



March 16, 2022

Sen. Anne Carney, Chair  
Rep. Thom Harnett, Chair  
Joint Standing Committee on the Judiciary  
Maine State Legislature  
100 State House Station  
Augusta, ME 04333

Re: ***LD 2023, An Act To Implement the Recommendations of the Secretary of State Regarding Notarial Acts***

Dear Sen. Carney, Rep. Harnett, and Members of the Judiciary Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we submit this letter in support of LD 2023. We believe this bill was developed through a very collaborative stakeholder process and, if adopted, will provide Mainers with more options for notarizing documents without compromising the integrity of the notarization process.

**About us.** The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 3000 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law.

**Discussion.** Last year, the Legislature passed, and the Governor signed into law, LD 1399 "An Act To Continue Temporary Modification of Certain In-person Notarization and Acknowledgement Requirements and Developing Permanent Implementation of Remote and Online Notarization." This legislation directed the Secretary of State to conduct a study on remote and online notarization and develop recommendations for permanently implementing remote and online notarization in Maine. It also directed the Secretary of State to submit a report, including recommended legislation, as well as any other recommendations related to the Revised Uniform Law on Notarial Acts (RULONA) to the Joint Standing Committee on Judiciary. That report has already been delivered to the Judiciary Committee, and as outlined in the report, LD 2023 would implement the recommendations of the Secretary of State regarding remote notarial acts.

The Maine State Bar Association supports access to justice for all throughout our State. Our Association recognizes that, in a rural state such as Maine, access to remote and online notarization services can be very important for people seeking action or protection through the legal system. For this reason, MSBA has been actively engaged in discussions on this issue throughout the past two years, including as part of the stakeholder group that developed LD 2023. To complete its required study of remote and online notarization, the Secretary of State and staff reviewed practices of other states, attended a national conference to discuss remote and online notarization and convened a working group of stakeholders. MSBA was appreciative of the opportunity to take part in that working group. While we understand that there was not complete agreement among all stakeholders on each and every one of the recommendations



included in the Secretary of State's report, there was broad consensus on most issues. For this reason, we feel comfortable that LD 2023 represents an appropriate path forward to allow remote notarial acts in Maine, and we urge the Committee to pass LD 2023. LD 2023 as finally drafted would be an effective law enabling remote notarization, one that is relatively consistent with other states' practices, protective of individuals, uniform in nature, and reasonably efficacious for practitioners to use.

**Conclusion.** We thank this committee, the Secretary of State and her staff, and all the stakeholders who worked together to bring this bill forward. We urge the committee to vote "ought to pass" on LD 2023.

Sincerely,

A handwritten signature in blue ink, appearing to be "Frank Bishop", written in a cursive style.

Frank Bishop  
President, Board of Governors

cc: Angela Armstrong, Executive Director  
Rachel Okun, Chair, MSBA Legislative Committee  
James I. Cohen, Verrill Dana, LLP  
Clara T. McConnell, Verrill Dana LLP