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	CHAPTER 39 REVISED UNIFORM LAW ON NOTARIAL ACTS	
<p>SECTION 1. SHORT TITLE. This [act] may be cited as the Revised Uniform Law on Notarial Acts (2021).</p>	<p>§1901. Short title <u>This chapter may be known and cited as the Revised Uniform Law on Notarial Acts.</u></p>	
<p>SECTION 2. DEFINITIONS. In this [act]:</p> <p>(1) “Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.</p> <p>(2) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.</p> <p>(3) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.</p> <p>(4) “In a representative capacity” means acting as:</p> <p style="padding-left: 40px;">(A) an authorized officer, agent, partner, trustee, or other representative for a person other than an individual;</p> <p style="padding-left: 40px;">(B) a public officer, personal representative, guardian, or other representative, in the capacity stated in a record;</p> <p style="padding-left: 40px;">(C) an agent or attorney-in-fact for a principal; or</p> <p style="padding-left: 40px;">(D) an authorized representative of another in any other capacity.</p>	<p>§1902. Definitions <u>As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.</u></p> <p>1. Acknowledgement. <u>"Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.</u></p> <p>2. Electronic. <u>"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.</u></p> <p>3. Electronic signature. <u>"Electronic signature" means an electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.</u></p> <p>4. In a representative capacity. <u>"In a representative capacity" means acting as:</u></p> <p style="padding-left: 40px;"><u>A. An authorized officer, agent, partner, trustee or other representative of a person other than an individual;</u></p> <p style="padding-left: 40px;"><u>B. A public officer, personal representative, guardian or other representative, in the capacity stated in a record;</u></p> <p style="padding-left: 40px;"><u>C. An agent or attorney-in-fact for a principal; or</u></p> <p style="padding-left: 40px;"><u>D. An authorized representative of another in any other capacity.</u></p>	
<p>(5) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable</p>	<p>5. Notarial act. <u>"Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the laws of this State. "Notarial act" includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a</u></p>	

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<p>instrument.</p> <p>(6) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.</p> <p>(7) “Notary public” means an individual commissioned to perform a notarial act by the [commissioning officer or agency].</p> <p>(8) “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.</p> <p>(9) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.</p> <p>(10) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.</p>	<p><u>signature, certifying or attesting a copy and noting a protest of a negotiable instrument or loss in mercantile usage.</u></p> <p>6. Notarial officer. <u>"Notarial officer" means a notary public or other individual authorized to perform a notarial act.</u></p> <p>7. Notary public. <u>"Notary public" means an individual commissioned to perform a notarial act by the Secretary of State.</u></p> <p>8. Official stamp. <u>"Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record and includes an official notary seal.</u></p> <p>9. Person. <u>"Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.</u></p> <p>10. Record. <u>"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.</u></p>	
<p>(11) “Sign” means, with present intent to authenticate or adopt a record:</p> <p style="padding-left: 20px;">(A) to execute or adopt a tangible symbol; or</p> <p style="padding-left: 20px;">(B) to attach to or logically associate with the record an electronic symbol, sound, or process.</p> <p>(12) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.</p> <p>(13) “Stamping device” means:</p> <p style="padding-left: 20px;">(A) a physical device capable of affixing to or embossing on a tangible record an official stamp; or</p> <p style="padding-left: 20px;">(B) an electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.</p> <p>(14) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.</p> <p>(15) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is</p>	<p>11. Sign. <u>"Sign" means, with present intent to authenticate or adopt a record:</u></p> <p style="padding-left: 20px;"><u>A. To execute or adopt a tangible symbol; or</u></p> <p style="padding-left: 20px;"><u>B. To attach to or logically associate with the record an electronic symbol, sound or process.</u></p> <p>12. Signature. <u>"Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.</u></p> <p>13. Stamping device. <u>"Stamping device" means:</u></p> <p style="padding-left: 20px;"><u>A. A physical device capable of affixing to or embossing on a tangible record an official stamp; or</u></p> <p style="padding-left: 20px;"><u>B. An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.</u></p> <p>14. State. <u>"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.</u></p> <p>15. Verification on oath or affirmation. <u>"Verification on oath or affirmation" means a declaration made by an individual on oath or affirmation</u></p>	

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<p>true.</p>	<p><u>before a notarial officer that a statement in a record is true.</u></p>	
<p>SECTION 3. APPLICABILITY. This [act] applies to a notarial act performed on or after [the effective date of this [act]].</p>	<p><u>§1903. Applicability</u> <u>This chapter applies to a notarial act performed on or after July 1, 2023.</u></p>	
		<p>§951-A. Commission signature</p> <p>1. Official signature. When performing a notarization, a notary public must sign by producing that notary public's official signature by hand in the same form as indicated on the notary public's commission. For the purposes of this section, the notary public's official signature is the signature that appears on the notary public's most recent oath of office or most recent application for a notary public commission.</p> <p>2. Change of signature. If the official signature of a notary public changes during the term of the notary public's commission, the notary public shall immediately provide the Secretary of State with a new sample of the notary public's official signature.</p>
<p>SECTION 4. AUTHORITY TO PERFORM NOTARIAL ACT.</p> <p>(a) A notarial officer may perform a notarial act authorized by this [act] or by law of this state other than this [act].</p> <p>(c) A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.</p>	<p><u>§1904. Authority to perform notarial act</u></p> <p><u>1. Notarial acts authorized.</u> <u>A notarial officer may perform a notarial act authorized by this chapter or by a law of this State other than this chapter.</u></p> <p><u>2. Certification of electronic records.</u> <u>A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.</u></p>	
<p>(b) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse [or civil partner] is a party or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.</p>	<p><u>3. Conflict of interest.</u> <u>A notarial officer may not perform a notarial act with regard to which the notarial officer has a conflict of interest as set forth in this subsection.</u></p> <p><u>A.</u> <u>A notarial officer may not perform any notarial act for any person if that person is the officer's spouse, domestic partner, parent, sibling or child or an in-law or a step or half relative of the officer.</u></p> <p><u>B.</u> <u>A notarial officer may not perform any notarial act with respect to a record to which the notarial officer or the officer's spouse, domestic partner, parent, sibling or child or an in-law or a step or half relative of the officer is a party or in which any of them has a direct beneficial interest.</u></p> <p><u>C.</u> <u>Notwithstanding paragraphs A and B, a notarial officer authorized by Title 19-A, section 655 to solemnize marriages may solemnize the marriage of a parent, sibling or child or an in-law or a step or half relative of the officer.</u></p>	<p>4 §954-A. Conflict of interest</p> <p>A notary public may not perform any notarial act for any person if that person is the notary public's spouse, parent, sibling, child, spouse's parent, spouse's sibling, spouse's child or child's spouse, except that a notary public may solemnize the marriage of the notary public's parent, sibling, child, spouse's parent, spouse's sibling or spouse's child. It is a conflict of interest for a notary public to administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum under Title 21-A, section 902 if the notary public also provides services that are not notarial acts to initiate or promote that direct initiative or people's veto referendum. This section does not affect or apply to notarial acts performed before August 4, 1988</p>

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	<p><u>4. Acts of notarial officer who is interested in corporation.</u> Any notarial officer who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgement of any party to any written instrument executed to or by the bank or corporation, may administer an oath to any other stockholder, director, officer, employee or agent of the bank or corporation or may protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments that may be owned or held for collection by the bank or other corporation. It is unlawful for any notarial officer to take the acknowledgment of an instrument by or to a bank or other corporation of which the notarial officer is a stockholder, director, officer or employee when the notarial officer is a party to the instrument, either individually or as a representative of the bank or other corporation, or to protest any negotiable instrument owned or held for collection by the bank or other corporation, when the notarial officer is individually a party to the instrument.</p> <p><u>5. Direct initiative or people's veto referendum.</u> A notarial officer may not administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum under Title 21-A, section 902 if the notarial officer also provides services that are not notarial acts to initiate or promote that direct initiative or people's veto referendum.</p> <p><u>6. Voidable notarial acts.</u> A notarial act performed in violation of subsection 3, 4 or 5 is voidable.</p>	<p>4 §954. Acts of notary who is interested in corporation</p> <p>Any notary public who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgement of any party to any written instrument executed to or by such corporation, or may administer an oath to any other stockholder, director, officer, employee or agent of such corporation, or may protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments that may be owned or held for collection by such bank or other corporation. It is unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which the notary public is a stockholder, director, officer or employee when such notary is a party to such instrument, either individually or as a representative of such bank or other corporation, or to protest any negotiable instrument owned or held for collection by such bank or other corporation, when such notary is individually a party to such instrument.</p>
<p>SECTION 5. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS.</p> <p>(a) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.</p> <p>(b) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that</p>	<p><u>§1905. Requirements for certain notarial acts</u></p> <p><u>1. Acknowledgement of a record.</u> A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.</p> <p><u>2. Statement of oath or affirmation.</u> A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the</p>	

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<p>the signature on the statement verified is the signature of the individual.</p> <p>(c) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.</p> <p>(d) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.</p> <p>(e) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in [Section 3-505(b) of the Uniform Commercial Code].</p>	<p><u>officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.</u></p> <p>3. Witnessing or attesting to a signature. <u>A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.</u></p> <p>4. Certifying or attesting copy of record. <u>A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the record or item.</u></p> <p>5. Protest of negotiable instrument. <u>A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in Title 11, section 3-1505, subsection (1), paragraph (b).</u></p>	
	<p>6. Protests of losses; record and copies. <u>When requested, a notarial officer shall enter on record all losses or damages sustained or apprehended by sea or land and all averages and such other matters as, by mercantile usage, appertain to the notarial officer's office and shall grant warrants of survey on vessels; all facts, extracts from documents and circumstances so noted must be signed and sworn to by all the persons appearing to protest. The notarial officer shall note, extend and record the protest so made and grant authenticated copies thereof under the notarial officer's signature and, in the case of a notary public, notarial stamp to those who request and pay for them.</u></p>	<p>4 §952. Protests of losses; record and copies</p> <p>When requested, every notary public shall enter on record all losses or damages sustained or apprehended by sea or land, and all averages and such other matters as, by mercantile usage, appertain to the notary public's office, grant warrants of survey on vessels, and all facts, extracts from documents and circumstances so noted must be signed and sworn to by all the persons appearing to protest. The notary public shall note, extend and record the protest so made, and grant authenticated copies thereof, under the notary public's signature and notarial seal, to those who request and pay for them.</p>
		<p>4 §953. Demand and notice on bills and notes</p> <p>Any notary public may, in behalf of any person interested, present any bill of exchange or other negotiable paper for acceptance or payment to any party liable therefor, notify indorsers or other parties thereto, record and certify all contracts usually recorded or certified by notaries, and, in general, do all acts that may be done by notaries public according to the usages of merchants and authorized by law. The notary public shall record all mercantile and marine protests by the notary public noted and done in the notary public's official capacity.</p>
		<p>4 §955. Copies; evidence</p> <p>The protest of any foreign or inland bill of exchange, promissory note or order, and all copies or certificates granted by the notary public must be</p>

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		under the notary public's hand and received in all courts as legal evidence of the transactions and as to the notice given to the drawer or indorser and of all facts therein contained.
<p>SECTION 6. PERSONAL APPEARANCE REQUIRED. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.</p>	<p><u>§1906. Personal appearance required</u> <u>If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.</u></p>	<p>4 §1013. Certificate of person taking acknowledgment</p> <p>The person taking an acknowledgment shall certify that:</p> <p>1. Appearance. The person acknowledging appeared before the person taking the acknowledgment and acknowledged executing the instrument; and</p>
<p>SECTION 7. IDENTIFICATION OF INDIVIDUAL.</p> <p>(a) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.</p> <p>(b) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:</p> <p>(1) by means of:</p> <p>(A) a passport, driver's license, or government issued nondriver identification card, which is current or expired not more than [three years] before performance of the notarial act; or</p> <p>(B) another form of government identification issued to an individual, which is current or expired not more than [three years] before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer; or</p> <p>(2) by a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government issued nondriver identification card, which is current or expired not more than [three years] before performance of the notarial act.</p> <p>(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.</p>	<p><u>§1907. Identification of individual</u></p> <p><u>1. Personal knowledge of identity.</u> <u>A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.</u></p> <p><u>2. Evidence of identity.</u> <u>A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:</u></p> <p><u>A. By means of:</u></p> <p><u>(1) A passport, driver's license or government-issued nondriver identification card; or</u></p> <p><u>(2) Another form of government identification issued to an individual that contains the signature or a photograph of the individual and is satisfactory to the notarial officer; or</u></p> <p><u>B. By a verification on oath or affirmation of a credible witness personally appearing before the notarial officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license or government-issued nondriver identification card.</u></p> <p><u>3. Additional information or credentials.</u> <u>A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.</u></p>	<p>2. Person known. The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.</p>
<p>SECTION 8. AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT.</p> <p>(a) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:</p> <p>(1) the individual executing the record is competent or has the</p>	<p><u>§1908. Authority to refuse to perform notarial act</u></p> <p><u>1. Basis to refuse.</u> <u>A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:</u></p> <p><u>A. The individual executing the record is competent or has the capacity to execute the record; or</u></p>	

