

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

110  
October 11, 1956

To Peter W. Bowman, M.D., Superintendent, Pownal State School  
Re: Court Seal on Probate Court Commitment Papers

We have your inquiry with regard to the necessity of the Probate Court's affixing its seal to Probate Court commitment papers.

Under Section 1 of Chapter 153, R.S., 1954, the respective courts of probate are made courts of record and it is there stated that they shall have an official seal. I have attempted to determine the practice amongst the courts and find that it is the practice, and may well be the requirement, that the order of commitment, when signed by the Justice, should have affixed thereto the seal of the Probate Court.

It is stated in Miller vs. Wiseman, 125 Me. 4 at page 7, that a process issuing from a court which by law authenticates such process with its seal is void if issued without a seal. While there is no direct requirement of a seal as such, we note that the court has a seal and that the practice is to use it. Under such circumstances, it would be best to require that the court seal appear of record on the commitment papers held by you. It is better to require it than to take a chance that the process might be void if it had not been affixed.

Roger A. Putnam  
Assistant Attorney General

rap/c