22

(Filing No. S-576)

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STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1503,  
L.D. 2023, "An Act To Implement the Recommendations of the Secretary of State  
Regarding Notarial Acts"

Amend the amendment by striking out the first paragraph after the title (page 1, lines  
11 and 12 in amendment)

Amend the amendment on page 1 by inserting after subsection 17 the following:

'Amend the bill in Part A in section 4 in c. 39 in §1916 in subsection 1 in paragraph D  
in the first line (page 11, line 24 in L.D.) by striking out the following: "and"

Amend the bill in Part A in section 4 in c. 39 in §1916 in subsection 1 in paragraph E  
in the first line (page 11, line 25 in L.D.) by striking out the following: ", if any,"

Amend the bill in Part A in section 4 in c. 39 in §1916 in subsection 1 in paragraph E  
in the last line (page 11, line 26 in L.D.) by striking out the following: "." and inserting the  
following: '; and'

Amend the bill in Part A in section 4 in c. 39 in §1916 in subsection 1 by inserting after  
paragraph E the following:

'F. Contain the legibly printed or typed name of the notarial officer.'

Amend the bill in Part A in section 4 in c. 39 in §1917 in subsection 1 in the 8th line  
(page 12, line 26 in L.D.) by inserting after the following: "Stamp" the following: 'or printed  
name .....'

Amend the bill in Part A in section 4 in c. 39 in §1917 in subsection 2 in the 10th line  
(page 13, line 1 in L.D.) by inserting after the following: "Stamp" the following: 'or printed  
name .....'

Amend the bill in Part A in section 4 in c. 39 in §1917 in subsection 3 in the 9th line  
(page 13, line 13 in L.D.) by inserting after the following: "Stamp" the following: 'or printed  
name .....'

Amend the bill in Part A in section 4 in c. 39 in §1917 in subsection 4 in the 8th line  
(page 13, line 24 in L.D.) by inserting after the following: "Stamp" the following: 'or printed  
name .....'

SENATE AMENDMENT

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Amend the bill in Part A in section 4 in c. 39 in §1917 in subsection 5 in the 9th line (page 14, line 2 in L.D.) by inserting after the following: "Stamp" the following: 'or printed name .....'

Amend the bill in Part A in section 4 in c. 39 in §1918 by striking out all of the first indented paragraph (page 14, line 7 in L.D.) and inserting the following:

'A notary public may keep an official stamp, which must:'

Amend the bill in Part A in section 4 in c. 39 by striking out all of §1920 (page 14, lines 26 to 41 and page 15, lines 1 to 20 in L.D.) and inserting the following:

**'§1920. Journal**

**1. Journal required.** A notarial officer shall maintain a journal for all electronic and remote notarizations. A notarial officer may maintain a journal for all tangible notarizations. The notarial officer shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.

**2. Tangible medium or electronic format permitted.** A journal under this section may be created on a tangible medium or in an electronic format. A notarial officer shall maintain only one journal at a time to chronicle all notarial acts performed regarding tangible records and one or more journals to chronicle all notarial acts performed regarding electronic records. If the journal is maintained on a tangible medium, it must be a permanent, bound register with numbered pages. If the journal is maintained in an electronic format, it must be in a permanent, tamper-evident electronic format complying with the rules of the Secretary of State.

**3. Requirements.** An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:

A. The date and time of the notarial act;

B. A description of the record, if any, and type of notarial act;

C. The full name and address of each individual for whom the notarial act is performed;

D. If identity of the individual is based on personal knowledge, a statement to that effect;

E. If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the dates of issuance and expiration of any identification credential; and

F. The fee, if any, charged by the notarial officer.

**4. Lost or stolen journal.** If a notarial officer's journal is lost or stolen, the officer shall promptly notify the Secretary of State on discovering that the journal is lost or stolen.

**5. Retention.** On resignation from, or the revocation or suspension of, a notary public's commission, the former notary public shall retain the former notary public's journal in accordance with subsection 1 and inform the Secretary of State where the journal is located.

**6. Alternative to retention.** Instead of retaining a journal as provided in subsection 5, a former notary public may transmit the journal to the Secretary of State or a repository approved by the Secretary of State.

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**7. Death or incompetency of notary public.** On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Secretary of State or a repository approved by the Secretary of State.'

Amend the bill in Part A in section 4 in c. 39 in §1922 in subsection 4 in the last line (page 16, line 19 in L.D.) by striking out the following: "4" and inserting the following: '7'

Amend the amendment on page 2 by inserting after section A-8 the following:

'Amend the bill in Part B in section 2 in §90-G in subsection 2 in the first line (page 21, line 2 in L.D.) by striking out the following: "4" and inserting the following: '7'

Amend the bill in Part B in section 2 in §90-G by inserting after subsection 5 the following:

**6. Marriage officiant license.** The Secretary of State shall issue a marriage officiant license to every notary public commissioned for the equivalent term of the notary public's commission, unless the notary public declines to have the marriage officiant license by providing written notice to the Secretary of State on a form designed by the Secretary of State.'

Amend the amendment on page 2 by inserting after the 8th paragraph the following:

'Amend the bill in Part B by striking out all of section 7.'

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

**SUMMARY**

This amendment amends Committee Amendment "A" in order to:

- 1. Provide that a notary public is automatically issued a marriage officiant license unless the notary public declines the license in writing;
- 2. Make permissive the requirement in the bill that notaries public keep an official stamp;
- 3. Amend the requirement in the bill that notarial officers maintain a journal;
- 4. Restore the term of the commission of a notary public from 4 years as provided in the bill to 7 years as provided in current law; and
- 5. Amend the term of the license of a marriage officiant from 4 years as provided in the bill to 7 years.

SPONSORED BY: 

(Senator KEIM, L.)

COUNTY: Oxford

**SENATE AMENDMENT**