

MAINE REVISED STATUTES ANNOTATED

TITLE 4. JUDICIARY CHAPTER 5. DISTRICT COURT

§158. Ex officio, notary public; may administer oaths

Judges and clerks of the District Court are, ex officio, notaries public, and all their official acts, arrested by them in either capacity, except those pertaining to the exclusive jurisdiction of judges and clerks of District Courts, are of equal effect. Judges and clerks of the District Court may administer all oaths required by law, unless another officer is specifically required to do it. [1981, c. 456, § 3 (AMD).]

Section History: 1981, Ch. 456, §A3 (AMD).

§169. Administration of oaths

Judges of the District Court and notaries public may administer all oaths required by law, unless another officer is specially required to do it. [1981, c. 456, Pt. A, § 4 (AMD).]

Section History: 1981, Ch. 456, §A4 (AMD).

CHAPTER 7. PROBATE COURT

§202. Oaths and acknowledgments

All oaths required to be taken by personal representatives, trustees, guardians, conservators, or of any other persons in relation to any proceeding in the probate court, or to perpetuate the evidence of the publication of any order of notice, may be administered by the judge or register of probate or any notary public. A certificate thereof, when taken out of court, shall be returned into the registry of probate and there filed. When any person of whom such oath is required, including any parent acknowledging consent to an adoption, resides temporarily or permanently without the State, the oath or acknowledgment may be taken before and be certified by a notary public without the State, a commissioner for the State of Maine or a United States Consul. [1981, c. 456, Pt. A, § 5 (AMD).]

Section History: 1979, Ch. 540, §6 (AMD), 1981, Ch. 456, §A5 (AMD).

CHAPTER 13. CLERKS OF JUDICIAL COURTS

§568. Duties of clerks as to records; fees

All clerks of courts shall receive and safely keep all such records and papers lodged in their offices and give attested copies thereof, for which they shall receive the same fees as a notary. Such copies shall be as valid as if certified by notaries. R.S. 1954, C. 110, § 31.

CHAPTER 7. ATTORNEYS AT LAW

§ 807-B. Authorized immigration and nationality law assistance

1. Short title. This section may be known and cited as “the Immigration and Nationality Law Assistance Act.” [2005, c. 629, §1 (NEW).]

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Compensation” means money, property, the reciprocal exchange of services or anything else of value. [2005, c. 629, §1 (NEW).]

B. “Federally authorized immigration representative” means an attorney who is admitted to and in good standing before the bar of a state of the United States other than Maine, or other person who is authorized to represent another in immigration and nationality law matters to the extent allowed under federal law or regulations, including 8 Code of Federal Regulations, Sections 292.1 and 1292.1 (1996), with such representation specifically limited to federal immigration and nationality law matters. [RR 2005, c. 2, §2 (COR).]

C. “Immigration and nationality law assistance” means assistance on an immigration and nationality law matter. [2005, c. 629, §1 (NEW).]

D. “Immigration form” means a form created by the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor, the United States Department of State or other federal agency charged with implementing federal immigration and nationality laws for use in an immigration and nationality law matter. [2005, c. 629, §1 (NEW).]

E. “Immigration and nationality law matter” means any application, proceeding, filing or other action before an agency of the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor or the United States Department of State or other federal agency charged with implementing federal immigration and nationality laws regarding the nonimmigrant, immigrant or citizenship status of or the admission to or removal from the United States of a person that arises from the application of a federal immigration and nationality law, executive order or presidential proclamation. [2005, c. 629, §1 (NEW).]

F. “Nonlegal immigration and nationality law assistance” is limited to:

(1) Translating from English into a customer’s primary language questions on an immigration form selected by the customer so that the customer can understand the questions and does not include advising the customer as to the appropriateness of the immigration form selected by the customer or suggesting which immigration form to use;

(2) Translating from a customer’s primary language into English and otherwise transcribing to an immigration form the customer’s answers to questions on that form and does not include advising the customer as to the appropriateness of the immigration form selected by the customer or suggesting which immigration form to use or as to the customer’s answers on that immigration form;

(3) Securing or assisting the customer to secure supporting documents currently in existence, such as birth and marriage certificates, that may be needed for submission with immigration forms and does not include drafting of affidavits or other documents that may need to accompany immigration forms; and

(4) Making referrals for legal representation with respect to an immigration and nationality law matter to an attorney admitted to and in good standing before the bar of the State or to a federally authorized immigration representative duly authorized by federal law and regulations to undertake such representation. [2005, c. 629, §1 (NEW).]
[RR 2005, c. 2, §2 (COR).]

3. Nonlegal immigration and nationality law assistance authorized. A person offering immigration and nationality law assistance may offer or provide only nonlegal immigration and nationality law assistance, except, however, that an attorney admitted to and in good standing before the bar of the State or a federally authorized immigration representative may provide immigration and nationality law assistance in the form of representation to the extent authorized by federal laws and regulations in immigration proceedings before agencies of the United States Department of Homeland Security, the United States Department of Justice, the United States Department of Labor or the United

States Department of State or other federal agency charged with carrying out the implementation of federal immigration and nationality laws.

Nothing in this section is intended to nor does it authorize either an attorney who is not admitted to and in good standing before the bar of the State or a federally authorized immigration representative to offer legal opinions or general legal advice regarding state laws or to represent another before any state court, administrative agency or other forum charged with interpreting or implementing state laws. [2005, c. 629, §1 (NEW).]

4. Prohibited activities. In the course of dealing with customers or prospective customers, a provider of immigration and nationality law assistance may not:

A. Make a statement that the provider of immigration and nationality law assistance can or will obtain special favors from or has special influence with an agency or a tribunal of the United States Government or of any state government; [2005, c. 629, §1 (NEW).]

B. Retain compensation for services not performed; [2005, c. 629, §1 (NEW).]

C. Refuse to return documents supplied by, prepared by, paid for by or obtained on behalf of the customer and requested by the customer, regardless of whether there is outstanding compensation owed to the provider of immigration and nationality law assistance by the customer or a fee dispute between the provider of immigration and nationality law assistance and the customer; [2005, c. 629, §1 (NEW).]

D. Fail to complete and sign, in the space provided, an immigration form that requests the preparer's name, address, telephone number or signature, even if the provider of immigration and nationality law assistance has only provided nonlegal immigration and nationality law assistance in the preparation of the immigration form; [2005, c. 629, §1 (NEW).]

E. Provide legal advice regarding immigration and nationality law matters, including selecting immigration forms for a customer or advising a customer as to the appropriateness of the forms the customer has selected or as to the customer's answers to the questions on the forms, unless the provider of immigration and nationality law assistance is an attorney admitted to and in good standing before the bar of the State or is a federally authorized immigration representative; or [2005, c. 629, §1 (NEW).]

F. Represent or advertise or provide notice in any way or manner, including, but not limited to, the assertion of a title or credential such as "notario," "immigration consultant," "immigration agent," "immigration assistant" or "attorney," that could cause a customer to believe that the provider of immigration and nationality law assistance is authorized to practice law in the State or possesses special skill or expertise in immigration and nationality law matters unless the provider is an attorney admitted to and in good standing before the bar of the State or is a federally authorized immigration representative. A federally authorized immigration representative whose principal place of business is in the State shall give verbal notice to customers that the federally authorized immigration representative is not an attorney admitted to the bar of the State and may not give general legal advice or representation under state law and shall also include language in any written advertisement, notice or contract for services that clearly conveys that the federally authorized immigration representative is not an attorney admitted to practice law in the State and may not give general legal advice or assistance under state law. [2005, c. 629, §1 (NEW).]

5. Unfair method of competition or unfair and deceptive act or practice. A violation of this section substantially affects the public interest and constitutes an unfair method of competition and a deceptive act or practice in the conduct of trade or commerce for purposes of the Maine Unfair Trade Practices Act. [2005, c. 629, §1 (NEW).]

6. Civil violation. A violation of this section constitutes a civil violation for which a

fine of not more than \$5,000 may be adjudged. [2005, c. 629, §1 (NEW).]

7. Civil action. 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 the court finds a violation of this section, the court may award to the customer:

A. An amount equal to actual damages sustained by the customer as a result of the violation; [2005, c. 629, §1 (NEW).]

B. An amount equal to 3 times the actual damages; and [2005, c. 629, §1 (NEW).]

C. The costs of the action together with reasonable attorney's fees as determined by the court. [2005, c. 629, §1 (NEW).]
[2005, c. 629, §1 (NEW).]

