

# MAINE STATE LEGISLATURE

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July 15, 1938

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

Dear Mr. Leadbetter:

I have your memorandum of June 29, enclosing copy of a letter received from Charles H. Alspach of the Bureau of Public Assistance, in further reference to the matter of requiring witnesses to a signature made by mark.

He asks specifically whether the State department is authorized to require two witnesses to a signature by mark. I find that I wrote you on April 28, 1938, and informed you that in my opinion your department has no authority to make a rule and regulation requiring witnesses to a signature made by mark. Again on May 3, 1938, I wrote you telling you that there are no statutes or decisions of our Courts regarding this matter, but that it has always been the practice in this State to require that a signature by mark be witnessed by one person only.

Our statute law does not require any witnesses to such a signature and, as I have told you before, I do not believe your department has any authority to require two witnesses to a signature by mark.

Very truly yours,

Franz U. Burkett  
Attorney General

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