

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

### **§ 955-B. Maintenance of records**

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

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

### **§ 961. Record of notarial acts**

**1. Required record keeping.** For every notarial act, a notary public shall record in a journal as described in subsection 5 at the time of notarization at least:

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

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

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

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

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

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

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

**2. Prohibited records.** A notary public may not record a social security or credit card number in a journal as described in subsection 5.

**3. Incomplete records.** A notary public shall record in a journal as described in subsection 5 the reasons for not completing a notarial act.

**4. Requested records.** For the inspection allowed under section 955-B, a notary public shall record in a journal as described in subsection 5 the circumstances of any request to inspect or copy an entry in the journal, including the requestor's name, address, signature and evidence of identity. The reasons for refusal to allow inspection or copying of a journal entry must also be recorded.

**5. Journal form.** A notarial journal of a notary public may be in any form that meets the physical requirements set out in this subsection.

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

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

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

(1) The name of the notary public;

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

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

(4) At the time of each entry, the dates of the first and last notarial acts recorded in the notarial journal;

(5) A statement that the journal may not be destroyed before 7 years after expiration of the last commission under which an entry was made in the journal;

(6) That, in the event of the decease of the notary public, the journal must be delivered or mailed to the Secretary of State;

(7) The meaning of any uncommon abbreviation or symbol used in recording a notarial act in the notarial journal; and

(8) The signature of the notary public.

## **SUMMARY**

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