8. Attorney General action; report. Whenever the Attorney General has reason to believe that a person within 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. The Attorney General, by January 1, 2007, and every January 1st thereafter, shall submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the number and circumstances of all investigations that the Department of the Attorney General has initiated in the preceding year relating to violations of this section. [2005, c. 629, §1 (NEW).]

Section History: 2005, c. 629, §1 (NEW). RR 2005, c. 2, §2 (COR).

§860. Management of causes by parties or counsel

Parties may plead and manage their own causes in court or do so by the aid of such counsel as they see fit to employ. No person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other party or be eligible for appointment as a notary public.

[1981, c. 456, Pt. A, § 6 (AMD).]

Section History: 1981, Ch. 456, §A6 (AMD).

CHAPTER 19. NOTARIES PUBLIC

§951. Seal; authority to administer oaths

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 arm 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.

[1991, c. 465, §3 (AMD).]

Section History: 1981, Ch. 456, §A7 (AMD), 1989, Ch. 501, §L1 (AMD), 1989, Ch. 600, §A1 (AMD), 1991, Ch. 465, §3 (AMD).

§ 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.

2009, Ch. 74, §1.

§952. Protests of losses; record and copies

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 his office, grant warrants of survey on vessels, and all facts, extracts from documents and circumstances so noted shall be signed and sworn to by all the persons appearing to protest. He shall note, extend and record the protest so made, and grant authenticated copies thereof, under his signature and notarial seal, to those who request and pay for them.

1981, c. 456, § A8.

§953. Demand and notice on bills and notes

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 which may be done by notaries public according to the usages of merchants and authorized by law. He shall record all mercantile and marine protests by him noted and done in his official capacity. [1981, c. 456, Pt. A, § 8 (AMD).]

Section History: 1981, Ch. 456, §A8 (AMD).

§954. Acts of notary who is interested in corporation

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, 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 which may be owned or held for collection by such bank or other corporation. It shall be unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which he is a stockholder, director, officer or employee where 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, where such notary is individually a party to such instrument.

§954-A. Conflict of interest if notary related

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 [1999, c. 425, §1 (AMD)]

Section History: 1987, Ch. 573, §1 (NEW), 1989, Ch. 137, § (AMD), RR 1997, Ch. 2, §6 (COR), 1999, Ch. 425, §1 (AMD); 2018 ch. 418, § 1, effective December 13, 2018 (AMD).

§955. Copies; evidence

The protest of any foreign or inland bill of exchange, promissory note or order, and all copies or certificates by him granted shall be under his hand and shall be 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. [1981, c. 456, Pt. A, § 9 (AMD).]

Section History: 1981, Ch. 456, §A9 (AMD).

§955-A. Removal from office (Repealed)

Section History: 1965, Ch. 74, § (NEW), 1975, Ch. 771, §22 (AMD), 1977, Ch. 694, §3, 4 (AMD), 1981, Ch. 456, §A10 (AMD), 1987, Ch. 573, §2 (RPR), 1997, Ch. 712, §1 (RP).

§955-B. Maintenance of records

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. [1993, c. 485, §1 (AMD).]

Section History: 1987, Ch. 573, §3 (NEW), 1991, Ch. 465, §4 (AMD), 1993, Ch. 485, §1 (AMD).

§955-C. Disciplinary action; grounds; procedure; complaints

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:

A. The notary public has performed in an improper manner any duty imposed upon the notary public by law; [1997, c. 712, §2 (NEW).]

B. The notary public has performed acts not authorized by law; [1997, c. 712, §2 (NEW).]

C. The notary public is in violation of section 954-A or section 960; [1997, c. 712, §2 (NEW), 2006. c. 629, §2, 2017 c. 277, §1 (AMD).]

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. [1997, c. 712, §2 (NEW).] [1997, c. 712, §2 (NEW), 2017, ch. 277, §2 (AMD).]

E. The notary public has allowed another person to use that notary public's commission. [2017, c. 277, §3 (NEW).]

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. [1997, c. 712, §2 (NEW).]

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. [1997, c. 712, §2 (NEW).] Section History: 1997, Ch. 712, §2 (NEW), 2005, c. 629, §2 (AMD).

§956. Resignation or removal; deposit of records

The Secretary of State shall recommend that, on the resignation or removal from office of any notary public, the records shall be transferred to the custody of the State Archivist. [1993, c. 485, §2 (AMD).] Section History: 1993, Ch. 485, §2 (AMD).

§957. Injury or concealment of records

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.

§958. Fees for protest and appropriation of penalties

For each protest of a bill or note, notifying parties, making his certificate thereof in due form and recording his proceedings, a notary public shall receive 41.50. All penalties provided in sections 956 and 957 accrue ½ to the State and ½ to the prosecutor.

§959. Grandfather clause; seal; records (Repealed)

Section History: 1991, Ch. 465, §5 (NEW), 1999, Ch. 425, §2 (RP).

§960. Advertisement of services

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. [2005, c. 629, §3 (NEW).]

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:

A. Information on the fees that the notary may charge; and [2005, c. 629, §3 (NEW).]

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." [2005, c. 629, §3 (NEW).]

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.

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. [2005, c. 629, §3 (NEW).]

4. Civil violation. Any violation of this section constitutes a civil violation for which a fine of not more than \$5,000 may be adjudged. [2005, c. 629, §3 (NEW).]

5. Civil action. 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:

A. An amount equal to actual damages sustained by the customer as a result of the violation; [2005, c. 629, §3 (NEW).]

B. An amount equal to 3 times the actual damages; and [2005, c. 629, §3 (NEW).]

C. The costs of the action together with reasonable attorney’s fees as determined by the court. [2005, c. 629, §3 (NEW).]
[2005, c. 629, §3 (NEW).]

6. Attorney General action. 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. [2005, c. 629, §3 (NEW).]

Section History: 2005, c. 629, §3 (NEW). 2005, c. 629, §3 (NEW).

CHAPTER 22. UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT

§1011. Recognition of notarial acts performed out of state

For the purposes of this act, “notarial acts” means acts which the laws 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 of this state: [1969, c. 364 (NEW).]

1. Notary public. A notary public authorized to perform notarial acts in the place in which the act is performed. [1969, c. 364 (NEW).]

2. Judge; clerk. A judge, clerk or deputy clerk of any court of record in the place in which the notarial act is performed. [1969, c. 364 (NEW).]

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. [1969, c. 364 (NEW).]

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 1 of the following or his dependents: 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; [1969, c. 364 (NEW).] or

5. Others. Any other person authorized to perform notarial acts in the place in which the act is performed. [1969, c. 364 (NEW).]

Section History: 1969, Ch. 364, § (NEW).

§1012. Authentication of authority of officer

1. Proof. If the notarial act is performed by any of the persons described in subdivisions (a) to (d) of section 2, 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 his authority is not required. [1969, c. 364 (NEW).]

2. – other. 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 any of the following exist

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. [1969, c. 364 (NEW).]

B. The official seal of the person performing the notarial act is affixed to the document. [1969, c. 364 (NEW).]

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. [1969, c. 364 (NEW).]
[1969, c. 364]

3. – other persons. If the notarial act is performed by a person other than 1 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 his authority to perform the notarial act. [1969, c. 364 (NEW).]

4. Signature and title. The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine. [1969, c. 364 (NEW).]

Section History: Section History: 1969, Ch. 364, § (NEW).

§1013. Certificate of person taking acknowledgment

The person taking an acknowledgment shall certify that: [1969, c. 364 (NEW).]

1. Appearance. The person acknowledging appeared before him and acknowledged he executed the instrument; and [1969, c. 364 (NEW).]

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. [1969, c. 364 (NEW).]

Section History: 1969, Ch. 364, § (NEW).

§1014. Recognition of certificate of acknowledgment

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: [1969, c. 364 (NEW).]

1. Laws of the State. The certificate is in a form prescribed by the laws or regulations of this State; [1969, c. 364 (NEW).]

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 [1969, c. 364 (NEW).]

3. Certain words. The certificate contains the words “acknowledged before me,” or their

substantial equivalent. [1969, c. 364 (NEW).]
Section History: 1969, Ch. 364, § (NEW).