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<p>capacity to execute the record; or (2) the individual’s signature is knowingly and voluntarily made. (b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this [act].</p>	<p><u>B. The individual's signature is knowingly and voluntarily made.</u> <u>2. Refusal permitted unless otherwise required.</u> A notarial officer may refuse to perform a notarial act unless refusal is prohibited by a law other than this chapter.</p>	
<p>SECTION 9. SIGNATURE IF INDIVIDUAL UNABLE TO SIGN. If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual’s name on the record. The notarial officer shall insert “Signature affixed by (name of other individual) at the direction of (name of individual)” or words of similar import.</p>	<p><u>§1909. Signature if individual unable to sign</u> If an individual is physically unable to sign a record due to a disability, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.</p>	
<p>SECTION 10. NOTARIAL ACT IN THIS STATE. (a) A notarial act may be performed in this state by: (1) a notary public of this state; [or] (2) a judge, clerk, or [deputy clerk] of a court of this state[; or] [(3) an individual licensed to practice law in this state]; or] [(4) any other individual authorized to perform the specific act by the law of this state]. (b) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title. (c) The signature and title of a notarial officer described in subsection [(a)(1) or (2)] [(a)(1), (2), or (3)] conclusively establish the authority of the officer to perform the notarial act. <i>Legislative Note: Subsection (a)(4) recognizes, collectively and in general terms, the authority of other individuals holding notarial powers authorized under other law of this state. However, instead of the nonspecific collective recognition stated in this subsection, it would be preferable to list in this subsection other specific officers or individuals holding notarial powers and, if their powers are limited, the notarial powers granted to them. Such a listing would provide a practical reference for a person seeking to determine whether an individual or holder of an office is authorized to perform notarial acts in this state. This reference would be especially valuable if a notarial act performed in this state is to be recognized in another state under Section 11. Therefore, subsection (a)(4) is bracketed to show that a state may optionally insert a specific list of those officers authorized to perform notarial acts.</i></p>	<p><u>§1910. Notarial act in this State</u> <u>1. Persons authorized to perform notarial acts.</u> A notarial act may be performed in this State by: <u>A. A notary public of this State;</u> <u>B. A judge, clerk or deputy clerk of a court of this State;</u> <u>C. An attorney-at-law duly admitted and eligible to practice in the courts of this State; or</u> <u>D. Any other individual authorized to perform the specific act by the laws of this State.</u> <u>2. Prima facie evidence.</u> The signature and title of an individual performing a notarial act in this State are prima facie evidence that the signature is genuine and that the individual holds the designated title. <u>3. Signature and title conclusive.</u> The signature and title of a notarial officer described in subsection 1, paragraph A, B or C conclusively establish the authority of the officer to perform the notarial act. <u>4. Laws on notaries public apply to notarial officers.</u> If a provision of law other than a provision in this chapter specifies that an act may be performed by a notary public, such act may be performed by any of the notarial officers described in subsection 1, paragraph A, B or C unless the law expressly provides otherwise.</p>	<p>4 §1056. Powers of attorneys Attorneys at law duly admitted and eligible to practice in the courts of the State shall have all of the powers of notaries public and be authorized to do all acts which may be done by notaries public with the same effect thereof and have the same territorial jurisdiction.</p>

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<p>SECTION 11. NOTARIAL ACT IN ANOTHER STATE.</p> <p>(a) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:</p> <p style="padding-left: 40px;">(1) a notary public of that state;</p> <p style="padding-left: 40px;">(2) a judge, clerk, or deputy clerk of a court of that state; or</p> <p style="padding-left: 40px;">(3) any other individual authorized by the law of that state to perform the notarial act.</p> <p>(b) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.</p> <p>(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the officer to perform the notarial act.</p>	<p><u>§1911. Notarial act in another state</u></p> <p><u>1. Notarial acts in other states recognized.</u> <u>A notarial act performed in another state has the same effect under the laws of this State as if performed by a notarial officer of this State, if the act performed in that state is performed by:</u></p> <p style="padding-left: 40px;"><u>A. A notary public of that state;</u></p> <p style="padding-left: 40px;"><u>B. A judge, clerk or deputy clerk of a court of that state; or</u></p> <p style="padding-left: 40px;"><u>C. Any other individual authorized by the laws of that state to perform the notarial act.</u></p> <p><u>2. Prima facie evidence.</u> <u>The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.</u></p> <p><u>3. Signature and title conclusive.</u> <u>The signature and title of a notarial officer described in subsection 1, paragraph A or B conclusively establish the authority of the officer to perform the notarial act.</u></p>	<p>4 §1011. Recognition of notarial acts performed outside this State</p> <p>For the purposes of this Act, "notarial acts" means acts which the laws and regulations of this State authorize notaries public of this State to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this State for use in this State with the same effect as if performed by a notary public of this State by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this State:</p> <p>1. Notary public. A notary public authorized to perform notarial acts in the place in which the act is performed;</p> <p>2. Judge; clerk. A judge, clerk or deputy clerk of any court of record in the place in which the notarial act is performed;</p> <p>3. Foreign service. An officer of the foreign service of the United States, a consular agent or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;</p> <p>4. Officer in Armed Forces. A commissioned officer in active service with the Armed Forces of the United States and any other person authorized by regulation of the Armed Forces to perform notarial acts if the notarial act is performed for one of the following or a dependent of one of the following: A merchant seaman of the United States, a member of the Armed Forces of the United States or any other person serving with or accompanying the Armed Forces of the United States; or</p> <p>5. Others. Any other person authorized to perform notarial acts in the place in which the act is performed.</p> <p>§1014-A. Presumption of compliance</p> <p>For the purposes of section 1014, subsection 2, a certificate of acknowledgment taken in a state other than Maine shall be presumed to be in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken if upon that certificate appears, in stamped, printed or embossed form, either separately or together:</p> <p>1. Notary public. The words "notary public;"</p> <p>2. Name. The name of the notary public; and</p> <p>3. State. The name of the state, or an abbreviation of the name of the state, in which the acknowledgment was taken.</p>

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		<p>4 §1014. Recognition of certificate of acknowledgment</p> <p>The form of a certificate of acknowledgment used by a person whose authority is recognized under section 1011 shall be accepted in this State if:</p> <ol style="list-style-type: none"> 1. Laws of the State. The certificate is in a form prescribed by the laws or regulations of this State; 2. Laws of state where acknowledged. The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgement is taken; or 3. Certain words. The certificate contains the words "acknowledged before me," or their substantial equivalent. <p>§1015. Certificate of acknowledgment</p> <ol style="list-style-type: none"> 1. Definition. The words "acknowledged before me" means: <ol style="list-style-type: none"> A. That the person acknowledging appeared before the person taking the acknowledgment; B. That the person acknowledging acknowledged executing the instrument; C. That, in the case of: <ol style="list-style-type: none"> (1) A natural person, the person executed the instrument for the purposes therein stated; (2) A corporation, the officer or agent acknowledged the officer or agent held the position or title set forth in the instrument and certificate, the officer or agent signed the instrument on behalf of the corporation by proper authority and the instrument was the act of the corporation for the purpose therein stated; (3) A partnership, the partner or agent acknowledged the partner or agent signed the instrument on behalf of the partnership by proper authority and the partner or agent executed the instrument as the act of the partnership for the purposes therein stated; (4) A person acknowledging as principal by an attorney in fact, the person executed the instrument by proper authority as the act of the principal for the purposes therein stated; (5) A person acknowledging as a public officer, trustee, administrator,

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		<p>guardian or other representative, the person signed the instrument by proper authority and executed the instrument in the capacity and for the purposes therein stated; and D. That the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.</p>
<p>SECTION 12. NOTARIAL ACT UNDER AUTHORITY OF FEDERALLY RECOGNIZED INDIAN TRIBE.</p> <p>(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:</p> <p style="padding-left: 40px;">(1) a notary public of the tribe;</p> <p style="padding-left: 40px;">(2) a judge, clerk, or deputy clerk of a court of the tribe; or</p> <p style="padding-left: 40px;">(3) any other individual authorized by the law of the tribe to perform the notarial act.</p> <p>(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.</p> <p>(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the officer to perform the notarial act.</p>	<p><u>§1912. Notarial act under authority of federally recognized Indian tribe</u></p> <p><u>1. Notarial acts under authority of federally recognized Indian tribes recognized.</u> A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this State, if the act performed in the jurisdiction of the tribe is performed by:</p> <p style="padding-left: 40px;"><u>A. A notary public of the tribe;</u></p> <p style="padding-left: 40px;"><u>B. A judge, clerk or deputy clerk of a court of the tribe; or</u></p> <p style="padding-left: 40px;"><u>C. Any other individual authorized by the laws of the tribe to perform the notarial act.</u></p> <p><u>2. Prima facie evidence.</u> The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.</p> <p><u>3. Signature and title conclusive.</u> The signature and title of a notarial officer described in subsection 1, paragraph A or B conclusively establish the authority of the officer to perform the notarial act.</p>	
<p>SECTION 13. NOTARIAL ACT UNDER FEDERAL AUTHORITY.</p> <p>(a) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:</p> <p style="padding-left: 40px;">(1) a judge, clerk, or deputy clerk of a court;</p> <p style="padding-left: 40px;">(2) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;</p> <p style="padding-left: 40px;">(3) an individual</p>	<p><u>§1913. Notarial act under federal authority</u></p> <p><u>1. Notarial act under federal authority recognized.</u> A notarial act performed under federal law has the same effect under the laws of this State as if performed by a notarial officer of this State, if the act performed under federal law is performed by:</p> <p style="padding-left: 40px;"><u>A. A judge, clerk or deputy clerk of a federal court;</u></p> <p style="padding-left: 40px;"><u>B. An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;</u></p>	<p>4 §1011</p> <p>3. Foreign service. An officer of the foreign service of the United States, a consular agent or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;</p> <p>4 §1011</p> <p>4. Officer in Armed Forces. A commissioned officer in active service with the Armed Forces of the United States and any other person authorized by regulation of the Armed Forces to perform notarial acts if the notarial act is performed for one of the following or a dependent of one of the following: A merchant seaman of the</p>

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<p>designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or</p> <p>(4) any other individual authorized by federal law to perform the notarial act.</p> <p>(b) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.</p> <p>(c) The signature and title of an officer described in subsection (a)(1), (2), or (3) conclusively establish the authority of the officer to perform the notarial act.</p>	<p><u>C. An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or</u></p> <p><u>D. Any other individual authorized by federal law to perform the notarial act.</u></p> <p>2. Prima facie evidence. <u>The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.</u></p> <p>3. Signature and title conclusive. <u>The signature and title of an officer described in subsection 1, paragraph A, B or C conclusively establish the authority of the officer to perform the notarial act.</u></p>	<p>United States, a member of the Armed Forces of the United States or any other person serving with or accompanying the Armed Forces of the United States; or</p>
<p>SECTION 14. FOREIGN NOTARIAL ACT.</p> <p>(a) In this section, “foreign state” means a government other than the United States, a state, or a federally recognized Indian tribe.</p> <p>(b) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.</p> <p>(c) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.</p> <p>(d) The signature and official stamp of an individual holding an office described in subsection (c) are prima facie evidence that the signature is genuine and the individual holds the designated title.</p> <p>(e) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.</p> <p>(f) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas</p>	<p>§1914. Foreign notarial act</p> <p>1. Foreign state. <u>As used in this section, "foreign state" means a government other than the United States, a state or a federally recognized Indian tribe.</u></p> <p>2. Foreign notarial acts recognized. <u>If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of a foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the laws of this State as if performed by a notarial officer of this State.</u></p> <p>3. Digest or list conclusive. <u>If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.</u></p> <p>4. Prima facie evidence. <u>The signature and official stamp of an individual holding an office described in subsection 3 are prima facie evidence that the signature is genuine and the individual holds the designated title.</u></p> <p>5. Hague Convention. <u>An apostille in the form prescribed by the Hague Convention of October 5, 1961 and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.</u></p> <p>6. Consular authentication. <u>A consular authentication issued by an individual designated by the United States Department of State as a</u></p>	<p>4 §1012. Authentication of authority of officer</p> <p>1. Proof. If the notarial act is performed by any of the persons described in section 1011, subsections 1 to 4, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of that person's authority is not required.</p> <p>2. Person authorized by foreign country. If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:</p> <p>A. Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;</p> <p>B. The official seal of the person performing the notarial act is affixed to the document; or</p> <p>C. The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.</p> <p>3. Other authorized persons. If the notarial act is performed by a person other than one described in subsections 1 and 2, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to that person's authority to perform the notarial act.</p> <p>4. Signature and title. The signature and title of the person performing the act are prima facie evidence that the person is a person with the designated title and that the signature is genuine.</p>

