

MAINE STATE LEGISLATURE

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April 29, 1938

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

Dear Mr. Leadbetter:

There is no statute in this state, nor any decision regulating the number of witnesses to a signature on a check or any other instrument made by mark.

Paragraph XX, Section 6, Chapter 1, of the Revised Statutes says, in part: "When the signature on a check is required he must write it or make his mark." That is all the law there is on the subject. I have given you my opinion in a previous letter that you have no authority for making a rule and regulation that any number of signatures is required on any of the checks paid by your department.

A large number of transactions in this State are yearly consummated over the signatures of the parties which are made by mark. The ordinary business practice is, as you know, to have one person sign as witness to such mark, but a signature by mark is good without the name of any witness appearing on the document if it can be proved in some other way.

To require any number of signatures as witnesses to the endorsement of a check given to any of the poor people of the State, in my opinion, would be unwarranted in view of the fact that there are no cases of forgery on checks so endorsed in this State, and in view of the fact that it would put a great burden on the poor people to procure any number of witnesses to prove their signature on a check.

Very truly yours,

Franz U. Burkett
Attorney General

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