§1014-A. Presumption of compliance

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: [1977, c. 696, § 29 (NEW).]

1. Notary public. The words “notary public;” [1977, c. 696, § 29 (NEW).]

2. Name. The name of the notary public; and [1977, c. 696, § 29 (NEW).]

3. State. The name of the state, or an abbreviation of the name of the state, in which the acknowledgment was taken. [1977, c. 696, § 29 (NEW).]

Section History: 1977, Ch. 696, §29 (NEW).

§1015. Certificate of acknowledgment

1. Definition. The words “acknowledged before me” means:

A. That the person acknowledging appeared before the person taking the acknowledgment; [1969, c. 364 (NEW).]

B. That he acknowledged he executed the instrument; [1969, c. 364 (NEW).]

C. That, in the case of:

(1) A natural person, he executed the instrument for the purposes therein stated;

(2) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he 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 he signed the instrument on behalf of the partnership by proper authority and he 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, he 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, guardian or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and [1969, c. 364 (NEW).]

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. [1969, c. 364 (NEW).]

[1969, c. 364 (NEW)]

Section History: 1969, Ch. 364, § (NEW).

§1016. Short forms of acknowledgment

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. [1969, c. 364 (NEW).]

1. Individual. For an individual acting in his own right:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

[1969, c. 364 (NEW).]

2. Corporation. For a corporation:

State of

County of

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) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

[1969, c. 364 (NEW).]

3. Partnership. For a partnership:

State of

County of

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.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

[1969, c. 364 (NEW).]

4. Principal. For an individual acting as principal by an attorney in fact:

State of

County of

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).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

[1969, c. 364 (NEW).]

5. Public officer. By any public officer, trustee or personal representative:

State of
County of

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

[1969, c. 364 (NEW).]

Section History: 1969, Ch. 364, § (NEW).

§1017. Acknowledgments not affected by this Act

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. [1973, c. 625, § 14 (AMD).]

Section History: 1969, Ch. 364, § (NEW), 1973, Ch. 625, §14 (AMD).

§1018. Uniformity of interpretation

This Act shall be so interpreted as to make uniform the laws of those states which enact it.

[1969, c. 364 (NEW).]

Section History: 1969, Ch. 364, § (NEW).

§1019. Short title

This Act may be cited as the Uniform Recognition of Acknowledgments Act. [1969, c. 364 (NEW).]

Section History: 1969, Ch. 364, § (NEW).

CHAPTER 23. MISCELLANEOUS PROVISIONS

§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.

[1981, c. 456, Pt. A, § 12 (AMD).]

Section History: 1967, Ch. 206, § (NEW), 1981, Ch. 456, §A12 (AMD).

TITLE 5. ADMINISTRATIVE PROCEDURES AND SERVICES

CHAPTER 1. STATE OFFICERS AND EMPLOYEES

§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. [2001, c. 667, Pt. C, §1 (AMD).]

Section History: 1975, c. 771, §27 (RPR). 1987, c. 736, §4 (AMD). 2001, c. 667, §C1 (AMD), 2009, ch. 74 §2 (AMD).

§6. Officials have 30 days to qualify

All public officers appointed or renewed in accordance with law shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of qualification must be filed in the office of the Secretary of State. Any officer who fails to qualify within 30 days and file a certificate of qualification in the office of the Secretary of State within 45 days must be suspended by the Secretary of State until the defect is corrected. During this suspension, the officer may be deemed to have forfeited the appointment and the office may be declared vacant by the appointing authority and a new appointment made. [1991, c. 837, Pt. A, §7 (AMD).]

Section History: 1975, Ch. 87, §1 (AMD), 1975, Ch. 771, §28 (AMD), 1981, Ch. 456, §A14 (AMD), 1991, Ch. 837, §A7 (AMD).

CHAPTER 5. SECRETARY OF STATE

§82. Appointment of notaries public; term of appointment; additional requirements for resident of adjoining state; term renewal of commissions

1. Appointment and renewal. The Secretary of State may appoint and renew a commission of a notary public who:

A. Is 18 years of age or older at the time of appointment; [2007, c. 285, §1 (NEW).]

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; [2007, c. 285, §1 (NEW).]

C. Demonstrates proficiency in the English language at the time of appointment; [2007, c. 285, §1 (NEW).]

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; [2007, c. 285, §1 (NEW).]

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 [2007, c. 285, §1 (NEW).]

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. [2007, c. 285, §1 (NEW).]

[2007, c. 285, §1 (NEW).]

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:

A. If the applicant is not self-employed, an affidavit from the applicant's employer stating that:

(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 [2007, c. 285, §1 (NEW).]

B. If the applicant is self-employed, an affidavit from the applicant stating that:
(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. [2007, c. 285, §1 (NEW).]

The affidavit required by this subsection must be in a form and format as defined by rule by the Secretary of State.[2007, c. 285, §1 (NEW).]

3. Written examination. The Secretary of State shall:

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 [2007, c. 285, §1 (NEW).]

B. Furnish study materials relating to the written examination to an applicant without charge upon request of the applicant. [2007, c. 285, §1 (NEW).]
[2007, c. 285, §1 (NEW).]

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.” [2009, c. 74, §3 (NEW).]

4. Term. A person appointed as a notary public serves the following term of office:

A. For a resident of this State, a term of 7 years; or [2007, c. 285, §1 (NEW).]

B. For a resident of an adjacent state, a term of 4 years. [2007, c. 285, §1 (NEW).]
[2007, c. 285, §1 (NEW).]

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. [2007, c. 285, §1 (NEW).]

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.
[2007, c. 285, §1 (NEW).]

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. [2007, c. 285, §1 (NEW).]

Section history: 1975, c. 87, §2 (RPR). 1975, c. 771, §§31-A (RPR). 1979, c. 541, §A19 (AMD). 1981, c. 456, §A15 (RPR). 1987, c. 736, §5 (AMD). 1991, c. 465, §§6,7 (AMD). 1997, c. 712, §3 (AMD). 2007, c. 285, §1 (RPR), 2009, c. §3, §4.

§82-A. Publications

1. Informational publications. The Secretary of State shall make available such informational publications as may be necessary to ensure that notaries public are knowledgeable in the performance of their duties. One copy of these publications must be made available with each appointment or renewal of a notary public commission. The printing and distribution costs of the first copy of publications sent to commissioned

notaries public must be paid from the fees paid by the notaries public pursuant to section 87. The Secretary of State may establish by rule in accordance with the Maine Administrative Procedure Act the procedures for the sale of these publications and a fee schedule to cover the cost of printing and distribution for:

A. Additional copies of publications requested by commissioned notaries public; and [1991, c. 465, §8 (NEW).]

B. Copies of publications requested by noncommissioned individuals, corporations, agencies or other entities. [1991, c. 465, §8 (NEW).]

2. Fund; fees deposited. All fees collected pursuant to this section must be deposited in a fund for use by the Secretary of State for replacing and updating publications offered in accordance with this chapter and for funding new publications. [1991, c. 465, §8 (NEW).]

Section History: 1991, Ch. 465, §8 (NEW).

§82-B. Repealed 2011, c. 344 §1.

§87. Fees payable by public officers

A fee of \$50 must be paid to the Secretary of State by any person appointed to the office of notary public, commissioner to take depositions and disclosures, disclosure commissioner or commissioner appointed under Title 33, section 251, before the person enters upon the discharge of official duties.

[1989, c. 501, Pt. L, Â§3 (AMD).]

Section History:

1969, c. 225, §2 (AMD). 1981, c. 456, §A16 (AMD). 1989, c. 501, §L3 (AMD). 2005, c. 12, §FF1 (AMD).