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<p>and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.</p>	<p><u>notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.</u></p>	
<p>SECTION 14A. NOTARIAL ACT PERFORMED FOR REMOTELY LOCATED INDIVIDUAL.</p> <p>(a) In this section:</p> <p>(1) “Communication technology” means an electronic device or process that:</p> <p style="padding-left: 40px;">(A) allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and</p> <p style="padding-left: 40px;">(B) when necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.</p> <p>(2) “Foreign state” means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.</p> <p>(3) “Identity proofing” means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.</p> <p>(4) “Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.</p> <p>(5) “Remotely located individual” means an individual who is not in the physical presence of the notary public who performs a notarial act under subsection (c).</p> <p>(b) A remotely located individual may comply with Section 6 by using communication technology to appear before a notary public.</p> <p>(c) A notary public located in this state may use communication technology to perform a notarial act for a remotely located individual if:</p>	<p><u>§1915. Notarial act performed for remotely located individual</u></p> <p><u>1. Definitions.</u> As used in this section, the following terms have the following meanings.</p> <p>A. <u>“Communication technology” means an electronic device or process that allows a notarial officer and a remotely located individual to communicate with each other simultaneously by sight and sound. When necessary and consistent with other applicable laws, “communication technology” includes an electronic device or process that facilitates communication with a remotely located individual who has a vision, hearing or speech impairment.</u></p> <p>B. <u>“Foreign state” means a jurisdiction other than the United States, a state or a federally recognized Indian tribe.</u></p> <p>C. <u>“Identity proofing” means a process or service by which a 3rd person provides a notarial officer with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.</u></p> <p>D. <u>“Outside the United States” means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States.</u></p> <p>E. <u>“Remotely located individual” means an individual who is not in the physical presence of the notarial officer who performs a notarial act under subsection 3.</u></p> <p><u>2. Personal appearance by communication technology authorized.</u> Except as provided in subsection 16, a remotely located individual may comply with section 1906 by using communication technology to appear before a notarial officer.</p> <p><u>3. Remote notarization authorized.</u> Except as provided in subsection 16, a notarial officer located in this State may use communication</p>	

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<p>(1) the notary public: (A) has personal knowledge under Section 7(a) of the identity of the remotely located individual;</p> <p>(B) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under Section 7(b) or this section; or</p> <p>(C) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;</p> <p>(2) the notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;</p> <p>(3) the notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act; and</p> <p>(4) for a remotely located individual located outside the United States:</p> <p>(A) the record: (i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or</p> <p>(ii) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and</p> <p>(B) the act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.</p> <p>(d) A notary public located in this state may use communication technology under subsection (c) to take an acknowledgment of a signature on a tangible record physically present before the notary</p>	<p><u>technology to perform a notarial act for a remotely located individual if:</u></p> <p><u>A. The notarial officer:</u></p> <p><u>(1) Has personal knowledge under section 1907, subsection 1 of the identity of the remotely located individual;</u></p> <p><u>(2) Has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notarial officer under section 1907, subsection 2 or this section; or</u></p> <p><u>(3) Has obtained satisfactory evidence of the identity of the remotely located individual by using at least 2 different types of identity proofing;</u></p> <p><u>B. The notarial officer is able reasonably to confirm that a record before the notarial officer is the same record in which the remotely located individual made a statement or on which the individual executed a signature;</u></p> <p><u>C. The notarial officer, or a person acting on behalf of the notarial officer, creates an audiovisual recording of the performance of the notarial act; and</u></p> <p><u>D. For a remotely located individual located outside the United States:</u></p> <p><u>(1) The record:</u></p> <p><u>(a) Is to be filed with or relates to a matter before a public official or court, governmental entity or other entity subject to the jurisdiction of the United States; or</u></p> <p><u>(b) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and</u></p> <p><u>(2) The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.</u></p> <p><u>4. Remote acknowledgement of tangible record.</u> <u>A notarial officer located in this State may use communication technology under subsection 3 to take an acknowledgment of a signature on a tangible record</u></p>	

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<p>public if the record is displayed to and identified by the remotely located individual during the audio-visual recording under subsection (c)(3).]</p> <p style="text-align: center;">[(e) The requirement under subsection (c)(2) for the performance of a notarial act with respect to a tangible record not physically present before the notary public is satisfied if:</p> <p style="padding-left: 40px;">(1) the remotely located individual:</p> <p style="padding-left: 80px;">(A) during the audio-visual recording under subsection (c)(3), signs:</p> <p style="padding-left: 120px;">(i) the record; and</p> <p style="padding-left: 120px;">(ii) a declaration, in substantially the following form, that is part of or securely attached to the record:</p> <p style="padding-left: 40px;">I declare under penalty of perjury that the record of which this declaration is a part or to which it is attached is the same record on which (name of notary public), a notary public, performed a notarial act and before whom I appeared by means of communication technology on (date).</p> <p>_____ Signature of remotely located individual</p> <p>_____ Printed name of remotely located individual; and</p> <p style="padding-left: 40px;">(B) sends the record and declaration to the notary public not later than [three] days after the notarial act was performed; and</p> <p style="padding-left: 80px;">(2) the notary public:</p> <p style="padding-left: 120px;">(A) in the audio-visual recording under subsection (c)(3), records the individual signing the record and declaration; and</p> <p style="padding-left: 120px;">(B) after receipt of the record and declaration from the individual, executes a certificate of notarial act under Section 15, which must include a statement in substantially the following form:</p>	<p><u>physically present before the notarial officer if the record is displayed to and identified by the remotely located individual during the audiovisual recording under subsection 3, paragraph C.</u></p> <p><u>5. Declaration required.</u> <u>The requirement under subsection 3, paragraph B for the performance of a notarial act with respect to a tangible record not physically present before the notarial officer is satisfied if:</u></p> <p><u>A. The remotely located individual:</u></p> <p><u>(1) During the audiovisual recording under subsection 3, paragraph C, signs:</u></p> <p style="padding-left: 20px;"><u>(a) The record; and</u></p> <p style="padding-left: 20px;"><u>(b) A declaration, in substantially the following form, that is part of or securely attached to the record:</u></p> <p style="padding-left: 40px;"><u>I declare under penalty of perjury that the record of which this declaration is a part or to which it is attached is the same record on which (name of notarial officer), a notarial officer, performed a notarial act and before whom I appeared by means of communication technology on (date).</u></p> <p>.....</p> <p>.....</p> <p><u>(Signature of remotely located individual)</u></p> <p>.....</p> <p>.....</p> <p><u>(Printed name of remotely located individual); and</u></p> <p><u>(2) Sends the record and declaration to the notarial officer not later than 4 days after the notarial act was performed; and</u></p> <p><u>B. The notarial officer:</u></p> <p><u>(1) In the audiovisual recording under subsection 3, paragraph C, records the individual signing the record and declaration; and</u></p> <p><u>(2) After receipt of the record and declaration from the individual, executes a certificate of notarial act under section 1916, which must include a statement in substantially the following form:</u></p>	

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<p>I (name of notary public) witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date).</p> <p>(f) A notarial act performed in compliance with subsection (e) complies with Section 15(a)(1) and is effective on the date the remotely located individual signed the declaration under subsection (e)(1)(A)(ii).</p> <p>(g) Subsection (e) does not preclude use of another procedure to satisfy subsection (c)(2) for a notarial act performed with respect to a tangible record.]</p> <p>[(h) A notary public located in this state may use communication technology under subsection (c) to administer an oath or affirmation to a remotely located individual if, except as otherwise provided by other law of this state, the notary public:</p> <p style="padding-left: 40px;">(1) identifies the individual under subsection (c)(1);</p> <p style="padding-left: 40px;">(2) creates or causes the creation under subsection (c)(3) of an audiovisual recording of the individual taking the oath or affirmation; and</p> <p style="padding-left: 40px;">(3) retains or causes the retention under subsection (k) of the recording.]</p> <p>(i) If a notarial act is performed under this section, the certificate of notarial act under Section 15 and the short-form certificate under Section 16 must indicate that the notarial act was performed using communication technology.</p> <p>(j) A short-form certificate under Section 16 for a notarial act subject to this section is sufficient if it:</p> <p style="padding-left: 40px;">(1) complies with rules adopted under subsection (m)(1); or</p> <p style="padding-left: 40px;">(2) is in the form under Section 16 and contains a statement in substantially the following form: This notarial act involved the use of</p>	<p><u>I (name of notarial officer) witnessed, by means of communication technology, (name of remotely located individual) sign the attached record and declaration on (date).</u></p> <p><u>6. Notarial act deemed contemporaneous.</u> A notarial act performed in compliance with subsection 5 complies with section 1916, subsection 1, paragraph A and is effective on the date the remotely located individual signed the declaration under subsection 5, paragraph A, subparagraph (1), division (b).</p> <p><u>7. Other procedures not precluded.</u> Subsection 5 does not preclude use of another procedure to satisfy subsection 3, paragraph B for a notarial act performed with respect to a tangible record.</p> <p><u>8. Remote oaths authorized.</u> A notarial officer located in this State may use communication technology under subsection 3 to administer an oath or affirmation to a remotely located individual if, except as otherwise provided by other laws of this State, the notarial officer:</p> <p style="padding-left: 20px;"><u>A. Identifies the individual under subsection 3, paragraph A;</u></p> <p style="padding-left: 20px;"><u>B. Creates or causes the creation under subsection 3, paragraph C of an audiovisual recording of the individual taking the oath or affirmation; and</u></p> <p style="padding-left: 20px;"><u>C. Retains or causes the retention under subsection 11 of the recording.</u></p> <p><u>9. Certificate must indicate use of communication technology.</u> If a notarial act is performed under this section, the certificate of notarial act under section 1916 and the short form certificate under section 1917 must indicate that the notarial act was performed using communication technology.</p> <p><u>10. Form of short form certificate.</u> A short form certificate under section 1917 for a notarial act subject to this section is sufficient if it:</p> <p style="padding-left: 20px;"><u>A. Complies with rules adopted under subsection 13, paragraph A; or</u></p> <p style="padding-left: 20px;"><u>B. Complies with section 1917 and contains a statement in substantially the following form: This notarial act involved the use of communication technology.</u></p>	

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<p>communication technology.</p> <p>(k) A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio-visual recording created under subsection (c)(3) or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection (m)(4), the recording must be retained for at least [10] years.</p> <p>(l) Before a notary public performs the notary public’s initial notarial act under this section, the notary public must notify the [commissioning officer or agency] that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the [commissioning officer or agency] has established standards under subsection (m) and Section 27 for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards.</p> <p>(m) In addition to adopting rules under Section 27, the [commissioning officer or agency] may adopt rules regarding performance of a notarial act under this section. The rules may:</p> <p>(1) prescribe the means of performing a notarial act involving a remotely located individual using communication technology;</p> <p>(2) establish standards for communication technology and identity proofing;</p> <p>(3) establish requirements or procedures to approve providers of communication technology and the process of identity proofing; [and]</p> <p>(4) establish standards and a period for the retention of an audio-visual recording under subsection (c)(3); and</p> <p>(5) prescribe methods for a notary public to confirm under subsections (d) and (e) the identity of a tangible record].</p> <p>(n) Before adopting, amending, or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the [commissioning officer or agency] must consider:</p>	<p><u>11. Retention of recording.</u> <u>A notarial officer, a guardian, conservator or agent of a notarial officer or a personal representative of a deceased notarial officer shall retain the audiovisual recording created under subsection 3, paragraph C or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection 13, paragraph D, the recording must be retained for at least 10 years.</u></p> <p><u>12. Notice to Secretary of State.</u> <u>Before a notarial officer performs the notarial officer’s initial notarial act under this section, the notarial officer shall notify the Secretary of State that the notarial officer will be performing notarial acts with respect to remotely located individuals and identify the technologies the notarial officer intends to use. If the Secretary of State has established by rule standards under subsection 13 and section 1928 for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards.</u></p> <p><u>13. Rules.</u> <u>In addition to adopting rules under section 1928, the Secretary of State may adopt rules regarding performance of a notarial act under this section. The rules may:</u></p> <p><u>A. Prescribe the means of performing a notarial act involving a remotely located individual using communication technology;</u></p> <p><u>B. Establish standards for communication technology and identity proofing;</u></p> <p><u>C. Establish requirements or procedures to approve providers of communication technology and the process of identity proofing;</u></p> <p><u>D. Establish standards and a period for the retention of an audiovisual recording under subsection 3, paragraph C; and</u></p> <p><u>E. Prescribe methods for a notarial officer to confirm under subsections 4 and 5 the identity of a tangible record.</u></p> <p><u>14. Rulemaking considerations.</u> <u>Before adopting, amending or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the Secretary of State shall consider:</u></p>	

