



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1312

S.P. 409

In Senate, March 29, 2011

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

Submitted by the Secretary of State pursuant to Joint Rule 204.

Reference to the Committee on State and Local Government suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator PLOWMAN of Penobscot.
Cosponsored by Representative COTTA of China and
Representative: MOULTON of York.

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

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

4 **§955-B. Maintenance of records**

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

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

13 **§961. Record of notarial acts**

14 A notary public shall keep a journal.

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

17 A. The date and time of day of the notarial act;

18 B. The type of notarial act;

19 C. The type, title or a description of the proceeding or the document or set of
20 documents comprising a transaction;

21 D. The signature, printed name and address of each principal;

22 E. The evidence of identity of each principal, in the form of:

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

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

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

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

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

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

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

- 1 **2. Prohibited information.** A notary public may not record a social security
2 number, account number, credit card number or debit card number in the journal.
- 3 **3. Acts not completed.** A notary public shall record in the journal the circumstances
4 of a failure or refusal to complete a notarial act.
- 5 **4. Request for inspection or copying.** For an inspection allowed under section
6 955-B, a notary public shall record in the journal the circumstances of the request to
7 inspect or copy an entry in the journal, including the requester's name, address, signature
8 and evidence of identity. The reason for refusal to allow inspection or copying of a
9 journal entry also must be recorded.
- 10 **5. Form of the journal.** A journal of a notary public may be in any form that meets
11 the following physical requirements:
 - 12 A. The front cover and pages must be bound together by a binding method that is
13 designed to prevent the insertion or removal of the cover or a page;
 - 14 B. Each page must be consecutively numbered from the beginning to the end of the
15 journal. If a journal provides 2 pages on which to record the required information
16 about the same notarial act, both pages may be numbered with the same number or
17 each page may be numbered with a different number. The page numbers must be
18 preprinted; and
 - 19 C. The journal must contain on the inside of the front cover or on the first page the
20 following information in any order:
 - 21 (1) The name of the notary public;
 - 22 (2) The notary public's commission expiration date;
 - 23 (3) The notary public's residence or business street or mailing address;
 - 24 (4) The earliest date the journal may be destroyed, which is 7 years after
25 expiration of the last commission of the notary public making an entry in the
26 journal;
 - 27 (5) A notation that, in the event of the death of the notary public, the journal
28 must be delivered or mailed to the Secretary of State;
 - 29 (6) The meaning of any abbreviated word or symbol used in recording a notarial
30 act in the journal;
 - 31 (7) The signature of the notary public; and
 - 32 (8) At the respective times of entry, the dates of the first and last notarial acts
33 recorded in the journal.

SUMMARY

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