TITLE 10. COMMERCE AND TRADE CHAPTER 623. SAFE DEPOSIT BOXES

§3751. Right to open box; lien on contents

Whenever the amount due for the use of any safe or box in the vaults of any bank or safe deposit company shall not have been paid for one year, such bank or company may, at the expiration of such period, notify the person in whose name such safe or box stands on its books, by a notice in writing in a securely closed, postpaid, registered letter directed to such person at his post-office address as recorded upon the books of said bank or company, that if the amount then due for the use of such safe or box is not paid within 60 days from the date of such notice, said bank or company will then cause such safe or box to be opened in the manner provided. At the expiration of 60 days after the mailing of said notice, said bank or company may then cause such safe or box to be opened in the presence of any officer or branch manager of said bank or company, and of a notary public not an officer or in the employ of said bank or company, and the contents of said safe or box shall then be sealed up by such notary public in a package and a certificate of such sealing shall be indorsed thereon, signed by such notary and attested by his seal, and said package shall be distinctly marked with the name and address of the person in whose name such safe or box stands upon the books of said bank or company, and the estimated value thereof. Said package shall then be placed in one of the general safes or boxes of said bank or company, and shall be held subject to redemption by the owner thereof, who shall be required to pay the rent due for said safe or box and all costs and damages attending the opening thereof, together with reasonable charges for the custody of said package by said bank or company, and said bank or company shall have a lien upon said package to secure the payment of such rent, damages and charges. The contents of an

opened safe or box, if unclaimed, must be disposed of according to Title 33, chapter 41. [2003, c. 20, Pt. T, §4 (AMD).]

PART 13. ELECTRONIC COMMERCE
CHAPTER 1051. UNIFORM ELECTRONIC TRANSACTIONS ACT

§ 9411. Notarization and acknowledgment

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

[1999, c. 762, § 2 (new).]

TITLE 11. UNIFORM COMMERCIAL CODE
ARTICLE 3. COMMERCIAL PAPER
ARTICLE 3-A. NEGOTIABLE INSTRUMENTS
PART 5. DISHONOR

§1505. Evidence of dishonor

(1) The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor stated:

(a) A document regular in form as provided in subsection (2) which purports to be a protest; [1993, c. 293, Pt. A, §2 (NEW).]

(b) A purported stamp or writing of the drawee, payor bank or presenting bank on or accompanying the instrument stating that acceptance or payment has been refused unless reasons for the refusal are stated and the reasons are not consistent with dishonor; or [1993, c. 293, Pt. A, §2 (NEW).]

(c) A book or record of the drawee, payor bank or collecting bank, kept in the usual course of business which shows dishonor, even if there is no evidence of who made the entry. [1993, c. 293, Pt. A, §2 (NEW).]

(2) A protest is a certificate of dishonor made by a United States consul or vice-consul, or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties. [1993, c. 293, Pt. A, §2 (NEW).]

Section History: 1993, Ch. 293, §A2 (NEW).

TITLE 16. COURT PROCEDURE; EVIDENCE
CHAPTER 1. WITNESSES
SUBCHAPTER 3. ATTENDANCE

§101. Subpoenas for witnesses

The clerks of the several courts and notaries public may issue subpoenas for witnesses to attend before any court or before persons authorized to examine witnesses, to give evidence concerning any pending matter. [1981, c. 456, Pt. A, § 58 (AMD).]

Section History: 1981, Ch. 456, §A58 (AMD).

TITLE 17-A. MAINE CRIMINAL CODE
CHAPTER 19. FALSIFICATION IN OFFICIAL MATTERS

§451. Perjury

1. A person is guilty of perjury if he makes:

A. In any official proceeding, a false material statement under oath or affirmation, or swears or affirms the truth of a material statement previously made, and he does not believe the statement to be true; or [1975, c. 740, §61 (AMD).]

B. Inconsistent material statements, in the same official proceeding, under oath or affirmation, both within the period of limitations, one of which statements is false and not believed by him to be true. [1975, c. 499, §1 (NEW).]
[1975, c. 740, §61 (AMD).]

2. In a prosecution under subsection 1, paragraph B, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the person to be true. [1999, c. 13, §1 (AMD).]

3. It is an affirmative defense to prosecution under this section that the defendant retracted the falsification in the course of the official proceeding in which it was made, and before it became manifest that the falsification was or would have been exposed. [1981, c. 317, §12 (AMD).]

3-A. In a prosecution under subsection 1, paragraph A, evidence that the allegedly false testimony in the prior official proceeding was contradicted by evidence in that proceeding may not be a sufficient basis by itself to sustain a conviction for perjury. [1981, c. 317, §13 (NEW).]

4. It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not a competent witness in making the statement or was disqualified from doing so. A document purporting to be made upon oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed. [1975, c. 740, §62 (AMD).]

5. As used in this section:

A. “Official proceeding” means any proceeding before a legislative, judicial, administrative or other governmental body or official authorized by law to take evidence under oath or affirmation including a notary or other person taking evidence in connection with any such proceeding; [1975, c. 499, §1 (NEW).]

B. “Material” means capable of affecting the course or outcome of the proceeding. [1975, c. 499, §1 (NEW).]

6. Perjury is a Class C crime. [1975, c. 499, §1 (NEW).]

Section History: 1975, Ch. 499, §1 (NEW), 1975, Ch. 740, §61,62 (AMD), 1979, Ch. 512, §27 (AMD), 1981, Ch. 317, §12,13 (AMD), 1999, Ch. 13, §1 (AMD).

§452. False swearing

1. A person is guilty of false swearing if:

A. He makes a false statement under oath or affirmation or swears or affirms the truth of such a statement previously made and he does not believe the statement to be true, provided

(1) the falsification occurs in an official proceeding as defined in section 451, subsection 5, paragraph A, or is made with the intention to mislead a public servant performing his official duties; or

(2) the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or [1975, c. 499, §1 (NEW).]

B. He makes inconsistent statements under oath or affirmation, both within the period

of limitations, one of which is false and not believed by him to be true. In a prosecution under this subsection, it need not be alleged or proved which of the statements is false, but only that one or the other was false and not believed by the defendant to be true. [1975, c. 499, § 1 (NEW).] [1975, c. 499, § 1 (NEW).]

2. It is an affirmative defense to prosecution under this section that, when made in an official proceeding, the defendant retracted the falsification in the course of such proceeding before it became manifest that the falsification was or would have been exposed. [1981, c. 317, § 14 (AMD).]

2-A. In a prosecution under subsection 1, paragraph A, evidence that the allegedly false testimony or statement in the prior official proceeding or before a notary or other person authorized to administer oaths was contradicted by evidence in that proceeding may not be a sufficient basis by itself to sustain a conviction for false swearing. [1983, c. 450, § 3 (AMD).]

3. It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not a competent witness in making the statement or was disqualified from doing so. A document purporting to be made upon oaths or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed. [1975, c. 740, § 63 (AMD).]

4. False swearing is a Class D crime. [1975, c. 499, § 1 (NEW).]
Section History: 1975, Ch. 499, §1 (NEW), 1975, Ch. 740, §63 (AMD), 1979, Ch. 512, §28 (AMD), 1981, Ch. 317, §14,15 (AMD), 1983, Ch. 450, §3 (AMD).

TITLE 19-A. DOMESTIC RELATIONS
PART 2. MARRIED PERSONS
CHAPTER 23. MARRIAGE
SUBCHAPTER I. GENERAL PROVISIONS

§656. License

1. Contents of license. A marriage license must have conspicuously printed on it the following words: “The laws of Maine provide that only authorized persons may solemnize marriages in this State.” [1995, c. 694, Pt. B, §2 (NEW); Pt. E, §2 (AFF).]

2. Completed license; ceremony performed. Each marriage license issued must be completed and the certification statement signed by both parties to the intended marriage. The completed license or licenses must be delivered by the parties to the person solemnizing the marriage. Upon completion of the solemnization, which must be performed in the presence of at least 2 witnesses other than the person officiating, the person officiating and the 2 witnesses shall sign the license or licenses, which are then known as the marriage certificate or certificates. [1995, c. 694, Pt. B, §2 (NEW); Pt. E, §2 (AFF).]
Section History: 1995, Ch. 694, §B2 (NEW).

§657. Lack of jurisdiction or authority

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 either of the persons married, that they are lawfully married. [2001, c. 574, §7 (AMD).]

Section History: 1995, Ch. 694, §B2 (NEW), 1995, Ch. 694, §E2 (AFF), PL 2001, Ch. 574, §7 (AMD).

TITLE 21-A. ELECTIONS

CHAPTER 11. BALLOT QUESTIONS

§901. Petitions

To initiate proceedings for a people's veto referendum or the direct initiative of legislation, provided in the Constitution of Maine, Article IV, Part Third, Sections 17 and 18, a voter shall submit a written application to the Department of the Secretary of State on a form designed by the Secretary of State. The application must contain the names, addresses and signatures of 5 voters, in addition to the applicant, who are designated to receive any notices in proceedings under this chapter. For a direct initiative, the application must contain the full text of the proposed law and a summary that explains the purpose and intent of the direct initiative. The voter submitting the application shall sign the application in the presence of the Secretary of State, the Secretary of State's designee or a notary public. [2009, c. 253, §57 (AMD).]

