

Excerpt from State of Maine Notary Public and Resource Guide

1. Require personal appearance. Personal appearance is required by Maine law. To perform a notarization, the signer must personally and physically appear before the Notary Public. In an acknowledgement, there is no need for the Notary Public to witness the actual signing of the document, but on a jurat or affidavit, when the words “subscribed before me” or other similar language are present, the signer must sign in the presence of the Notary Public. Never deviate from this requirement of personal appearance. No exceptions. **A notarization cannot be done via video conferencing or similar video technology.**
2. Make sure the signer provides proper identification. Identification credentials must have a photograph to properly identify the signer. The Secretary of State strongly encourages Notaries Public to accept only government issued credentials. All credentials accepted by Notaries Public for identification purposes should still be valid. For example, do not accept a driver’s license that has expired. Other non-governmental issued credentials may be easily falsified and might impact the validity of the transaction.

Credit cards or social security cards are not “good” forms of identification, as these items do not contain physical descriptions of the holder.

3. Make certain the signers of the document have an understanding of what they are signing. While competency is both a complex medical and legal issue, it is incumbent upon a Notary Public to have a strong belief that the person understands the consequences of signing the document. Before the document is signed, the Notary Public should spend an appropriate amount of time to ascertain whether the person understands what they are signing. If the signer is unsure, confused or is possibly being unduly influenced to sign, the Notary Public should not act; instead referring the signer to an attorney or other professional to assist them would be appropriate and in the best interest of the signer.
4. Scan the document for any blanks that may exist. There is no need for the Notary Public to read or know every item contained in the document; the Notary Public must only be certain that the part of the document which is to be signed by the Notary Public is true. Because blanks may affect the validity of a document, Notaries Public should advise the signer of the document to carefully understand the consequences of leaving blanks in a document and its impact on the validity of the document. Ultimately, the signer must make the final decision in this area. If blanks are left, the Notary Public should note such in the record book. Never use “white out” products to alter a document. If language needs to be altered, the signer should cross out or line through the language and initial all altered areas in the document.
5. Signature of person appearing before you. On a notarial certificate that requires the person appearing before you to sign the document, the Notary Public needs to actually witness the signature being applied to the document. If the person already signed and dated the document, the Notary Public must require the person to sign and date the document again in the Notary’s presence. Never allow the person to trace over their previous signature; rather, the person should just re-sign above or below the first signature.

As a Notary Public, you might encounter a document that needs to be signed by multiple persons. If this is the case, it is imperative that as part of the notarial certificate, you include the name of the person(s) appearing before you.