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<p>(1) the most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of the National Association of Secretaries of State;</p> <p>(2) standards, practices, and customs of other jurisdictions that have laws substantially similar to this section; and</p> <p>(3) the views of governmental officials and entities and other interested persons.</p> <p>[o) By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audio-visual recording under subsection (c)(3), the provider of the communication technology, identity proofing, or storage appoints the [commissioning officer or agency] as the provider's agent for service of process in any civil action in this state related to the notarial act.]</p> <p><i>Legislative Note: The optional provisions of subsections (d) through (h) are intended for a state that seeks greater specificity in application of the section. Subsections (e), (f), (g), and (m)(5) should be enacted only together and not individually.</i></p> <p><i>Subsection (o) is an optional subsection. This optional subsection may be adopted by a state if it wishes to provide greater assurance that should a person located in the adopting state be injured by the actions of a remote service provider that person will be able to obtain jurisdiction over the provider in the adopting state.</i></p>	<p><u>A. The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of a national association of secretaries of state;</u></p> <p><u>B. Standards, practices and customs of other jurisdictions that have laws substantially similar to this section; and</u></p> <p><u>C. The views of governmental officials and entities and other interested persons.</u></p> <p>15. Service of process. <u>By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audiovisual recording under subsection 3, paragraph C, the provider of the communication technology, identity proofing or storage appoints the Secretary of State as the provider's agent for service of process in any civil action in this State related to the notarial act. The Secretary of State may specify by rule a reasonable fee for accepting service of process under this subsection.</u></p> <p>16. Certain remote notarial acts prohibited. <u>Notwithstanding any provision of this chapter to the contrary, a notarial officer may not perform the following notarial acts for a remotely located individual:</u></p> <p><u>A. Solemnizing a marriage pursuant to Title 19-A, section 655;</u></p> <p><u>B. Witnessing the marking and sealing of an absentee ballot pursuant to Title 21-A, section 754-A;</u></p> <p><u>C. Administering an oath or affirmation to a candidate for office under Title 21-A, section 336 or 355;</u></p> <p><u>D. Administering an oath or affirmation to the circulator of a candidate petition under Title 21-A, section 335 or 354;</u></p> <p><u>E. Witnessing the signing of an application for a people's veto referendum or the direct initiative of legislation under Title 21-A, section 901; or</u></p> <p><u>F. Administering an oath or affirmation to the circulator of a people's veto referendum or the direct initiative of legislation under Title 21-A, section 902.</u></p>	

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<p>SECTION 15. CERTIFICATE OF NOTARIAL ACT.</p> <p>(a) A notarial act must be evidenced by a certificate. The certificate must:</p> <ul style="list-style-type: none">(1) be executed contemporaneously with the performance of the notarial act;(2) be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the [commissioning officer or agency];(3) identify the jurisdiction in which the notarial act is performed;(4) contain the title of office of the notarial officer; and(5) if the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's commission. <p>(b) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection (a)(2), (3), and (4), an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection (a)(2), (3), and (4), an official stamp may be attached to or logically associated with the certificate.</p> <p>(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) and:</p> <ul style="list-style-type: none">(1) is in a short form set forth in Section 16;(2) is in a form otherwise permitted by the law of this state;(3) is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or(4) sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in Sections 5, 6, and 7 or law of this state other than this [act]. <p>(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in Sections 4, 5, and 6.</p>	<p><u>§1916. Certificate of notarial act</u></p> <p><u>1. Certificate required.</u> A notarial act must be evidenced by a certificate. <u>The certificate must:</u></p> <ul style="list-style-type: none"><u>A. Be executed contemporaneously with the performance of the notarial act;</u><u>B. Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the Secretary of State;</u><u>C. Identify the jurisdiction in which the notarial act is performed;</u><u>D. Contain the title of office of the notarial officer; and</u><u>E. If the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's commission.</u> <p><u>2. Stamp required.</u> If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection 1, paragraphs B, C and D, an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection 1, paragraphs B, C and D, an official stamp may be attached to or logically associated with the certificate.</p> <p><u>3. Sufficiency of certificate.</u> A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and:</p> <ul style="list-style-type: none"><u>A. Is in a short form set forth in section 1917;</u><u>B. Is in a form otherwise permitted by the laws of this State;</u><u>C. Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or</u><u>D. Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 1905, 1906 and 1907 or a law of this State other than this chapter.</u> <p><u>4. Execution of certificate certifies compliance.</u> By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and</p>	
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<p>(e) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.</p> <p>(f) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the [commissioning officer or agency] has established standards pursuant to Section 27 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.</p>	<p><u>made the determinations specified in sections 1904, 1905 and 1906.</u></p> <p><u>5. Notarial act to precede signature.</u> A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.</p> <p><u>6. Certificate to be attached.</u> If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the Secretary of State has established standards by rule pursuant to section 1928 for attaching, affixing or logically associating the certificate, the process must conform to the standards.</p>	
<p>SECTION 16. SHORT FORM CERTIFICATES. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by Section 15(a) and (b):</p> <p>(1) For an acknowledgment in an individual capacity:</p> <p>State of _____</p> <p>_____</p> <p>[County] of _____</p> <p>_____</p> <p>This record was acknowledged before me on _____ by _____</p> <p>Date _____ Name(s) of individual(s) _____</p> <p>_____</p> <p>Signature of notarial officer</p> <p>Stamp [_____]</p> <p>_____</p> <p>Title of office</p> <p>[My commission expires: _____]</p> <p>_____</p> <p>(2) For an acknowledgment in a representative capacity:</p> <p>State of _____</p> <p>_____</p> <p>[County] of _____</p> <p>_____</p> <p>This record was acknowledged before me on _____</p>	<p><u>§1917. Short form certificates</u></p> <p><u>The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 1916, subsections 1 and 2.</u></p> <p><u>1. Individual capacity.</u> For an acknowledgment in an individual capacity:</p> <p>State of _____</p> <p>_____</p> <p>County of _____</p> <p>_____</p> <p>_____</p> <p><u>This record was acknowledged before me on _____ by _____</u></p> <p>_____</p> <p>_____</p> <p>Date _____ Name(s) _____</p> <p>of individual(s) _____</p> <p>_____</p> <p>_____</p> <p>Signature of notarial officer</p> <p>Stamp [_____]</p> <p>_____</p> <p>Title of office</p> <p>[My commission expires: _____]</p> <p>_____</p> <p><u>2. Representative capacity.</u> For an acknowledgment in a representative capacity:</p> <p>State of _____</p> <p>_____</p> <p>County of _____</p> <p>_____</p> <p>_____</p>	<p>4 §1016. Short forms of acknowledgment</p> <p>The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this State. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.</p> <p>1. Individual. For an individual acting in that individual's own right:</p> <p>State of _____</p> <p>_____</p> <p>County of _____</p> <p>_____</p> <p>The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).</p> <p>_____</p> <p>(Si (Ti (Se</p> <p>2. Corporation. For a corporation:</p> <p>State of _____</p> <p>_____</p> <p>County of _____</p> <p>_____</p> <p>The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation)</p>

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<p>_____ by _____ Date Name(s) of individual(s) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).</p> <p>_____ Signature of notarial officer Stamp [_____] Title of office [My commission expires: _____]</p> <p>(3) For a verification on oath or affirmation: State of _____ [County] of _____ -</p> <p>Signed and sworn to (or affirmed) before me on _____ by _____ Date Name(s) of individual(s)</p> <p>making statement</p> <p>_____ Signature of notarial officer Stamp [_____] Title of office [My commission expires: _____]</p> <p>(4) For witnessing or attesting a signature: State of _____ [County] of _____ -</p> <p>Signed [or attested] before me on _____ by _____ Date Name(s) of individual(s)</p> <p>_____ Signature of notarial officer Stamp [_____]</p>	<p><u>This record was acknowledged before me on by</u></p> <p align="center"><u>Date</u> <u>Name(s) of individual(s)</u> <u>as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).</u></p> <p align="center"><u>Signature of notarial officer</u> <u>Stamp</u> [.....]] <u>Title of office</u> [My commission expires:]</p> <p>3. Oath or affirmation. For a verification on oath or affirmation: State of _____ <u>County of</u></p> <p><u>Signed and sworn to (or affirmed) before me on by</u></p> <p align="center"><u>Date</u> <u>Name(s) of individual(s)</u></p> <p><u>making statement</u></p> <p align="center"><u>Signature of notarial officer</u> <u>Stamp</u> [.....]] <u>Title of office</u> [My commission expires:]</p> <p>4. Signature. For witnessing or attesting a signature: State of _____ <u>County of</u></p> <p>.....</p> <p><u>Signed [or attested] before me on by</u></p> <p align="center"><u>Date</u> <u>Name(s) of individual(s)</u></p>	<p>corporation, on behalf of the corporation.</p> <p align="right">(Si (Ti (Se</p> <p>3. Partnership. For a partnership: State of _____ _____ County of _____ _____</p> <p>The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.</p> <p align="right">(Si (Ti (Se</p> <p>4. Principal. For an individual acting as principal by an attorney in fact: State of _____ _____ County of _____ _____</p> <p>The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).</p> <p align="right">(Si (Ti (Se</p> <p>5. Public officer. By any public officer, trustee or personal representative: State of _____ _____ County of _____ _____</p> <p>The foregoing instrument was acknowledged before me this (date) by (name and title of position).</p> <p align="right">(Si (Ti (Se</p>

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<p align="center">Title of office [My commission expires: _____]</p> <p align="center">(5) For certifying a copy of a record: State of _____ [County] of _____</p> <p>I certify that this is a true and correct copy of a record in the possession of _____.</p> <p>Dated _____</p> <p align="center">Signature of notarial officer Stamp [_____] Title of office [My commission expires: _____]</p>	<p align="center"><u>Signature of notarial officer</u> <u>Stamp</u> [.....]]</p> <p align="center"><u>Title of office</u> <u>[My commission expires:</u> <u>.....]</u></p> <p>5. Copy of a record. For certifying a copy of a record: <u>State of</u>] <u>County of</u>] <u>I certify that this is a true and correct copy of a record in the possession of</u> <u>of</u>] <u>Dated</u>] <u>Signature of notarial officer</u> <u>Stamp</u> [.....]]</p> <p align="center"><u>Title of office</u> <u>[My commission expires:</u> <u>.....]</u></p>	
<p>SECTION 17. OFFICIAL STAMP. The official stamp of a notary public must:</p> <p>(1) include the notary public's name, jurisdiction, [commission expiration date,] and other information required by the [commissioning officer or agency]; and</p> <p>(2) be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.</p> <p><i>Legislative Note: Among the elements of a notary public's official stamp, paragraph (1) includes the expiration date of the notary public's commission. Under the current law of some states, notary public commissions do not have an expiration date. A legislature may wish to continue the practice of issuing notary public commissions without expiration dates (see Section 21(e)). In addition, the current practice in some states is not to require that the expiration date be included as one of the elements of the official stamp, but rather to allow it to be inserted by means of another stamp or by hand. A legislature may wish to continue that practice. Therefore, the provision in paragraph (1) requiring the official stamp to include the expiration date of the commission is optional.</i></p>	<p>§1918. Official stamp <u>The official stamp of a notary public must:</u></p> <p>1. Information included. <u>Include the notary public's name, jurisdiction, commission expiration date and other information required by the Secretary of State; and</u></p> <p>2. Capable of being copied. <u>Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.</u></p>	<p>4 §951. Seal; authority to administer oaths</p> <p>A notary public may keep a seal of office, engraved with the notary public's name exactly as it appears on the notary public's commission, and the words "Notary Public" and "Maine" or its abbreviation "Me.," with the arms of state or such other device as the notary public chooses. When a notary public who has obtained a seal of office resigns, or the notary public's commission is revoked or expires, the notary public or heirs shall destroy the official seal or send it to the Secretary of State for destruction. When authorized by the laws of this State or of any other state or country to do any official act, the notary public may administer any oath necessary to the completion or validity of the act.</p>
<p>SECTION 18. STAMPING DEVICE.</p> <p>(a) A notary public is responsible for the security of the notary public's</p>	<p>§1919. Stamping device 1. Notary public's responsibility. <u>A notary public is responsible for the security of the notary public's stamping</u></p>	

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<p>stamping device and may not allow another individual to use the device to perform a notarial act. [On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, if any, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.]</p> <p>(b) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the commissioning officer or agency on discovering that the device is lost or stolen.</p> <p><i>Legislative Note: The second sentence of subsection (a) require a notary public to render the notary's stamping device unusable upon the resignation, revocation, or resignation of the notary's commission. Similarly, the third sentence requires that upon the death or adjudication of incompetency of a notary public, the notary's personal representative or guardian, if knowingly in possession of the stamping device, must render it unusable.</i></p> <p><i>These two sentences are provided for states that consider that it is important to render a former notary public's stamping device unusable. However, the enactment of these two sentences is not essential for the uniformity of the act. They are bracketed to show that they are optional.</i></p>	<p><u>device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission or on the expiration of the date set forth in the stamping device, if any, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable.</u></p> <p><u>2. Lost or stolen stamping device.</u></p> <p><u>If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall promptly notify the Secretary of State on discovering that the device is lost or stolen.</u></p>	

