

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2022

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Chapter 651 retains the current authorization that allows attorneys-at-law duly admitted and eligible to practice in the courts of this State to perform notarial acts. Additionally, NCCUSL's Revised Uniform Law on Notarial Acts recommends that judges, clerks or deputy clerks of the court be authorized to perform notarial acts, and these additional authorizations, with the addition of state court justices, are included.

Chapter 651 permits any notarial officer, including notaries public, attorneys, justices, judges, clerks and deputy clerks, to perform notarial acts for a remotely located individual in accordance with specified criteria. Chapter 651 includes security measures, including identity proofing and recording requirements, and language that permits the Secretary of State to assess a fee when the Secretary of State accepts service for a civil action in a dispute pursuant to a notarial act performed for a remotely located individual. The Secretary of State currently requires a fee for any service of process made to the Secretary of State.

Chapter 651 authorizes all notarial officers to perform a notarial act with respect to an electronic record. A notarial officer must notify the Secretary of State prior to performing the first notarial act with respect to an electronic record.

Chapter 651 requires any notarial officer seeking to perform remote and online notarization to notify the Secretary of State, who will maintain a database of that information online. The Secretary of State currently maintains a searchable online database of notaries public.

Currently, Maine is one of only three states that gives notaries public the authority to perform marriages. Chapter 651 creates a separate marriage officiant license and eliminates the power of notaries public to perform marriage ceremonies. It also provides that a notary public is automatically issued a marriage officiant license unless the notary public declines the license in writing. Chapter 651 clarifies that marriages may not be solemnized remotely.

Chapter 651 retains the current term of seven years for notaries public, as well as for the new marriage officiant license.

Title 4, section 961 currently provides for the continuation of the temporary modification of certain in-person notarization and acknowledgment requirements established in executive orders in 2020, but only until January 1, 2023. Chapter 651 extends the effect of section 961 until July 1, 2023.

Other than the amendments to Title 4, section 961, Chapter 651 takes effect July 1, 2023.

### **LD 2028 Resolve, Directing the Family Law Advisory Commission To Develop Options To Improve Preliminary Injunctions in Judicial Separation and Divorce Actions**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 148 was reported out by the Judiciary Committee pursuant to Resolve 2021, chapter 78. It directs the Family Law Advisory Commission to review the elements of preliminary injunctions in judicial separation and divorce actions both in this State's statutes and in the statutes

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of other states and to develop options for improving those preliminary injunctions. The commission must submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than December 15, 2022, and the joint standing committee may report out legislation related to the report to the 131st Legislature in 2023.

### **LD 2034 An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 676 corrects technical inconsistencies, conflicts and errors in the laws of Maine. It also makes two substantive changes to Maine law.

1. Part D, section 5, clarifies that the fuel gas detector law passed in 2021 requires a fuel gas detector in rooms containing an appliance that combusts propane, natural gas or any liquified petroleum gas. Although this clarification is consistent with the intent of Public Law 2021, chapter 194, this is a substantive change as chapter 194 applied to rooms containing an appliance that is fueled by propane, natural gas or any liquified petroleum gas.
2. Current law requires the Department of Education to develop and implement an Internet-based application for free or reduced-price meals and to make the application available to schools. Part E requires schools to accept data in applications submitted through the department's Internet-based application for free or reduced-price meals. This language was inadvertently omitted from the committee amendment to L.D. 961 that was adopted in Public Law 2021, chapter 212 in June 2021.

Public Law 2021, chapter 676 was enacted as an emergency measure effective May 2, 2022.