

MAINE STATE LEGISLATURE

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March 22, 1938

George W. Leadbetter, Commissioner
Department of Health and Welfare
Augusta, Maine

Dear Mr. Leadbetter:

On March 17, you sent to me a letter from Mr. Charles H. Alspach, Regional Representative of the Social Security Board in Boston, in which he asked certain questions concerning the endorsements of warrants or checks by recipients of old age assistance.

The first question in his letter relates to the necessity of witnesses to an endorsement on a check or warrant made by applicant's mark. There is no law of this State requiring such a mark to be witnessed. This answer, of course, is also an answer to Question 2, as to the number of signatures required.

The third query raised the question as to whether or not it would be proper for the Social Security Board, by rule and/or regulation, to prescribe that such endorsement of signature by mark must be witnessed by one or more witnesses with their addresses affixed.

I suppose there is no legal reason why the Social Security Board could not make and enforce such rule or regulation, but I can see no reason for such action. In the first place, it would put an additional burden upon poor, aged and blind persons who would, in many instances, have difficulty in securing such witnesses. In other cases it would delay the cashing of their much needed checks and serve no useful purpose.

If there had been any number of cases of forged endorsements or improperly cashed warrants or checks in this State, there might be some reason for such a burdensome rule, but I have made careful inquiries and have

George W. Leadbetter, Commissioner
March 22, 1938
Page 2

ascertained that in the twenty-one years since the State has been paying pensions to blind persons, there has been no single instance of improperly cashed checks or warrants, or forged instruments.

Considering the large number of old age assistance checks which have been sent out during the time since I was elected Attorney General I know of only two cases where there have been trouble about endorsements. In one case in the northern part of the State, a check was drawn to a school teacher. It was delivered to another lady by the same name in the town who cashed it. On receipt of complaint from the teacher that she had not been paid, the matter was easily investigated and restitution quickly made.

The other case was that of a young man in this county who cashed a check for old age assistance sent to his father who deceased prior to receipt of the check. The young man forged his father's signature and he was quickly apprehended and is now serving a term in jail.

In view of the fact that the bank is liable in this State for any loss occasioned to anyone by its cashing of a check improperly endorsed or bearing a forged signature, and in further view of the statements above which indicate that there is no problem in this State that demands such an expensive and troublesome rule, it is my opinion that you should advise the Social Security Board that under present conditions you believe such a rule to be unnecessary.

Very truly yours,

Franz U. Burkett
Attorney General

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