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<p>[SECTION 19. JOURNAL.</p> <p>(a) A notary public [other than an individual licensed to practice law in this state] shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.</p> <p>(b) A journal may be created on a tangible medium or in an electronic format. A notary public shall maintain only one journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or 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 [commissioning officer or agency].</p> <p>(c) An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:</p> <ul style="list-style-type: none"> (1) the date and time of the notarial act; (2) a description of the record, if any, and type of notarial act; (3) the full name and address of each individual for whom the notarial act is performed; (4) if identity of the individual is based on personal knowledge, a statement to that effect; (5) 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 date of issuance and expiration of any identification credential; and (6) the fee, if any, charged by the notary public. <p>(d) If a notary public’s journal is lost or stolen, the notary public promptly shall notify the [commissioning officer or agency] on discovering that the journal is lost or stolen.</p> <p>(e) On resignation from, or the revocation or suspension of, a notary public’s commission, the notary public shall retain the notary public’s journal in accordance with subsection (a) and inform the [commissioning officer or agency] where the journal is located.</p>	<p><u>§1920. Journal</u></p> <p><u>1. Journal required.</u> A notarial officer other than an attorney-at-law duly admitted and eligible to practice in the courts of this State shall maintain a journal in which the officer chronicles all notarial acts that the officer performs. The officer shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.</p> <p><u>2. Tangible medium or electronic format permitted.</u> A journal 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, whether those notarial acts are performed regarding tangible or 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.</p> <p><u>3. Requirements.</u> An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:</p> <ul style="list-style-type: none"> <u>A. The date and time of the notarial act;</u> <u>B. A description of the record, if any, and type of notarial act;</u> <u>C. The full name and address of each individual for whom the notarial act is performed;</u> <u>D. If identity of the individual is based on personal knowledge, a statement to that effect;</u> <u>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</u> <u>F. The fee, if any, charged by the notarial officer.</u> <p><u>4. Lost or stolen journal.</u> 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.</p> <p><u>5. Retention.</u> 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</p>	<p>4 §955-B. Maintenance of records</p> <p>The Secretary of State shall recommend that every notary public keep and maintain records of all notarial acts performed. 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.</p>
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<p>(f) Instead of retaining a journal as provided in subsections (a) and (e), a current or former notary public may transmit the journal to the [commissioning officer or agency] [the official archivist of this state] or a repository approved by the [commissioning officer or agency].</p> <p>(g) 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 [commissioning officer or agency] [the official archivist of this state] or a repository approved by the [commissioning officer or agency].]</p> <p><i>Legislative Note: This section is provided for states that consider it to be good policy for notaries public to maintain journals of the notarial acts that they perform. However, the enactment of this section is not essential for the uniformity of the act. It is bracketed to show that it is optional.</i></p> <p><i>Subsection (a) contains further optional provision. The optional provision requires attorneys who obtain commissions as notaries public to maintain journals. However, by custom and professional practice, attorneys often retain copies of documents upon which they perform notarial acts for their clients. The retention of those copies generally provides the same assurances for the integrity of the notarial system that this provision is designed to accomplish. This subsection is provided for states that consider it to be good policy for notaries to maintain journals. However, the enactment of this provision is not essential for the uniformity of the act. It is bracketed to show that it is optional.</i></p> <p><i>There are two additional considerations that were not adopted as part of this uniform act but which a state legislature might wish to consider with regard to the journal requirement. Subsection (b) requires that a notary public maintain only one journal at a time. Subsection (c) requires that a notary public make the entries into the journal at the time that a notarial act is performed. This may create a difficulty for a notary public who performs notarial acts with respect to electronic records and also performs notarial acts on tangible records. If a notary maintains an electronic journal (especially if the technology the notary uses automatically performs electronic journaling), the notary will have difficulty journaling a notarial act performed on a tangible record if the notary is away from the computer containing the electronic journal. For example, if a notary's electronic journal were installed on a desktop computer maintained in the notary's office and the notary were asked to perform a notarial act on a tangible record at an individual's bedside in a hospital, the notary might not be able to enter the notarial act into the electronic journal at the time the notary performs the notarial act. Under this section, as written, a</i></p>	<p><u>Secretary of State where the journal is located.</u></p> <p><u>6. Alternative to retention.</u> <u>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.</u></p> <p><u>7. Death or incompetency of notary public.</u> <u>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.</u></p>	<p>4 §956. Resignation or removal; deposit of records</p> <p>The Secretary of State shall recommend that, on the resignation or removal from office of any notary public, the notary's records be transferred to the custody of the State Archivist.</p>

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<p><i>notary would either have to maintain a journal on a tangible record or would have to install the journaling software on a portable computer. As another alternative, an adopting legislature may wish to allow a notary public to maintain a portable journal on a tangible record in addition to the regular electronic journal (see Or. Rev. Stat. §194.152(1) (2010)).</i></p> <p><i>Another alternative that a legislature might wish to consider is adding a provision to subsection (c) requiring an individual for whom a notary public performs a notarial act to sign the journal. This would assure that the entry in the journal is made at the time of the performance of a notarial act and that the individual has reviewed the entry made by the notary public (see Cal. Govt. Code §8206(a)(2)(C) (2010)).</i></p>		
		<p>4 §957. Injury or concealment of records</p> <p>Whoever knowingly destroys, defaces or conceals such record forfeits not less than \$200 nor more than \$1,000, and is liable for damages to any person injured in a civil action.</p>
		<p>4 §958. Fees for protest and appropriation of penalties</p> <p>For each protest of a bill or note, notifying parties, making a certificate thereof in due form and recording the proceedings, a notary public must receive \$1.50. All penalties provided in section 957 accrue 1/2 to the State and 1/2 to the prosecutor.</p>
<p>SECTION 20. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD; SELECTION OF TECHNOLOGY; ACCEPTANCE OF TANGIBLE COPY OF ELECTRONIC RECORD.</p> <p>(a) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.</p> <p>(b) Before a notary public performs the notary public’s initial notarial act with respect to an electronic record, a notary public shall notify the [commissioning officer or agency] that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the [commissioning officer or agency] has established standards for approval of technology pursuant to Section 27, the technology must conform to the standards. If the technology conforms to the standards, the [commissioning officer or agency] shall</p>	<p><u>§1921. Notification regarding performance of notarial act on electronic record; selection of technology; acceptance of tangible copy of electronic record</u></p> <p><u>1. Selection of technology.</u> <u>A notarial officer may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notarial officer to perform a notarial act with respect to an electronic record with a technology that the notarial officer has not selected.</u></p> <p><u>2. Notification to Secretary of State.</u> <u>Before a notarial officer performs the notarial officer's initial notarial act with respect to an electronic record, the notarial officer shall notify the Secretary of State that the notarial officer will be performing notarial acts with respect to electronic records and identify the technology the notarial officer intends to use. If the Secretary of State has established by rule standards for approval of technology pursuant to section 1928, the technology must conform to the rules. The Secretary of State shall determine</u></p>	

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<p>approve the use of the technology.</p> <p>(c) A [recorder] may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.</p>	<p><u>whether the technology proposed by the notarial officer is approved for use in this State.</u></p> <p>3. Tangible copy of electronic record. <u>A register of deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.</u></p>	
<p>SECTION 21. COMMISSION AS NOTARY PUBLIC; QUALIFICATIONS; NO IMMUNITY OR BENEFIT.</p> <p>(a) An individual qualified under subsection (b) may apply to the [commissioning officer or agency] for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the [commissioning officer or agency] and pay any application fee.</p> <p>(b) An applicant for a commission as a notary public must:</p> <p>(1) be at least 18 years of age;</p> <p>(2) be a citizen or permanent legal resident of the United States;</p> <p>(3) be a resident of or have a place of employment or practice in this state;</p> <p>(4) be able to read and write [English]; [and]</p> <p>(5) not be disqualified to receive a commission under Section 23[; and</p> <p>(6) have passed the examination required under Section 22(a)].</p> <p>(c) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the [commissioning officer or agency].</p>	<p>§1922. Notary public commission; qualifications; no immunity or benefit</p> <p>1. Application. <u>An individual qualified under subsection 2 may apply to the Secretary of State for a notary public commission. The applicant shall comply with and provide the information required by rules established by the Secretary of State and pay any application fee.</u></p> <p>2. Qualifications. <u>An applicant for a notary public commission must:</u></p> <p><u>A. Be at least 18 years of age;</u></p> <p><u>B. Be a resident of or have a place of employment or practice in this State;</u></p> <p><u>C. Be able to read and write English;</u></p> <p><u>D. Not be disqualified to receive a commission under section 1924; and</u></p> <p><u>E. Have passed the examination required under section 1923, subsection 1.</u></p> <p>3. Oath required. <u>Before issuance of a notary public commission, an applicant for the commission shall take and subscribe the following oath or affirmation before a dedimus justice: "I, (name), do swear that I will support the United States Constitution and the Constitution of Maine, so help me God. I, (name), do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as a notary public according to the Constitution of Maine and the laws of this State, so help me God."</u></p> <p><u>When a person is conscientiously scrupulous of taking an oath, the word "affirm" may be substituted for the word "swear" and the words "this I do under penalty of perjury" may be substituted for the words "so help me God."</u></p>	<p>§82. Appointment of notaries public; term of appointment; additional requirements for resident of adjoining state; term renewal of commissions</p> <p>3-A. Oath. A newly appointed notary public shall take and subscribe the following oath or affirmation before a dedimus justice:</p> <p>"I, (name), do swear that I will support the Constitution of the United States and of this State, so help me God."</p> <p>"I, (name), do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as a Notary Public according to the Constitution of Maine and laws of this State, so help me God."</p> <p>When a person is conscientiously scrupulous of taking an oath, the word "affirm" may be substituted for the word "swear" and the words "this I do under penalty of perjury" may be substituted for the words "so help me God."</p>

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<p>(d) [Not more than [30] days after] [Before] issuance of a commission as a notary public, the [notary public][applicant for a commission] shall submit to the [commissioning officer or agency] an assurance in the form of a surety bond or its functional equivalent in the amount of \$[_____]. The assurance must be issued by a surety or other entity licensed or authorized to do business in this state. The assurance must cover acts performed during the term of the notary public’s commission and must be in the form prescribed by the [commissioning officer or agency]. If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give [30]-days notice to the [commissioning officer or agency] before canceling the assurance. The surety or issuing entity shall notify the [commissioning officer or agency] not later than [30] days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the [commissioning officer or agency].]</p> <p>(e) On compliance with this section, the [commissioning officer or agency] shall issue a commission as a notary public to an applicant [for a term of [] years].</p> <p>(f) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.</p> <p><i>Legislative Note: Subsection (d) requires that a notary public provide a surety bond or its functional equivalent. It is provided for states that consider it to be good policy for a notary public to post an assurance in the form of surety bond or its functional equivalent. However, the enactment of this subsection is not essential for the uniformity of the act. It is bracketed to show that it is optional.</i></p> <p><i>The qualifications that an individual must meet for the issuance of a commission as a notary public under various state statutes are quite varied. The requirements listed in subsection (b) are common although not uniform among the states. They should be considered to be the minimal requirements for an individual to be entitled to the issuance of a commission as a notary public. Adopting states may add other provisions.</i></p>	<p>4. Commission issued. <u>The Secretary of State shall issue to an applicant who has complied with this section a notary public commission valid for a term of 4 years.</u></p> <p>5. No immunity or benefit. <u>A commission issued under subsection 4 authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by the laws of this State on public officials or employees.</u></p>	
<p>[SECTION 22. EXAMINATION OF NOTARY PUBLIC.</p> <p>(a) An applicant for a commission as a notary public who does not hold a commission in this state must pass an examination administered by the [commissioning officer or agency] or an entity approved by the [commissioning officer or</p>	<p><u>§1923. Examination of notary public</u></p> <p><u>1. Examination required.</u> <u>An applicant for a notary public commission who does not currently hold a commission in this State must pass an examination administered by the Secretary of State or an entity approved by the Secretary of State. The</u></p>	

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<p>agency]. The examination must be based on the course of study described in subsection (b).</p> <p>(b) The [commissioning officer or agency] or an entity approved by the [commissioning officer or agency] shall offer regularly a course of study to applicants who do not hold commissions as notaries public in this state. The course must cover the laws, rules, procedures, and ethics relevant to notarial acts.]</p> <p><i>Legislative Note: This section requires an applicant for a commission as a notary public to pass an examination based on a course of study regarding the laws, rules, procedures, and ethics relevant to notarial acts. It is provided for states that consider it a good policy that an applicant for a commission as notary public be required to pass an examination based on such a course of study. However, the enactment of this provision is not essential for the uniformity of the act. It is bracketed to show that it is optional.</i></p>	<p><u>examination must be based on the course of study described in subsection 2.</u></p> <p>2. Course of study. <u>The Secretary of State or an entity approved by the Secretary of State shall offer regularly a course of study to applicants for notary public commissions in this State. The course must cover the laws, rules, procedures and ethics relevant to notarial acts.</u></p>	
<p>SECTION 23. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR CONDITION COMMISSION OF NOTARY PUBLIC.</p> <p>(a) The [commissioning officer or agency] may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:</p> <p>(1) failure to comply with this [act];</p> <p>(2) a fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the [commissioning officer or agency];</p> <p>(3) a conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit;</p> <p>(4) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;</p> <p>(5) failure by the notary public to discharge any duty required of a notary public, whether by this [act], rules of the [commissioning officer or agency], or any federal or state law;</p> <p>(6) use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary</p>	<p><u>§1924. Grounds to deny, refuse to renew, revoke, suspend or condition commission of notary public</u></p> <p>1. Grounds. <u>The Secretary of State may deny, refuse to renew, revoke, suspend or impose a condition on a notary public commission for any act or omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:</u></p> <p><u>A. Failure to comply with this chapter;</u></p> <p><u>B. A fraudulent, dishonest or deceitful statement or omission in the application for a notary public commission submitted to the Secretary of State;</u></p> <p><u>C. A conviction of the applicant or notary public of any crime punishable by one year or more imprisonment or a crime involving fraud, dishonesty or deceit;</u></p> <p><u>D. A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit;</u></p> <p><u>E. Failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the Secretary of State or any federal or state law;</u></p> <p><u>F. Use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right or</u></p>	<p>4 §955-C. Disciplinary action; grounds; procedure; complaints</p> <p>1. Grounds. The Secretary of State may suspend, revoke or refuse to renew the commission of a notary public in the State. The Secretary of State's actions may be based on any of the following grounds:</p> <p>A. The notary public has performed in an improper manner any duty imposed upon the notary public by law;</p> <p>B. The notary public has performed acts not authorized by law;</p> <p>C. The notary public is in violation of section 954-A or section 960;</p> <p>D. The notary public has been convicted of a crime as defined by rules adopted by the Secretary of State. These rules must provide that a conviction for perjury, false swearing, bribery, corrupt practices or forgery or related offenses may be a basis for the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; or</p> <p>E. The notary public has allowed another person to use that notary public's commission.</p>