§902. Verification and certification

The verification and certification of the petition as required by the Constitution of Maine, Article IV, Part Third, Section 20, must be worded so that a single verification or certification may cover one or more pages fastened together as a single petition. [1985, c. 161, §6 (NEW).]

The petitions must be signed in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4. The circulator of a petition must sign the petition and verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the circulator personally witnessed all of the signatures to the petition and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be and that each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter. After administering the oath to the circulator, the notary public or other authorized person must sign the notarial certificate on the petition while in the presence of the circulator. After the petition is signed and verified in this manner, the petition must be submitted to the registrar for certification in accordance with the Constitution of Maine, Article IV, Part Third, Section 20. If the petitions submitted to the registrar are not signed and verified in accordance with this paragraph, the registrar may not certify the petitions and is required only to return the petitions. The clerk or registrar shall keep a log of petitions submitted to the municipal office for verification. The log must contain the title of the petition, the name of the person submitting the petition, the date of submission, the number of petition forms submitted and the date and manner by which the petitions were returned. The notary public or other authorized person who administered the oath to the circulator must keep a log of petitions for which that person administered the circulator's oath, listing the title of the petition, the name of the circulator taking the oath, the date of the oath and the number of petition forms signed and verified by the circulator that day. [2011, c. 342, §31 (AMD), 2017, c. 277, §4 (AMD).]

§ 903-D. Repealed

§ 903-e. Persons not authorized to administer an oath or affirmation to a petition circulator

1. **Certain notaries public and others.** A notary public or other person authorized by

law to administer oaths or affirmations generally is not authorized to administer an oath or affirmation to the circulator of a petition under section 902 if the notary public or other generally authorized person is:

A. Providing any other services, regardless of compensation, to initiate the direct initiative or people’s veto referendum for which the petition is being circulated. For the purposes of this paragraph, “initiate” has the same meaning as section 1052, subsection 4-b; or

B. Providing services other than notarial acts, regardless of compensation, to promote the direct initiative or people’s veto referendum for which the petition is being circulated. [2018, C. 418, §3 (NEW).]

**TITLE 23: TRANSPORTATION
PART 3: LOCAL HIGHWAY LAW
CHAPTER 305: CONSTRUCTION, MAINTENANCE AND REPAIR
SUBCHAPTER 2: PRIVATE WAYS**

§3101. Call of meetings; maintenance; repairs

2. Call of meeting. When 4 or more parcels of land are benefited by a private road, private way or bridge as an easement or by fee ownership of the private road, private way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting. The notary may issue a warrant or similar written notice setting forth the time, place and purpose of the meeting. Copies of the warrant or similar written notice must be mailed by means of the United States Postal Service to the owners of all the parcels benefited by the private road, private way or bridge at the addresses set forth in the municipal tax records at least 30 days before the date of the meeting. The notice must inform the owners of the planned meeting’s agenda and specify all items to be voted on, including, but not limited to, all proposed budget items or amendments that will determine the amount of money to be paid by each owner pursuant to subsection 5. Subsequent meetings may be called in the same manner or by a commissioner or board appointed at a previous meeting pursuant to subsection 5.[2013, c. 198, §2 (AMD) .]

**TITLE 30. MUNICIPAL AFFAIRS
PART 2. MUNIICIPALITIES
SUBPART 3. MUNICIPAL AFFAIRS
CHAPTER 121. MEETINGS AND ELECTIONS
SUBCHAPTER I. GENERAL PROVISIONS**

§2521. Call of town meeting

Each town meeting shall be called by a warrant. The warrant must be signed by a majority of the selectmen, except as follows. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (NEW); 1989, c. 6 (AMD); c. 9, §2 (AMD); c. 104, Pt. C, §§8, 10 (AMD).]

1. First town meeting. The first town meeting shall be called in the manner provided in the act of incorporation. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (NEW); 1989, c. 6 (AMD); c. 9, §2 (AMD); c. 104, Pt. C, §§8, 10 (AMD).]

2. Majority of selectmen. If, for any reason, a majority of the selectmen do not remain in office, a majority of those remaining may call a town meeting. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (NEW); 1989, c. 6 (AMD); c. 9, §2 (AMD); c. 104, Pt. C, §§8, 10 (AMD).]

3. Petition of 3 voters, if no selectmen. When a town, once organized, is without selectmen, a notary public may call a meeting on the written petition of any 3 voters. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (NEW); 1989, c. 6 (AMD); c. 9, §2 (AMD); c. 104, Pt. C, §§8, 10 (AMD).]

4. Petition by voters, if selectmen refuse. If the selectmen unreasonably refuse to call a town meeting, a notary public may call the meeting on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (NEW); 1989, c. 6 (AMD); c. 9, §2 (AMD); c. 104, Pt. C, §§8, 10 (AMD).]
Section History: 1987, Ch. 737, §A2,C106 (NEW), 1989, Ch. 6, § (AMD), 1989, Ch. 9, §2 (AMD), 1989, Ch. 104, §C8,C10 (AMD).

TITLE 33. PROPERTY

CHAPTER 7. CONVEYANCE OF REAL ESTATE

§201-B. Notice; construction of provisions

1. Preservation of claims by filing of notice. Section 201-A shall apply to an exception, reservation or recital in a conveyance, mortgage, devise or other transfer of real property or of any interest therein made prior to the effective date of this section as well as to those made thereon or thereafter; provided that, if and to the extent constitutionally necessary to preserve rights, if any, existing at the effective date of section 201-A, that section shall not apply to such an exception, reservation or recital made previous to the effective date of that section, provided that within 2 years of the effective date of this section a person claiming such existing right, if any, shall have recorded in the registry of deeds for the county or district thereof in which the land is located the following:

A. The notice provided in subsection 2, and the deed or other instrument evidencing the previous conveyance, mortgage, devise or other transfer under which he claims, if such deed or instrument was not recorded previous to the effective date of this section;

B. The notice provided in subsection 2, if such deed or other instrument under which he claims is lost or if such deed or instrument although recorded previous to the effective date of this section was not recorded previous to the deed or other instrument containing such exception, reservation or recital.

2. Filing of notice; recording fee indexing. In order for the notice specified in subsection 1 to be effective, it shall contain an adequate description of the property in which the right, title or interest is claimed; a reference to the deed or other instrument on which the claim is based; the name of the current record owner of the property; a specific reference by date of recording and by volume and page numbers to the recorded deed or other instrument containing the exception, reservation or recital; and shall be duly verified by oath taken by any person authorized to perform notarial acts. The register of deeds for the county or district thereof in which the land is located shall accept all such notices presented that describe property located in such county or district and shall enter and record them in the same manner that deeds and other instruments are recorded and shall be entitled to charge the same fee for the recording thereof as is charged for recording deeds. In indexing such notice, the register of deeds shall enter it in the grantee index of deeds under the name of the claimant appearing in the notice and in the grantor index of deeds under the name of the record owner appearing in the notice. Within a reasonable time after recording such notice, the register of deeds shall enter upon the margin of the record of the previous instruments referred to by volume and page numbers in such notice the volume and page in which the record of such notice may be found. The person filing the notice shall deliver or mail a copy thereof to the current record owner of the property at the last

known address of such owner.

3. Persons under disability; 2-year period not suspended. The notice provided in subsection 1 may be filed for record by the claimant or my other person acting on behalf of any claimant who is under a disability or unable to assert a claim on his own behalf, but no disability or lack of knowledge of any kind shall suspend or extend the period provided for such filing.

4. Statutes of limitations not extended. Nothing contained in section 201-A and in this section shall be construed to extend the period limited for the bringing of any action or for the doing of any other required act or to otherwise extend any statute of limitations; nor shall it be construed as legislative recognition of the existence of any claims that it may bar.

5. Liberal construction. Section 201-A and this section shall be liberally construed to effect the legislative purpose of enhancing the marketability of the title to real property by eliminating the possibility of interests under certain unrecorded or late recorded deeds.

§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, 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. [1999, c. 699, Pt. D, §20 (AMD); §30 (AFF).]

