

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 826

H. P. 1756 House of Representatives, April 10, 1929.

Reported by Mr. Holman from Committee on Revision of Statutes and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE**

AN ACT Relative to Acknowledgment and Record of Deeds
and Other Instruments.

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

Section twenty-three of chapter seventy-eight of the re-
2 vised statutes, as amended by chapter forty of the public
3 laws of nineteen hundred twenty-one, as amended by chap-
4 ter one hundred seventy-six of the public laws of nineteen
5 hundred twenty-five, as amended by chapters one hundred
6 and one hundred ninety of the public laws of nineteen hun-
7 dred twenty-seven, is hereby amended by striking out the
8 words "or woman otherwise eligible under the constitution
9 and appointed for the purpose by the governor with the

10 advice and consent of the council” in the eighth, ninth, and
11 tenth lines of said section as amended and by striking out
12 the last paragraph of said section as amended by said chap-
13 ter one hundred and by striking out the last paragraph of
14 said section as amended by said chapter one hundred ninety
15 and by inserting in place thereof the following paragraph:

‘This section shall not be construed as invalidating any in-
2 strument duly executed in accordance with the statutes
3 heretofore in effect, or made valid by any such statute. All
4 such instruments may be admitted to record which at the
5 time of their execution or subsequent validation could be
6 so recorded,’ so that said section as amended shall read as
7 follows:

‘Sec. 23. *Deeds and other instruments, before whom to*
2 *be acknowledged; when admitted to record.* Deeds and all
3 other written instruments before recording in the registries
4 of deeds, except those issued by a court of competent juris-
5 diction and duly attested by the proper officer thereof, and
6 excepting plans and notices of foreclosure of mortgages,
7 shall be acknowledged by the grantors, or by the persons
8 executing any such written instruments, or by one of them,
9 or by their attorney executing the same, or by the lessor
10 in a lease or one of the lessors or his attorney executing
11 the same, before a justice of the peace, or notary public
12 having a seal, in the state; or before any clerk of a court
13 of record having a seal, notary public, justice of the peace,
14 or commissioner appointed by the governor of this state

15 for the purpose or a commissioner authorized in the state
16 where the acknowledgment is taken, within the United
17 States; or before a minister or consul of the United States
18 or notary public in any foreign country. The seal of such
19 court or the official seal of such notary or commissioner if
20 he have one, shall be affixed to the certificate of acknowl-
21 edgment, but if such acknowledgment is taken outside the
22 state of Maine before a justice of the peace, notary public
23 not having a seal, or commissioner, a certificate under seal
24 from the secretary of state, or clerk of a court of record
25 in the county where the officer resides or took the acknowl-
26 edgment, authenticating the authority of the officer taking
27 such acknowledgment, and the genuineness of his signature,
28 must be annexed thereto.

Any justice of the peace who is a stockholder, director,
2 officer or employee of a bank or other corporation, may
3 take the acknowledgment of any party to any written in-
4 strument executed to or by such corporation; provided that
5 such justice of the peace is not a party to such instrument
6 either individually or as a representative of such bank or
7 other corporation.

Notices of foreclosure of mortgages which were recorded
2 previous to the 15th day of July, nineteen hundred and
3 twenty-seven, and which did not contain a certificate of
4 acknowledgment, are hereby made valid so far as such cer-
5 tificate of acknowledgment may be necessary to perfect such
6 record.