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<p>does not have;</p> <p>(7) violation by the notary public of a rule of the [commissioning officer or agency] regarding a notary public; [or]</p> <p>(8) denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state; or]</p> <p>[9) failure of the notary public to maintain an assurance as provided in Section 21(d); or]</p> <p>(10) insert other state specific provisions or reference to other state statutes].</p> <p>(b) If the [commissioning officer or agency] denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with [this state’s administrative procedure act].</p> <p>(c) The authority of the [commissioning officer or agency] to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.</p> <p><i>Legislative Note: Subsection (a)(10) is an optional provision and allows the state either to insert other specific grounds for the denial, refusal to renew, revocation, suspension, or imposition of a condition on a commission as a notary public or to insert references to specific statutes elsewhere in the law of this state providing those grounds. It is bracketed to show that it is optional.</i></p>	<p><u>privilege that the notary public does not have;</u></p> <p><u>G. Violation by the notary public of a rule of the Secretary of State regarding a notary public;</u></p> <p><u>H. Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state; or</u></p> <p><u>I. Violation of Title 21-A, section 903-E.</u></p> <p><u>2. Right to hearing. If the Secretary of State denies, refuses to renew, revokes, suspends or imposes conditions on a notary public commission, the applicant or notary public is entitled to timely notice and hearing in accordance with Title 5, chapter 375, subchapter 4.</u></p> <p><u>3. Remedies preserved. The authority of the Secretary of State to deny, refuse to renew, suspend, revoke or impose conditions on a notary public commission does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.</u></p>	<p>2. Procedure. A notary public commission may not be suspended, revoked or refused for renewal for the reasons set forth in subsection 1 without prior written notice and opportunity for hearing. A notary public commission may not be suspended, revoked or refused for renewal under this section except by a decision by the Secretary of State or the Secretary of State’s designee.</p> <p>3. Complaints. Any person may file a complaint with the Secretary of State seeking disciplinary action against a notary public. Complaints must be in writing in a form prescribed by the Secretary of State. The Secretary of State may also bring a complaint against a notary public if the Secretary of State determines that the notary public may have violated the provisions of subsection 1. If the Secretary of State determines that a complaint alleges facts that, if true, would require revocation, suspension or nonrenewal of commission or other disciplinary action, the Secretary of State shall conduct a hearing pursuant to the Maine Administrative Procedure Act. Whenever the Secretary of State establishes that a complaint does not state facts that warrant a hearing, the complaint may be dismissed. Persons making complaints must be advised in writing of all formal decisions made by the Secretary of State regarding that complaint. Any person whose notary public commission has been suspended, revoked or refused for renewal may apply to the Secretary of State in writing for the reinstatement of the notary public commission or as set by rule for convictions pursuant to subsection 1, paragraph D at a time specified in the decision of the Secretary of State, and, in the case of revocation, any person may apply for a new commission one year from the date of the Secretary of State’s original action.</p>
<p>SECTION 24. DATABASE OF NOTARIES PUBLIC. The [commissioning officer or agency] shall maintain an electronic database of notaries public:</p> <p>(1) through which a person may verify the authority of a notary public to perform notarial acts; and</p> <p>(2) which indicates whether a notary public has notified the [commissioning officer or agency] that the notary public will be performing notarial acts on electronic records.</p>	<p><u>§1925. Database of notaries public</u></p> <p><u>The Secretary of State shall maintain an electronic database of notaries public:</u></p> <p><u>1. Verification. Through which a person may verify the authority of a notary public to perform notarial acts; and</u></p> <p><u>2. Electronic records. That indicates whether a notary public has notified the Secretary of State that the notary public will be performing notarial acts on electronic records.</u></p>	

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<p>SECTION 25. PROHIBITED ACTS.</p> <p>(a) A commission as a notary public does not authorize an individual to:</p> <p style="padding-left: 20px;">(1) assist persons in drafting legal records, give legal advice, or otherwise practice law;</p> <p style="padding-left: 20px;">(2) act as an immigration consultant or an expert on immigration matters;</p> <p style="padding-left: 20px;">(3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or</p> <p style="padding-left: 20px;">(4) receive compensation for performing any of the activities listed in this subsection.</p> <p>(b) A notary public may not engage in false or deceptive advertising.</p>	<p><u>§1926. Prohibited acts</u></p> <p><u>1. Acts not authorized.</u> A notary public commission does not authorize an individual to:</p> <p style="padding-left: 20px;"><u>A. Assist persons in drafting legal records, give legal advice or otherwise practice law;</u></p> <p style="padding-left: 20px;"><u>B. Act as an immigration consultant or an expert on immigration matters;</u></p> <p style="padding-left: 20px;"><u>C. Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or</u></p> <p style="padding-left: 20px;"><u>D. Receive compensation for performing any of the activities listed in this subsection.</u></p> <p><u>2. False or deceptive advertising prohibited.</u> A notary public may not engage in false or deceptive advertising.</p>	
		<p>4 §960. Advertisement of services</p> <p>1. Advertisement defined. For purposes of this section, "advertisement" means material designed to promote a product or service offered by a person that is engaged in offering such products or services for profit. "Advertisement" includes business cards, brochures and notices.</p>
<p>(c) A notary public, other than an attorney licensed to practice law in this state, may not use the term "notario" or "notario publico".</p>	<p>3. Restricted terms. A notary public who is <u>not an attorney licensed to practice law in this State may not use the term "notario" or "notario publico."</u></p> <p style="background-color: yellow; display: inline-block;">*(change to "may not use the title . . .")*</p>	<p>4 §960</p> <p>3. Prohibition. An advertisement for notary services may not include a literal translation of the phrase "Notary Public" into any language other than English if the literal translation implies that the notary public is an attorney licensed to practice in the State or in any jurisdiction of the United States. For purposes of this subsection, "literal translation" means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language that is being translated.</p>
<p>(d) A notary public, other than an attorney licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, the notary public shall include the following statement, or an alternate statement authorized or required by the [commissioning officer or agency], in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed</p>	<p>4. Advertising requirements. <u>A notary public who is not an attorney licensed to practice law in this State may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this State in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the Internet, the notary public shall include the following statement, or an alternate statement authorized or required by the Secretary of State, in the advertisement or representation, prominently and in each language used in the advertisement or</u></p>	<p>4 §960</p> <p>2. Notice; requirements. A notary public who is not an attorney admitted to and in good standing before the bar of the State and who advertises notary services in a language other than English must include in the advertisement a notice that includes:</p> <p style="padding-left: 20px;">A. Information on the fees that the notary may charge; and</p> <p style="padding-left: 20px;">B. The following statement: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN MAINE AND MAY NOT GIVE LEGAL ADVICE ABOUT IMMIGRATION OR ANY OTHER LEGAL MATTER OR ACCEPT FEES FOR LEGAL ADVICE."</p>

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<p>to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities". If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.</p> <p>(e) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.</p>	<p><u>representation: "I am not an attorney licensed to practice law in this State. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities."</u> If the form of advertisement or representation is not broadcast media, print media or the Internet and does not permit inclusion of the statement required by this subsection because of size, the statement must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.</p> <p><u>5. Access to original records.</u> <u>Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person who seeks performance of a notarial act by the notary public.</u></p>	<p>The notice must be in both English and in the language of the advertisement and in letters of a conspicuous size. If the advertisement is by radio, television or any other audio medium, the statement may be modified, but must include substantially the same message.</p>
	<p><u>6. Civil violation.</u> Any violation of this section constitutes a civil violation for which a fine of not more than \$5,000 may be adjudged.</p>	<p><u>4. Civil violation.</u> Any violation of this section constitutes a civil violation for which a fine of not more than \$5,000 may be adjudged.</p>
	<p><u>7. Civil action.</u> In addition to any other remedy that may be available, a person who is aggrieved by a violation of this section may initiate a civil action in the Superior Court against the violator for injunctive relief or damages or both. If a court finds a violation of this section, the court may award to the person:</p> <p>A. An amount equal to actual damages sustained by the person as a result of the violation;</p> <p>B. An amount equal to 3 times the actual damages; and</p> <p>C. The costs of the action together with reasonable attorney's fees as determined by the court.</p>	<p><u>5. Civil action.</u> In addition to any other remedy that may be available, a customer who is aggrieved by a violation of this section may initiate a civil action in the Superior Court against the violator for injunctive relief or damages or both. If a court finds a violation of this section, the court may award to the customer:</p> <p>A. An amount equal to actual damages sustained by the customer as a result of the violation;</p> <p>B. An amount equal to 3 times the actual damages; and</p> <p>C. The costs of the action together with reasonable attorney's fees as determined by the court.</p>
	<p><u>8. Attorney General action.</u> If the Attorney General has reason to believe that a person in the State has engaged in or is engaging in activities that violate this section, the Attorney General may initiate an action in the Superior Court to enforce this section.</p>	<p><u>6. Attorney General action.</u> Whenever the Attorney General has reason to believe that a person in the State has engaged in or is engaging in activities that violate this section, the Attorney General may initiate an action in the Superior Court to enforce this section.</p>
<p>SECTION 26. VALIDITY OF NOTARIAL ACTS. Except as otherwise provided in subsection 4(b), the failure of a notarial officer to perform a duty or meet a requirement specified in this [act] does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this [act] does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this [act] or law of</p>	<p><u>§1927. Validity of notarial acts</u> <u>Except as otherwise provided in section 1904, subsection 6, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other</u></p>	

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<p>the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.</p>	<p><u>remedies based on the laws of this State other than this chapter or the laws of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts. This section does not limit the authority of the Secretary of State to reject candidate or initiative or referendum petitions under Title 21-A on the basis of improper notarizations.</u></p>	
<p>SECTION 27. RULES.</p> <p>(a) The [commissioning officer or agency] may adopt rules to implement this [act]. Rules adopted regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules may:</p> <p style="padding-left: 40px;">(1) prescribe the manner of performing notarial acts regarding tangible and electronic records;</p> <p style="padding-left: 40px;">(2) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;</p> <p style="padding-left: 40px;">(3) include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;</p> <p style="padding-left: 40px;">(4) prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public; [and]</p> <p style="padding-left: 40px;">(5) include provisions to prevent fraud or mistake in the performance of notarial acts; [and]</p> <p style="padding-left: 40px;">[(6) establish the process for approving and accepting surety bonds and other forms of assurance under Section 21(d)]; and]</p> <p style="padding-left: 40px;">[(7) provide for the administration of the examination under Section 22(a) and the course of study under Section 22(b)].</p> <p>(b) In adopting, amending, or repealing rules about notarial acts with respect to electronic records, the [commissioning officer or agency] shall consider, so far as is consistent with this [act]:</p> <p style="padding-left: 40px;">(1) the most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State;</p>	<p><u>§1928. Rules</u></p> <p><u>1. Rules.</u> The Secretary of State may adopt rules to implement this chapter. Rules adopted regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules may:</p> <p style="padding-left: 40px;"><u>A. Prescribe the manner of performing notarial acts regarding tangible and electronic records;</u></p> <p style="padding-left: 40px;"><u>B. Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;</u></p> <p style="padding-left: 40px;"><u>C. Include provisions to ensure integrity in the creation, transmittal, storage and authentication of electronic records or signatures;</u></p> <p style="padding-left: 40px;"><u>D. Prescribe the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the trustworthiness of an individual holding a notary public commission;</u></p> <p style="padding-left: 40px;"><u>E. Include provisions to prevent fraud or mistake in the performance of notarial acts; and</u></p> <p style="padding-left: 40px;"><u>F. Provide for the administration of the examination under section 1923, subsection 1 and the course of study under section 1923, subsection 2.</u></p> <p><u>2. Rulemaking considerations.</u> In adopting, amending or repealing rules about notarial acts with respect to electronic records, the Secretary of State shall consider, so far as is consistent with this chapter:</p> <p style="padding-left: 40px;"><u>A. The most recent standards regarding electronic records promulgated by national bodies, such as a national association of secretaries of state;</u></p>	