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 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. [1999, c. 699, Pt. D, §20 (AMD); §30 (AFF).]

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. [1987, c. 736, §48 (AMD).]

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. [1999, c. 699, Pt. D, §20 (AMD); §30 (AFF).]

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. [1999, c. 699, Pt. D, §20 (AMD); §30 (AFF).]

Section History: 1969, Ch. 260, § (AMD), 1979, Ch. 20, § (AMD), 1981, Ch. 456, §A114,A115 (AMD), 1983, Ch. 635, § (AMD), 1987, Ch. 736, §48 (AMD), 1993, Ch. 395, §1 (AMD), 1999, Ch. 699, §D20 (AMD), 1999, Ch. 699, §D30 (AFF).

§253. Administration of oaths and depositions

Every commissioner appointed under section 251 may administer any oath lawfully required in this State to any person willing to take it; and take and duly certify all depositions to be used in any of the courts in this State, in conformity to the laws thereof, on interrogatories proposed under commission from a court of this State, by consent of parties or on legal notice given to the opposite party. All such acts shall be as valid as if done and certified according to law by a judicial officer or notary public in this State.

[1987, c. 736, §49 (AMD).]

Section History: 1987, Ch. 736, §49 (AMD).

SUBCHAPTER 4. VALIDATION OF DEFECTS

§352. Defective acknowledgments

A record of a deed or other instrument, including a power of attorney, made prior to January 1, 2000 for the conveyance of real property, or of any interest in the property, and recorded in the registry of deeds of the county in which the real property is located is valid and enforceable even if: [2001, c. 275, Pt. B, §1 (AMD).]

1. Acknowledgment. The acknowledgment:

A. Was not completed; [1995, c. 304, §1 (NEW).]

B. Was erroneously taken; [1995, c. 304, §1 (NEW).]

C. Was taken by a person not having authority to take the acknowledgment or the authority of the person taking the acknowledgment was not completely stated or was erroneously stated; [1995, c. 304, §1 (NEW).]

D. Does not reveal whether the authority taking the acknowledgment acted as a notary public, a justice of the peace or other duly authorized authority for the taking of the acknowledgment; [1995, c. 304, §1 (NEW).]

E. Was not taken; [1995, c. 304, §1 (NEW).]

F. Had not been signed by the authority taking the acknowledgment but the authority had attached, affixed or stamped the deed or instrument with a seal of authority; [1995, c. 304, §1 (NEW).]

G. Was taken by the grantor or grantee or by the husband or wife of the grantor or grantee; [1995, c. 304, §1 (NEW).]

H. Was taken by a magistrate who was a minor or an interested party or whose term of office had expired at the time of the acknowledgment; [1995, c. 304, §1 (NEW).]

I. Was taken by an officer authorized to take an acknowledgment but outside the territory in which the officer was authorized to act; [1995, c. 304, §1 (NEW).]

J. Was taken by a person who, at the time of the acknowledgment, had received an

appointment, election or permission authorizing that person to take the acknowledgment, but had not qualified and who has since qualified to take an acknowledgment; [1995, c. 304, §1 (NEW).]

K. Was authorized by the grantor who was acting as a duly authorized agent or officer of a corporation or in a fiduciary or representative capacity for a corporation; [1995, c. 304, §1 (NEW).]

L. Was taken in another state or country before a person authorized to take acknowledgments and was made on the form of acknowledgment prescribed by the laws of the state or country in which the deed or instrument was executed or the person taking the acknowledgment failed to affix a proper certificate to the deed or instrument, showing that person's authority to act as a magistrate; [1995, c. 304, §1 (NEW).]

M. Was not signed by a magistrate of this State or any other state or territory of the United States, or any foreign country, authorized to take an acknowledgment but was complete in every other respect and was signed by an ambassador, minister, charge d'affaires, consul, vice-consul, deputy consul, consul general, vice-consul general, consular agent, vice-consular agent, commercial agent or vice-commercial agent of the United States who was not qualified to take an acknowledgment, but has since become qualified by law to do so; [1995, c. 304, §1 (NEW).]

N. Was signed by a magistrate authorized to take an acknowledgment but the magistrate's official seal, the names of the grantors, the date and place of acknowledgment, the words "personally appeared before me" or a statement that it was acknowledged as the grantor's "free act and deed" had been omitted; or [1995, c. 304, §1 (NEW).]

O. Is in the form of an oath or states merely that the deed or instrument was subscribed in the magistrate's presence, or is otherwise informal or incomplete, but was signed by a magistrate authorized to take an acknowledgment; or [1995, c. 304, §1 (NEW).]

2. Records relating to title to real property. The records in relating to the title to real property fail to disclose the date when received for record or the records have not been signed by the register of deeds or other duly authorized recording officer for the county. [1995, c. 304, §1 (NEW).]

Section History: 1971, Ch. 469, §1 (AMD), 1981, Ch. 181, §1 (AMD), 1995, Ch. 304, §1 (RPR), 2001, Ch. 275, §B1 (AMD).

SUBCHAPTER 8. OMITTED MARITAL RELEASE

§472. Filing of notice; recording fee; indexing

In order for the notice specified in section 471 to be effective, it shall contain an intelligible description of the land in which the right and interest by descent is claimed; the name of the person on whose behalf such right and interest is claimed; the name of the current record owner of the land; a specific reference by date of recording and by volume and page numbers to the recorded conveyance, if any, that omitted the release of such right and interest; and shall be duly verified by oath taken by any person authorized to perform notarial acts. The register of deeds for the county in which the land is located shall accept all such notices presented that describe land located in said county and shall enter and record them in the same manner that deeds and other instruments are recorded and shall be entitled to charge the same fee for the recording thereof as is charged for recording deeds. In indexing such notice, the register of deeds shall enter it in the grantee index of deeds under the name of the claimant appearing in the notice, and in the grantor index of deeds under the name of the record owner appearing in the notice. Within a reasonable time after

recording such notice, the register of deeds shall enter upon the margin of the record of the prior conveyance, if any, referred to in said notice the volume and page in which the record of said notice may be found. The person filing the notice shall deliver or mail a copy thereof to the current record owner of the and at the last known address of such owner.

[1975, c. 511 (NEW).]

Section History: 1975, Ch. 511, § (NEW).

CHAPTER 12. SHORT FORM DEEDS ACT

§775. Appendix

Statutory short forms of instruments relating to real estate are as follows: [1967, c. 377 (NEW).]

Forms:

[1967, c. 377 (NEW).]

- 1 Warranty Deed [1967, c. 377 (NEW).]
- 2 Quitclaim Deed with Covenant [1967, c. 377 (NEW).]
- 3 Deed of Executor, Administrator, Trustee, Guardian, Conservator, Receiver or Commissioner [1967, c. 377 (NEW).]
- 3-A Deed of Distribution by Personal Representative (Intestate) [1981, c. 367, § 3 (NEW).]
- 3-B Deed of Distribution by Personal Representative (Testate) [1981, c. 367, § 3 (NEW).]
- 3-C Deed of Sale by Personal Representative (Intestate) [1981, c. 367, § 3 (NEW).]
- 3-D Deed of Sale by Personal Representative (Testate) [1981, c. 367, § 3 (NEW).]
- 4 Quitclaim Deed Without Covenant or Release Deed [1967, c. 377 (NEW).]
- 5 Mortgage Deed [1967, c. 377 (NEW).]
- 6 Partial Release of Mortgage [1967, c. 377 (NEW).]
- 7 Assignment of Mortgage [1967, c. 377 (NEW).]
- 8 Discharge of Mortgage [1967, c. 377 (NEW).]
- 9 Deed from Individual to Himself and Another as Joint Tenants [1967, c. 377 (NEW).]
- 10 Deed from Multiple Grantors to Joint Tenants [1975, c. 623, § 51-E (AMD).]
- 11 Municipal Quitclaim Deed [1967, c. 377 (NEW).]

Forms of Acknowledgments:

1 Warranty Deed

A. B. of, County,, (being unmarried), for consideration paid, grant to C.D. of, County,, with Warranty Covenants, the land in, County, Maine.

(description and encumbrances, if any)

E. F., spouse of the grantor, releases all rights in the premises being conveyed.

Witness hand and seal this day of (here add acknowledgment)

[1981, c. 367, § 4 (AMD).]

