

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 Amend the Notary Public Laws

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

Sec. 1. 4 MRSA §951-A is enacted to read:

§ 951-A. Commission signature

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.

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.

Sec. 2. 5 MRSA §5, as amended by PL 2001, c. 667, Pt. C, §1, is further amended to read:

§ 5.Oath of office; before whom taken

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.

Sec. 3. 5 MRSA §82, sub-§3-A is enacted to read:

3-A. Oath. A newly appointed notary public shall take and subscribe the following oath or affirmation before a dedimus justice:

"I, (name), do swear that I will support the Constitution of the United States and of this State, 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 laws of this State, so help me God."

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."

Sec. 4. 5 MRSA §82, sub-§8, as enacted by PL 2007, c. 285, §1, is repealed.

Sec. 5. 5 MRSA §82-B, sub-§1, as enacted by PL 2007, c. 285, §2, is amended to read:

1. Board created. The Notary Public Review Board, as established by section 12004-G, subsection 31-C and referred to in this section as "the board," is created to review violations of law by notaries public and complaints concerning notaries public made pursuant to ~~section 82, subsection 8~~Title 4, section 955-C, subsection 3.

Sec. 6. 5 MRSA §82-B, sub-§3, ¶B, as enacted by PL 2007, c. 285, §2, is repealed.

Sec. 7. 5 MRSA §82-B, sub-§7, as enacted by PL 2007, c. 285, §2, is amended to read:

7. Review of complaints. The board shall review complaints against notaries public made pursuant to section 82, subsection 8Title 4, section 955-C, subsection 3 and make recommendations to the Secretary of State on the appropriate disposition of such complaints. The board may hold a hearing as part of its review to determine whether grounds exist for denial of commission, suspension of commission, revocation of commission or renewal of commission or other action necessary to the fulfillment of the Secretary of State's responsibility under the laws of this State. The board may recommend to the Secretary of State that the complaint be dismissed or that a notary public's commission be denied, suspended, revoked or not renewed or any other action that the board determines to be appropriate.

Effective September 12, 2009