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<p>(2) standards, practices, and customs of other jurisdictions that substantially enact this [act]; and</p> <p>(3) the views of governmental officials and entities and other interested persons.</p>	<p><u>B. Standards, practices and customs of other jurisdictions that enact provisions substantially similar to this chapter; and</u></p> <p><u>C. The views of governmental officials and entities and other interested persons.</u></p>	
<p>SECTION 28. NOTARY PUBLIC COMMISSION IN EFFECT. A commission as a notary public in effect on [the effective date of this [act]] continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after [the effective date of this [act]] is subject to and shall comply with this [act]. A notary public, in performing notarial acts after [the effective date of this [act]], shall comply with this [act].</p>	<p><u>§1929. Notary public commission in effect</u></p> <p><u>A notary public commission in effect on July 1, 2023 continues until its date of expiration. A notary public who applies to renew a notary public commission on or after July 1, 2023 is subject to and shall comply with this chapter. A notary public, in performing notarial acts after July 1, 2023, shall comply with this chapter.</u></p>	
<p>SECTION 29. SAVINGS CLAUSE. This [act] does not affect the validity or effect of a notarial act performed before [the effective date of this [act]].</p>	<p><u>§1930. Savings clause</u></p> <p><u>This chapter does not affect the validity or effect of a notarial act performed before July 1, 2023.</u></p>	<p>4 §1017. Acknowledgments not affected by this Act</p> <p>A notarial act performed prior to October 1, 1969 is not affected by this Act. This Act provides an additional method of proving notarial acts. Nothing in this Act diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this State.</p>
<p>SECTION 30. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.</p>	<p><u>§1931. Uniformity of application and construction</u></p> <p><u>In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.</u></p>	<p>4 §1018. Uniformity of interpretation</p> <p>This Act shall be so interpreted as to make uniform the laws of those states which enact it.</p>
<p>SECTION 31. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This [act] modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).</p>	<p><u>§1932. Relation to federal Electronic Signatures in Global and National Commerce Act</u></p> <p><u>This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 United States Code, Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 United States Code, Section 7003(b).</u></p>	
<p>SECTION 32. REPEALS. The following are repealed:</p> <p>(1) [The Uniform Acknowledgment Act (As Amended)].</p> <p>(2) [The Uniform Recognition of Acknowledgments Act].</p> <p>(3) [The Uniform Law on Notarial Acts].</p> <p><i>Legislative Note: The Revised Uniform Law on Notarial Acts was approved by the National Conference of Commissioners on Uniform State Laws in 2010. In 2016, the Conference approved an amendment to the Act, which added Section 14A.</i></p>		<p>Add effective date in statute?</p> <p><u>§1933. Effective date</u> <u>This chapter takes effect July 1, 2023.</u></p>

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<p><i>It allowed a notary public in an adopting state to perform a notarial act on behalf of an individual located outside the United States. That Section was an optional Section.</i></p> <p><i>In 2018, the Conference approved an amendment to the Act, which withdrew the then-existing Section 14A and substituted a new Section 14A. It allows a notary public in an adopting state to perform a notarial act on behalf of a remotely located individual regardless of where that individual is located. The 2018 amendment also included additional subsections 4(c) and 20(c); they authorize a notarial officer to certify that a tangible copy of an electronic record is an accurate copy and the recorder to accept that copy for recording.</i></p> <p><i>In 2021, the Conference approved an amendment to the Act, which revised and added optional subsections (d) through (h) and (m)(5) to Section 14A regarding the performance of certain notarial acts for a remotely located individual).</i></p> <p><i>The Act with its 2018 and 2021 amendments is now referenced as the Revised Uniform Law on Notarial Acts (2021).</i></p> <p><i>In order to maintain uniformity with the current version of the Revised Uniform Law on Notarial Acts (2021), if a state has adopted the 2010 act, it should amend its current law by adopting the 2018 amendments. If it also has adopted the 2016 amendment, it should repeal that provision from its current law and adopt the 2018 amendments. It also may adopt the optional subsections to Section 14A approved in 2021.</i></p>		
	<p>Sec. A-5. 5 MRSA §5, as amended by PL 2009, c. 74, §2, is further amended to read:</p> <p>§5. Oath of office; before whom taken</p> <p>The Justices of the Supreme Judicial Court and of the Superior Court, the Judges of the District Court and all state officials elected by the Legislature shall take and subscribe the oath or affirmation required by the Constitution, before the Governor. Every other person elected or appointed to any civil office shall take and subscribe the oath before any dedimus justice commissioned by the Governor for that purpose, except when the Constitution otherwise provides. A newly appointed notary public shall take and subscribe the oath or affirmation before a dedimus justice as required by section 82, subsection 3-A <u>Title 4, section 1922, subsection 3.</u></p>	
	<p>Sec. A-6. 5 MRSA §82, as amended by PL 2009, c. 74, §§3 and 4, is repealed.</p>	<p>5 §82. Appointment of notaries public; term of appointment; additional requirements for resident of adjoining state; term renewal of commissions</p>

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RULONA	LD 2023	Current law
		<p>1. Appointment and renewal. The Secretary of State may appoint and renew a commission of a notary public who:</p> <ul style="list-style-type: none"> A. Is 18 years of age or older at the time of appointment; B. Is a resident of this State at the time of appointment or is a resident of an adjacent state, is regularly employed or carries on a trade or business in this State at the time of appointment and submits an affidavit as described in subsection 2; C. Demonstrates proficiency in the English language at the time of appointment; D. Has not had a notary commission revoked or suspended for official misconduct in this State or any other jurisdiction during the 5-year period preceding the date of application; E. Has not been convicted of a crime punishable by imprisonment for one year or more, or of a lesser offense incompatible with the duties of a notary public as defined by rule by the Secretary of State during the 10-year period preceding the date of application for a new or renewed commission; and F. Has satisfactorily completed a written examination prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public. <p>2. Affidavit. An applicant for appointment as a notary public who resides in an adjoining state must submit to the Secretary of State with the application an affidavit as follows:</p> <ul style="list-style-type: none"> A. If the applicant is not self-employed, an affidavit from the applicant's employer stating that: <ul style="list-style-type: none"> (1) The employer is licensed, authorized or registered to do business in this State; and (2) The employer regularly employs the applicant at an office, business or facility that is located in this State; or B. If the applicant is self-employed, an affidavit from the applicant stating that: <ul style="list-style-type: none"> (1) The applicant is licensed, authorized or registered to do business in this State; and (2) The applicant has an office, business or facility that is located in this State.

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RULONA	LD 2023	Current law
		<p>The affidavit required by this subsection must be in a form and format as defined by rule by the Secretary of State.</p> <p>3. Written examination. The Secretary of State shall:</p> <p>A. Make the written examination required by subsection 1 a part of the application for a new commission or the renewal of a commission; and</p> <p>B. Furnish study materials relating to the written examination to an applicant without charge upon request of the applicant.</p> <p>3-A. Oath. A newly appointed notary public shall take and subscribe the following oath or affirmation before a dedimus justice:</p> <p>"I, (name), do swear that I will support the Constitution of the United States and of this State, so help me God."</p> <p>"I, (name), do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as a Notary Public according to the Constitution of Maine and laws of this State, so help me God."</p> <p>When a person is conscientiously scrupulous of taking an oath, the word "affirm" may be substituted for the word "swear" and the words "this I do under penalty of perjury" may be substituted for the words "so help me God."</p> <p>4. Term. A person appointed as a notary public serves the following term of office:</p> <p>A. For a resident of this State, a term of 7 years; or</p> <p>B. For a resident of an adjacent state, a term of 4 years.</p> <p>5. Power extends to all counties. A person appointed as a notary public may exercise that person's power and duties in any and all counties in this State.</p> <p>6. Rules. The Secretary of State shall adopt rules relating to the appointment and renewal of commissions of notaries public. The rules must include criteria and a procedure to be applied by the Secretary of State in appointment and renewal. The Secretary of State may not refuse to appoint or renew solely because the applicant lives or works in a specific geographic area or because of political party affiliation. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.</p>

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		<p>7. Notice of expiration of commission. The Secretary of State shall provide notice of the expiration of a commission to a notary public 30 days prior to the expiration date. The notice must be in a form or format as determined by rule by the Secretary of State. Failure to receive a notice does not affect the expiration date of a commission.</p> <p>8. Investigation of complaints.</p>
		<p>§203. Need for acknowledgment Deeds and all other written instruments before recording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages and certain financing statements as provided in Title 11, section 9-1501, subsection (1), paragraph (a), and excepting notices of liens for internal revenue taxes and certificates discharging such liens and excepting notices of liens for taxes assessed pursuant to Title 36, Part 1 and Parts 3 to 8 and Title 26, chapter 13, and releases discharging such liens, and excepting notices of liens for taxes assessed pursuant to Title 36, Part 2 when filed by the State Tax Assessor, and releases discharging such liens, must be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or lessor's attorney executing the same, before a notary public in the State, or before an attorney-at-law duly admitted and eligible to practice in the courts of the State, if within the State; or before any clerk of a court of record having a seal, notary public or commissioner appointed by the Governor of this State for the purpose, or a commissioner authorized in the state where the acknowledgment is taken, within the United States; or before a minister, vice-consul or consul of the United States or notary public in any foreign country.</p> <p>Any person who is in the Armed Forces of the United States, and who executes a general or special power of attorney, deed, lease, contract or any instrument that is required to be recorded, may acknowledge the same as that person's true act and deed before any lieutenant or officer of senior grade thereto in the Army, U. S. Marine Corps</p>

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	<p style="text-align: center;">Sec. A-7. 33 MRSA §203, 5th ¶, as amended by PL 1999, c. 699, Pt. D, §20 and affected by §30, is further amended to read:</p> <p style="text-align: center;">Notwithstanding any of the requirements in this section, an instrument with an acknowledgment conforming to the requirements of the Uniform Recognition of Acknowledgments Act, Title 4, section 4011 et seq., Revised Uniform Law on Notarial Acts must be accepted for recording purposes.</p>	<p>or Air Force or before any ensign or officer of senior grade thereto in the Navy or Coast Guard and the record of such acknowledgment by said officers must be received and have the same force and effect as acknowledgments under the other provisions of this section, and all such instruments heretofore executed are hereby validated as to acknowledgment and authenticity. Powers of attorney and other instruments requiring seals executed by such members of the armed forces may be accepted for recordation in registries of deeds and other offices of record in cases where no seal is affixed after the name of the person or persons executing the instrument with like force and effect as though seals were affixed thereto.</p> <p>Any notary public who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgment of any party to any written instrument executed to or by such corporation, provided such notary public is not a party to such instrument either individually or as a representative of such bank or other corporation.</p> <p>This section may not be construed as invalidating any instrument duly executed in accordance with the statutes heretofore in effect or made valid by any such statute. All such instruments may be admitted to record which at the time of their execution or subsequent validation could be so recorded.</p> <p>Notwithstanding any of the requirements in this section, an instrument with an acknowledgment conforming to the requirements of the Uniform Recognition of Acknowledgments Act, Title 4, section 1011 et seq., must be accepted for recording purposes.</p>
	<p style="text-align: center;">Sec. B-1. 5 MRSA §88, as enacted by PL 1975, c. 273, is repealed and the following enacted in its place: <u>§88. Facsimile signature of Secretary of State</u></p> <p style="text-align: center;"><u>A facsimile of the signature of the Secretary of State imprinted by or at the direction of the Secretary of State upon any renewal of commissions under authority of Title 4, section 1922, upon any certificate of true copy, certificate of any record of the Secretary of State or certificate of good standing or upon any attestation required of the Secretary of State by law has the same validity as the Secretary of State's written signature.</u></p>	<p>5 §88. Facsimile signature of Secretary of State</p> <p>A facsimile of the signature of the Secretary of State imprinted by or at his direction upon any renewal of commissions by him under authority of section 82, or upon any certificate of true copy, certificate of any record of the Secretary of State, or certificate of good standing, or upon any attestation required of him by law, shall have the same validity as his written signature.</p>

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RULONA	LD 2023	Current law
	<p style="text-align: center;">Sec. B-2. 5 MRSA §90-G is enacted to read:</p> <p style="text-align: center;"><u>§90-G. Marriage officiant license; term of license; renewal of license</u></p> <p style="text-align: center;"><u>1. Appointment and renewal.</u> The Secretary of State may license and renew a license of a marriage officiant who:</p> <p style="text-align: center;"><u>A. Is 18 years of age or older;</u> <u>B. Is a resident of this State; and</u> <u>C. Demonstrates a proficiency in the English language.</u></p> <p style="text-align: center;"><u>2. Term.</u> A license issued under this section is for a term of 4 years.</p> <p style="text-align: center;"><u>3. Rules.</u> The Secretary of State shall adopt rules relating to the licensing of marriage officiants. The rules must include criteria and a procedure to be applied by the Secretary of State in licensing and renewal. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.</p> <p style="text-align: center;"><u>4. Notice of expiration of license.</u> The Secretary of State shall provide notice to the licensee of the expiration of a marriage officiant license 30 days prior to the expiration date. The notice must be in a form or format as determined by rule by the Secretary of State. The failure of a licensee to receive a notice under this subsection does not affect the expiration date of the license.</p> <p style="text-align: center;"><u>5. Grounds for denial, revocation, suspension or nonrenewal.</u> The Secretary of State may, upon notice and an opportunity for hearing pursuant to chapter 375, subchapter 5, deny an application under this section or suspend, revoke or refuse to renew a license issued under this section upon a determination that the applicant or licensee:</p> <p style="text-align: center;"><u>A. Does not meet the requirements of subsection 1;</u> <u>B. Has failed to comply with any requirement applicable to a marriage officiant set forth in Title 19-A, chapter 23; or</u> <u>C. Has failed to comply with rules adopted by the Secretary of State pursuant to this section.</u></p>	
		<p>§654. Record of marriages</p> <p>1. Copy. Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by that person in conformity with the forms and instructions prescribed by the State Registrar of Vital Statistics pursuant to Title 22, section 2701.</p>