2 Quitclaim Deed With Covenant

A. B. of, County,, (being unmarried) for consideration paid, grant to

C.D. of, County,, with quitclaim covenant the land in, County,

(description and encumbrances, if any)

E. F., spouse of the grantor, releases all rights in the premises being conveyed.

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 5 (AMD).]

3 Deed of Personal Representative, Trustee, Conservator, Receiver, Commissioner, Executor, Administrator, Guardian or Other Specified Authorized Representative.

A. B., personal representative of the estate of C.D., (“trustee of”, “conservator of”, “receiver of the estate of”, “commissioner”, “executor of the will of”, “administrator of the estate of”, “guardian of”, or “other specified authorized representative of”) by the power conferred by law, and every other power, for dollars paid, grant to E.F. of County,, the land in, County,

(description) (with appropriate release of spouse)

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 6 (rpr).]

3-A Deed of Distribution by Personal Representative (Intestate)

A. B., of, County,, duly appointed and acting personal representative of the estate of C.D., deceased, as shown by the probate records of County, Maine, by the powers conferred by law, and every other power, (in distribution of the estate) grants to E.F. of, County,, whose mailing address is, being the person(s) entitled to distribution, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 7 (NEW).]

3-B Deed of Distribution by Personal Representative (Testate)

A. B., of, County,, duly appointed and acting personal representative of the estate of C.D., deceased, whose will was duly admitted to probate in the Probate Court for County, Maine, by the power conferred by law, and every other power, (in distribution of the estate) grants to E.F. of, County,, whose mailing address is, being the person(s) entitled to distribution, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 7 (NEW).]

3-C Deed of Sale by Personal Representative (Intestate)

A. B., of, County,, duly appointed and acting personal representative of the estate of C.D., deceased (intestate), as shown by the probate records of County, Maine, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid grants to E.F. of, County,, whose mailing address is, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 7 (NEW).]

3-D Deed of Sale by Personal Representative (Testate)

A. B., of, County,, duly appointed and acting personal representative of the estate of C.D., deceased (testate), as shown by the probate records of County, Maine, (and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale) (and not having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, such notice not being required under the terms of the decedent's will), by the power conferred by the Probate Code, and every other power, for consideration paid grants to E.F. of, County,, whose mailing address is, the real property in, County, Maine, described as follows:

(description)

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 7 (NEW).]

4 Quitclaim Deed Without Covenant or Release Deed

A. B. of,, County,, (being unmarried) for consideration paid, release to C.D. of,, County,, the land in,, County,

(description)

E. F., spouse of the grantor, releases all rights in the premises being conveyed.

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 8 (AMD).]

5 Mortgage Deed

A. B. of,, County,, (being unmarried) for consideration paid, grant to C.D. of,, County,, with mortgage covenants, to secure the payment of dollars in years with per cent interest per annum, payable in installments, as provided in note of even date, the land in, County,

(description and encumbrances, if any)

This mortgage is upon the statutory condition, for any breach of which the mortgagee shall have the remedies provided by law.

E. F., spouse of the grantor, releases all rights in the premises being conveyed.

Witness hand and seal this day of (here add acknowledgment)
[1981, c. 367, § 9 (AMD).]

6 Partial Release of Mortgage

C. D., the holder of a mortgage by A.B. to C.D., dated, recorded in the County Registry of Deeds, Book, Page, for consideration paid, release to A.B., all interest acquired under said mortgage in the following described portion of the mortgaged premises:

(description)

Witness hand and seal this day of (here add acknowledgment)
[1969, c. 344, § 3 (AMD).]

7 Assignment of Mortgage

C. D., holder of a mortgage from A.B. to C.D., dated, recorded in the County Registry of Deeds, Book, Page, assign said mortgage and the note and claim secured thereby to E.F.

Witness hand and seal this ... day of (here add acknowledgment)
[1969, c. 344, § 3 (AMD).]

8 Discharge of Mortgage

C. D., holder of a mortgage from A.B. to C.D., dated, recorded in the County Registry of Deeds, Book, Page, acknowledge satisfaction of the same.

Witness hand and seal this ... day of (here add acknowledgment)
[1969, c. 344, § 3 (AMD).]

9 Deed from Individual to Himself and Another as Joint Tenants

A. B. of, County,, (being unmarried) for consideration paid, grant to said A.B. and C.D. of, County,, with warranty covenants (or “quitclaim covenant”) as joint tenants, the land in, County,

(description and encumbrances, if any)

E. F., spouse of the grantor, releases all rights in the premises being conveyed.

Witness hand and seal this day of (here add acknowledgment)

[1981, c. 367, § 10 (AMD).]

10 Deed from Multiple Grantors to Joint Tenants

A. B. and C.D. (and E.F.), of, County,, for consideration paid, grant to W.X. of, County, and Y.Z. of, County,, with warranty covenants (or with “quitclaim covenant”) as joint tenants, the land in, County

(description and encumbrances, if any)

A. B. and C.D., husband and wife, (and E.F., and M.N., spouse of E.F.) (both) release all rights in the premises being conveyed (or I.J., spouse of A.B. and K.L., spouse of C.D., both release all rights in the premises being conveyed).

Witness our hands and seals this day of (here add acknowledgment)

[1981, c. 367, § 11 (AMD).]

11 Municipal Quitclaim Deed

The Inhabitants of the Municipality of, a body corporate, located at, County,, for consideration paid, release to of, County,, the land in, County,

(description and encumbrances, if any)

The said Inhabitants of the municipality of have caused this instrument to be signed in its corporate name by, its, duly authorized, this day of (here add acknowledgment)

[1967, c. 377 (NEW).]

12 Acknowledgment of Individual Acting in His Own Right

State of

County of, ss (Date)

Then personally appeared the above named A. (and B.) and (severally) acknowledged the foregoing instrument to be his (or their) free act and deed.

Before me,

.....

Notary Public

[1987, c. 736, §52 (AMD).]

13 Acknowledgment of an Attorney

State of

County of, ss (Date)

Then the above named, who signed the foregoing instrument as the attorney of the

above named (grantor), personally appeared and acknowledged the same to be his free act and deed.

Before me,

.....

Notary Public

[1987, c. 736, §52 (AMD).]

14 Acknowledgment of an Officer of a Corporation

State of

County of, ss (Date)

Then personally appeared the above named (name of the officer who signed the deed, with his title), and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

.....

Notary Public

[1987, c. 736, §52 (AMD).]

15 Acknowledgment of an Executor, Administrator, Trustee, Guardian, Conservator, Receiver or Commissioner.

State of

County of, ss (Date)

Then personally appeared the above named A. (and B.) in his (their) said capacity and (severally) acknowledged the foregoing instrument to be his (their) free act and deed.

Before me,

.....

Notary Public

[1987, c. 736, §52 (AMD).]

Section History: 1967, Ch. 377, § (NEW), 1969, Ch. 344, §3 (AMD), 1975, Ch. 104, §1,2 (AMD), 1975, Ch. 623, §51E,51F (AMD), 1981, Ch. 367, §3-11 (AMD), 1987, Ch. 736, §52 (AMD).

TITLE 37-B. DEFENSE, VETERANS AND EMERGENCY MANAGEMENT CHAPTER 5. MAINE CODE OF MILITARY JUSTICE

§427. Witnesses

1. Oaths. A military judge detailed under this Code may administer oaths. [1983, c. 460, §3 (NEW).]

2. Subpoena. A military judge, notary public or clerk of any District Court or Superior Court may issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books, papers and photographs relating to any questions in dispute before the court-martial or to any matters involved in a trial by court-martial. [1983, c. 594, §29 (AMD).]

3. Fees and mileage. Fees and mileage payments shall be paid to witnesses at the rate allowed to witnesses attending the District Courts. The fees and mileage payments shall be

paid out of the Military Fund. [1983, c. 460, §3 (NEW).]

