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An Act To Require That Notaries Public Keep Records of Notarial Acts

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

Sec. 1. 4 MRSA §955-B, as amended by PL 1993, c. 485, §1, is further amended to read:

§ 955-B. Maintenance of records

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

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

§ 961. Record of notarial acts

A notary public shall keep a journal.

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

- A. The date and time of day of the notarial act;
- B. The type of notarial act;
- C. The type, title or a description of the proceeding or the document or set of documents comprising a transaction;
- D. The signature, printed name and address of each principal;
- E. The evidence of identity of each principal, in the form of:

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

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

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

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

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

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

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

2. Prohibited information. A notary public may not record a social security number, account number, credit card number or debit card number in the journal.

3. Acts not completed. A notary public shall record in the journal the circumstances of a failure or refusal to complete a notarial act.

4. Request for inspection or copying. For an inspection allowed under section 955-B, a notary public shall record in the journal the circumstances of the request to inspect or copy an entry in the journal, including the requester's name, address, signature and evidence of identity. The reason for refusal to allow inspection or copying of a journal entry also must be recorded.

5. Form of the journal. A journal of a notary public may be in any form that meets the following physical requirements:

A. The front cover and pages must be bound together by a binding method that is designed to prevent the insertion or removal of the cover or a page;

B. Each page must be consecutively numbered from the beginning to the end of the journal. If a journal provides 2 pages on which to record the required information about the same notarial act, both pages may be numbered with the same number or each page may be numbered with a different number. The page numbers must be preprinted; and

C. The journal must contain on the inside of the front cover or on the first page the following information in any order:

(1) The name of the notary public;

(2) The notary public's commission expiration date;

(3) The notary public's residence or business street or mailing address;

(4) The earliest date the journal may be destroyed, which is 7 years after expiration of the last commission of the notary public making an entry in the journal;

(5) A notation that, in the event of the death of the notary public, the journal must be delivered or mailed to the Secretary of State;

(6) The meaning of any abbreviated word or symbol used in recording a notarial act in the journal;

(7) The signature of the notary public; and

(8) At the respective times of entry, the dates of the first and last notarial acts recorded in the journal.

SUMMARY

This bill requires record keeping for all notarial acts performed by a notary public.