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RULONA	LD 2023	Current law
	<p style="text-align: center;">Sec. B-3. 19-A MRSA §654, sub-§3, ¶B, as amended by PL 2011, c. 111, §1, is further amended to read:</p> <p style="text-align: center;">B. The date the notary public's commission <u>marriage officiant's license</u> expires;</p>	<p>2. Return of marriage license. The person who solemnized the marriage shall return the marriage license to the State Registrar of Vital Statistics or the clerk who issued the license within 7 working days following the date on which the marriage is solemnized by that person. The clerk and the State Registrar of Vital Statistics each shall retain a copy of the license.</p> <p>3. Statement including officiant and witnesses. The marriage license returned must contain a statement giving the names of the parties united in marriage, place and date of the marriage, the new name of either party if either party intends to change that party's name, the signature of the person by whom the marriage was solemnized and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which the marriage was solemnized, the residence of the person who solemnized the marriage and:</p> <ul style="list-style-type: none"> A. The date ordained or authorized by a religious faith to perform marriages; B. The date the notary public's commission expires; C. The date the lawyer was admitted to the Maine Bar; or D. The date the person's temporary registration certificate was issued under section 655, subsection 1-A. <p>4. Recorded by clerk or State Registrar of Vital Statistics. The clerk or State Registrar of Vital Statistics shall record all marriage licenses returned under this section.</p>
	<p style="text-align: center;">Sec. B-4. 19-A MRSA §655, sub-§1, ¶A, as amended by PL 2011, c. 111, §2, is further amended by repealing subparagraph (4).</p> <p style="text-align: center;">Sec. B-5. 19-A MRSA §655, sub-§1, ¶A, as amended by PL 2011, c. 111, §2, is further amended by enacting a new subparagraph (5) to read:</p> <p style="text-align: center;"><u>(5) A marriage officiant under Title 5, section 90-G;</u></p>	<p>§655. Authorization; penalties</p> <p>1. Persons authorized to solemnize marriages. The following may solemnize marriages in this State:</p> <ul style="list-style-type: none"> A. If a resident of this State: <ul style="list-style-type: none"> (1) A justice or judge; (2) A lawyer admitted to the Maine Bar; or (4) A notary public under Title 4, chapter 19; B. Whether a resident or nonresident of this State and whether or not a citizen of the United States: <ul style="list-style-type: none"> (1) An ordained minister of the gospel; (2) A cleric engaged in the service of the religious body to which the cleric belongs; or

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		<p>(3) A person licensed to preach by an association of ministers, religious seminary or ecclesiastical body; and</p> <p>C. A nonresident of the State who has a temporary registration certificate issued by the Office of Data, Research and Vital Statistics pursuant to subsection 1-A.</p> <p>1-A. Temporary registration certificate. The Office of Data, Research and Vital Statistics may issue a temporary registration certificate to solemnize a marriage ceremony to an individual who is a resident of another state and who is authorized under the laws of that state to solemnize marriages.</p> <p>A. An individual seeking a temporary registration certificate under this subsection must submit to the Office of Data, Research and Vital Statistics:</p> <ol style="list-style-type: none"> (1) A copy of a valid commission or other indicia of authority to perform marriage ceremonies in the individual's state of residence as proof of existence of the authority; (2) A copy of the other state's statute that grants the individual authority to solemnize marriages in that state; (3) The names and residences of the 2 parties whose marriage the individual proposes to solemnize and the expected date of the marriage ceremony; and (4) A \$100 registration fee. <p>B. Upon finding that the individual has satisfied the requirements of paragraph A, the Office of Data, Research and Vital Statistics shall issue to the individual a temporary registration certificate authorizing the individual to solemnize the marriage of the parties whose names were provided pursuant to paragraph A, subparagraph (3). The Office of Data, Research and Vital Statistics may decline to issue a temporary registration certificate if complaints filed against the individual for actions in this State have been substantiated or for other good cause, even if the state in which the individual is authorized to solemnize marriages has not taken disciplinary action.</p>

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		<p>C. A temporary registration certificate does not authorize the individual to solemnize any marriage other than the marriage of the parties provided pursuant to paragraph A, subparagraph (3).</p> <p>D. A temporary registration certificate under this subsection expires upon the individual's signing the marriage license or 90 days after issuance, whichever occurs first.</p> <p>E. The Office of Data, Research and Vital Statistics shall keep a permanent record of all temporary registration certificates issued under this subsection. The records must contain the name and residence of each individual to whom a temporary registration certificate is issued.</p> <p>2. Enforcement. The State Registrar of Vital Statistics shall enforce this section as far as it comes within the state registrar's power and shall notify the district attorney of the county in which the penalty should be enforced of the facts that have come to the state registrar's knowledge. Upon receipt of this notice, the district attorney shall prosecute the person who violated this section.</p> <p>3. Religious exemption. This chapter does not require any member of the clergy to perform or any church, religious denomination or other religious institution to host any marriage in violation of the religious beliefs of that member of the clergy, church, religious denomination or other religious institution. The refusal to perform or host a marriage under this subsection cannot be the basis for a lawsuit or liability and does not affect the tax-exempt status of the church, religious denomination or other religious institution.</p>
	<p>Sec. B-6. 19-A MRSA §657, as amended by PL 2001, c. 574, §7, is further amended to read:</p> <p>§657. Lack of jurisdiction or authority</p> <p>A marriage, solemnized before any known inhabitant of the State professing to be a justice, judge, notary public or marriage officiant or an ordained or licensed minister of the gospel, is not void, nor is its validity affected by any want of jurisdiction or authority in the justice, judge, notary <u>marriage officiant</u> or minister or by any omission or informality in entering the intention of</p>	<p>§657. Lack of jurisdiction or authority</p> <p>A marriage, solemnized before any known inhabitant of the State professing to be a justice, judge, notary public or an ordained or licensed minister of the gospel, is not void, nor is its validity affected by any want of jurisdiction or authority in the justice, judge, notary or minister or by any omission or informality in entering the intention of marriage, if the marriage is in other respects lawful and consummated with a full belief, on the part of</p>

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	<p>marriage, if the marriage is in other respects lawful and consummated with a full belief, on the part of either of the persons married, that they are lawfully married.</p>	<p>either of the persons married, that they are lawfully married.</p>
	<p>Sec. B-7. Marriage officiant license. Notwithstanding the Maine Revised Statutes, Title 5, section 90-G, the Secretary of State shall issue a marriage officiant license for a term of 4 years to every notary public commissioned in this State as of July 1, 2023. A notary public receiving a license under this section may decline to accept it by providing written notice to the Secretary of State on a form designed by the Secretary of State.</p>	
<p>SECTION 33. EFFECTIVE DATE. This [act] takes effect</p>	<p>Sec. C-1. Effective date. This Act takes effect July 1, 2023.</p>	
		<p>§961. Continuation of temporary modification of certain in-person notarization and acknowledgement requirements</p> <p>This section is intended to continue the effect of Executive Order 37 FY 19/20 as amended by Executive Order 37-A FY 19/20 beyond the end of the state of emergency declared by the Governor pursuant to Title 37-B, section 742 until January 1, 2023.</p> <p>1. Remote notarization. This section applies to all laws of the State that require a signature to be acknowledged, witnessed or notarized in person, with the exceptions of solemnizing marriages, administering oaths to circulators of state or local direct initiatives of legislation or referendum petitions and nomination petitions of candidates for electoral office and absentee ballots in state and local elections. This section authorizes remote, not electronic, notarization. This section does not affect any requirements under laws of this State pertaining to the taking of sworn statements and acknowledgments by notaries and those authorized to perform notarial acts other than the requirement to appear in person.</p> <p>2. Requirements. Until January 1, 2023, with the exceptions noted in subsection 1, the enforcement of the laws of this State pertaining to notarization that require the physical presence of the person whose oath is being taken and who is signing a document, referred to in this section as "the signatory," at the same location as the notary public or other person authorized to perform a notarial act, referred to in this section as "the notary," and any witness to the signing are suspended as long as the following conditions are met:</p> <p style="padding-left: 40px;">A. The notary is physically within the State while performing the notarial act and follows any additional guidance for</p>

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RULONA	LD 2023	Current law
		<p>remote notarization issued by the Secretary of State;</p> <p>B. The act of notarization or witnessing required by law is completed remotely using 2-way audio-visual communication technology and:</p> <p>(1) The 2-way audio-visual communication technology allows direct contemporaneous interaction between the signatory, the notary and any witness by sight and sound in real time. Prerecording is not permitted;</p> <p>(2) The signatory is reasonably identified by the notary in one of the following ways:</p> <p>(a) The signatory is personally known to the notary;</p> <p>(b) The signatory presents a valid photo identification to the notary during the 2-way audio-visual communication; or</p> <p>(c) The oath or affirmation is provided by a witness who:</p> <p>(i) Is in the physical presence of either the notary or the signatory; or</p> <p>(ii) Is able to communicate with the notary and the signatory simultaneously by sight and sound through 2-way audio-visual communication technology at the time of the notarization, if the witness has personal knowledge of the signatory and has been reasonably identified by the notary under division (a) or (b);</p> <p>(3) The signatory attests to being physically located in the State and affirmatively states the name of the county in which the signatory is located at the time of execution during the 2-way audio-visual communication;</p> <p>(4) The notary and any witness attest to being physically located in the State during the 2-way audio-visual communication;</p> <p>(5) For wills and powers of attorney, the notary or at least one witness is an attorney licensed to practice law in the State;</p> <p>(6) Before any documents are signed, the notary is able to view by 2-way audio-visual communication technology the entire space in which the signatory and any witness is located, and any person who is present in those spaces states the person's name while in clear view of the notary;</p>

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		<p>(7) The signatory affirmatively states on the 2-way audio-visual communication which document the signatory is signing, and the notary is provided with a copy of the document prior to the signing;</p> <p>(8) Each page of the document being witnessed is shown to the notary and any witness on the 2-way audio-visual communication in a means clearly legible to the notary and initialed by the signatory in the presence of the notary and any witness;</p> <p>(9) The act of signing and of initialing pursuant to subparagraph (8) is captured sufficiently close to the 2-way audio-visual communication technology for the notary to observe;</p> <p>(10) The signatory transmits by fax or other electronic means, which may include transmitting a photograph of every page by cellular telephone, a legible copy of the entire signed document directly to the notary and any witness immediately after signing the document or, if that is not possible, no later than 24 hours after the signatory's signing of the document;</p> <p>(11) The signatory sends the original signed document directly to the witness within 96 hours after the signatory's execution of the document or to the notary if no witness is involved;</p> <p>(12) Within 96 hours after receiving the original signed document from the signatory, the witness signs it and sends it to the 2nd witness, if any, or to the notary if no other witness is involved. Within 96 hours after receiving the original signed document signed by the first witness, the 2nd witness signs it and sends it to the notary. The official date and time of each witness's signature is the date and time when the witness witnesses the signatory's signature using the 2-way audio-visual communication technology; and</p> <p>(13) Upon review of the original signed document and satisfactory comparison with the faxed or other electronic document provided on the date of signing, the notary notarizes the original document within 96 hours after receiving the original signed document; the official date and time of the notarization is the date and time when the notary witnessed the</p>

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		<p>signature using the 2-way audio-visual communication technology. The notary shall add the following language below the notary and witness signature lines on the original signed document: "Notarized (and/or witnessed) remotely, in accordance with the Maine Revised Statutes, Title 4, section 961."</p> <p>Any witness required or permitted to properly execute any original document according to law may similarly witness the signing of the document by the signatory using 2-way audio-visual communication technology and may sign as a witness to the document upon receipt of the original document; and</p> <p>C. A recording of the 2-way audio-visual communication is made and preserved by the notary for a period of at least 5 years from the date of the notarial act. The notary shall provide a copy of the recording to the signatory and the Secretary of State upon request.</p> <p>3. Validity. Any document that is required under law to be notarized in the presence and hearing or in a similar manner of a signatory, and that is signed, notarized or witnessed in accordance with the terms of this section is deemed to have been signed, notarized or both in the presence and hearing of the signatory.</p> <p>The validity and recognition of a notarization or witnessing under this section may not prevent an aggrieved person from seeking to invalidate a record or transaction that is the subject of a notarization or from seeking other remedies based on state or federal law other than this section for any reason not addressed in this section, such as incapacity, absence of authority or undue influence.</p> <p>The failure of a notary or a witness to meet a requirement specified in this section may not invalidate or impair the recognition of a notarization performed by the notary if it was performed in substantial compliance with this section.</p> <p>4. Remote notarization not required. This section does not require a notary to perform remote notarization.</p> <p>5. Judicial notice. It is the intent of the Legislature that the acts, records and proceedings under this section receive full faith and credit in the courts of the United States and other states.</p>

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