4. Violation. It is a Class E crime for a person not subject to this Code intentionally to fail to appear as a witness, refuse to qualify as a witness or refuse to produce evidence if that person:

A. Has been subpoenaed to give testimony or produce evidence; or [1983, c. 460, §3 (NEW).]

B. Has been paid fees and mileage as a witness. [1983, c. 460, §3 (NEW).]

5. Prosecution. The Attorney General may prosecute persons who violate this section. [1983, c. 460, §3 (NEW) .]

TITLE 38. WATERS AND NAVIGATION
CHAPTER 5. GENERAL PROVISIONS RELATING TO RIVERS AND STREAMS
SUBCHAPTER 1. MILLS AND DAMS
ARTICLE 4. MILLS AND THEIR REPAIR

§851. Meeting of mill owners; call; object

When an owner of a mill or of the dam necessary for working the mill thinks it necessary to rebuild or repair it in whole or in part, the owner may apply in writing to a notary public in the county where the mill is situated, or if partly in 2 counties, to a notary public in either, to call a meeting of the owners, stating the object, time and place of the meeting. The notary may issue a warrant for the purpose, directed to the owner, which must be published in some newspaper printed in the county, if any, 3 weeks successively, the last publication to be not less than 10 nor more than 30 days before the meeting; or a true copy of the warrant may be delivered to each of said owners or left at the owner's last known address; and either notice is binding on all the owners. [1995, c. 227, §4 (AMD).]

CODE OF MAINE RULES

29-250. DEPARTMENT OF SECRETARY OF STATE
BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS
DIVISION OF RULES, COMMISSIONS AND ADMINISTRATION

Chapter 700: Rules Governing Eligibility and Procedures for Appointment and Renewal of Commissions of Notaries Public

Summary: 5 M.R.S.A. § 82, Maine law specifies that only adult residents of the State may be appointed as Notaries Public. The Secretary of State is charged with establishing criteria and procedures; the one statutory restriction is that appointment or renewal may not be refused solely because the applicant lives or works in a specific geographic area or for political party affiliation. This rule revises such criteria and procedures.

§1. Eligibility for Appointment to a Notary Public commission

Any Maine adult who properly applies for appointment as a Notary Public will be so appointed, with the following provisions:

A. The applicant must be an adult resident of Maine. An adult is defined as any person who has attained the age of eighteen;

B. The applicant must be worthy of the public trust. Because certain situations and activities attack the heart of that trust, the appointment will be denied when the following apply:

1. If the applicant has been convicted of a crime for which imprisonment may be a penalty, the applicant is ineligible for appointment while on bail, incarcerated, under probation or parole, or

2. For five years following the date of release from incarceration or termination of probation or parole, whichever comes last, persons convicted of the following are ineligible for appointment as a Notary Public:

Perjury (17-A M.R.S.A. § 451)

False swearing (17-A M.R.S.A. § 452)

Unsworn falsification (17-A M.R.S.A. § 453)

Tampering with public records or information (17-A M.R.S.A. § 456)

Impersonating a public servant (17-A M.R.S.A. § 457)

Bribery and corrupt practices (17-A M.R.S.A. c. 25)

Bribery in official and political matters (§ 602)

Improper influence (§ 603)

Improper compensation for past action (§ 604)

Improper gifts to public servants (§ 605)

Improper compensation for services (§ 606)

Purchase of public office (§ 607)

Official oppression (§ 608)

Misuse of information (§ 609)

Forgery and related offenses (17-A M.R.S.A. c. 29)

Aggravated forgery (§ 702)

Forgery (§ 703)

Possession of forgery devices (§ 704)

Criminal simulation (§ 705)

Suppressing recordable instrument (§ 706)

Falsifying private records (§ 707)

Negotiating a worthless instrument (§ 708)

Deceptive business practices (17-A M.R.S.A. § 901)

Private bribery (17-A M.R.S.A. § 904)

Misuse of credit identification (17-A M.R.S.A. § 905)

Possession or transfer of theft of services devices (17-A M.R.S.A. § 907)

Conviction in other jurisdictions for offenses similar to those stated in this section, with the Secretary of State's determination of similarity final.

Nothing in this section will be deemed to restrict the Secretary of State's authority to make exceptions on a case-by-case basis regarding eligibility or ineligibility.

§2. Procedures for applying for a Notary Public commission

A. The applicant must use the latest application form issued by the Secretary of State.

B. All applications for appointment must be completed by the applicant using any resource material. All questions must be answered and the application returned to the Secretary of State with a fee of \$25.00.

C. In the presence of a Notary Public, the applicant shall attest that the information contained in the application is accurate and the answers were completed by the applicant. The applicant shall sign the application in the presence of the Notary Public. The Notary

Public shall certify this attestation by signing the application; a seal may be used if desired.

D. The applicant shall obtain the signatures and residences of the following persons in the appropriate places on the application form. Two separate individuals must sign the application:

1. A registered Maine voter recommending the application, and attesting to the applicant's capability of performing the duties required of a Notary Public. The registered Maine voter may not act as the Notary Public on this application; and

2. A municipal clerk or registrar of voters of the applicant's residence must indicate which office is held and affix the municipal seal. The clerk or registrar of voters may act as the Notary Public on this application.

E. Once the application has been processed by the Secretary of State, the certificate of office and the certificate of qualification will be mailed to the applicant. From the date of appointment, as listed on the certificate of qualification, the applicant has 30 calendar days to be sworn into office by a Dedimus Justice, and 45 days from the date of appointment to return the completed certificate of qualification to the Secretary of State. If the applicant has not been sworn into office by the 31st day, the Secretary of State will notify the applicant of the failure to qualify. If the completed certificate of qualification has not been received by the Secretary of State by the 45th day, the Secretary of State will notify the applicant of failure to qualify. From the date of that notification, the applicant has 90 calendar days to request a reappointment by the Secretary of State. From the date of reappointment, the applicant has 30 calendar days to be sworn into office by a Dedimus Justice. If the applicant does not request a reappointment within 90 days from the date of notification of failure to qualify, the applicant must begin the application process from the beginning.

§3. Procedures for renewal of a Notary Public commission

5 M.R.S.A. § 82 specifies that the Secretary of State shall provide written notice of the expiration of a commission of Notary Public 30 days prior to the date of expiration. Failure of the Notary Public to receive such notice does not, however, delay the expiration date. Notaries Public are advised to keep track of their own expiration dates to avoid accidental expiration.

To renew, the Notary Public must complete the renewal application form provided by the Secretary of State, which may include the following information:

- A. the name under which the commission was issued;
- B. the name of the renewing Notary Public (a difference may arise because of marriage, for example);
- C. the date of expiration of the commission;
- D. the street address (physical location, not P.O. Box or R.F.D. number) of the Notary Public;
- E. the home mailing address;
- F. the home and business, if any, telephone numbers at which the Notary Public may be reached;
- G. a list of any crimes for which the Notary Public has been convicted since the date of the latest renewal or initial commission; and
- H. a \$25.00 renewal fee.

If the Notary Public fails to renew by the expiration date, then the commission is expired. During the time period after the expiration of the commission, the Notary Public

may not perform any notarial acts until the commission is renewed or until a new commission is obtained and the applicant has been sworn into office by a Dedimus Justice. If a request to renew the expired commission is not received by the Secretary of State within 90 days after the date of expiration, the Notary Public must apply for a new commission following the requirements in § 2

The Secretary of State may deny a commission renewal if any of the situations described in § 1 above apply.

§ 4. Name or Address changes

If a Notary Public changes his or her name or address, the Notary Public must notify the Secretary of State within 10 days of the date of the change. The Notary Public may use the form provided by the Secretary of State, but must provide such request for a change of name or address in writing. For a change of name, the Notary Public must provide proof of the change by submitting a copy of an appropriate document such as a marriage license, divorce decree, or Probate Court document. A new certificate of office will not generally be issued; however, the Notary Public may request a new certificate of office by submitting a copy of the current certificate of office with the request.

If the Notary Public does not notify the Secretary of State of a change in name, the new name should not be used in notary transactions. If the Notary Public uses a name not on file with the Secretary of State and a certification of the Notary Public for an authentication or apostille is later sought from the Secretary of State, the certification of the Notary Public could not be completed, thus defeating the function of the Notary Public.

§5. Payment of fees

All fees noted in this rule must be paid in cash, by check, money order, or in the case of a state employee, through the State's internal journaling process. Payment cannot be accepted by credit card, electronic transfer, or request for later billing.

EFFECTIVE DATE: April 24, 1979

AMENDED: October 20, 1979

September 11, 1979

September 11, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): April 28, 1996

NON-SUBSTANTIVE CORRECTIONS: October 27, 1997- Divisional name

AMENDED: April 1, 1998