

COVID-19: Maine Modifies Notarization and Acknowledgement Requirements

Article By:

Marianna Putnam Liddell

On Wednesday, April 8, 2020, Governor Janet Mills issued an [Executive Order](#) suspending the requirement that a person whose oath is being taken be physically present at the same location as the notary public and any witnesses, with certain exceptions. Additionally, a number of conditions must be met in order to perform remote notarial services. It is important to note that the order only applies to the requirement to appear in person; all other requirements under Maine law pertaining to the taking of sworn statements and acknowledgments remain in effect.

Conditions

- Both the signatory and the notary must be physically present in Maine when performing the notarial act
- The notarization must allow for direct contemporaneous interaction between the parties via two-way audio-video communication technology
- The signatory must initial each page of the document and send an electronic image as well as the hard copy to the witnesses (if any) and notary
- Any document that is required to be notarized “in the presence and hearing” of a signatory, and is compliant with this order, will be deemed to have been notarized in the presence and hearing of the signatory
- Remote notarization will not be deemed invalid or impaired if one of these conditions is not met, so long as the notarization was performed in substantial compliance with the order
- There are a number of other conditions set forth in the order and the secretary of state may also issue additional guidance

Exceptions

The order does not apply to the following notarial acts:

- Solemnizing marriages
- Administering oaths to circulators of state or local direct initiative or referendum petitions and nomination petitions of candidates for electoral office
- Absentee ballots in state and local elections

The order terminates 30 days after the termination of the COVID-19 state of emergency unless sooner amended or rescinded.

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