

MAINE STATE LEGISLATURE

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Definition of "True Copy"

FACTS:

The Director of State Fire Prevention has requested an interpretation of R. S. 1954 c. 97, §47-A. The section relates to the requirements and procedure for obtaining a construction permit from the Insurance Commissioner for public and other specified buildings. The second last sentence of the section reads, "A request for a permit shall be accompanied by a true copy of the plans and specifications for such construction or reconstruction."

QUESTION:

What is the legal interpretation of "a true copy of the plans and specifications for such construction or reconstruction?"

ANSWER:

See opinion for answer.

OPINION:

A true copy is a complete and accurate copy of an original. The words "true copy" imports an entire copy, Butler v. Owen, 7 Ark. 369, 372. Therefore, an accurate copy of a portion of the plans and specifications would not be a true copy.

Plans and specifications purporting to be a true copy must be sufficiently authenticated. This is accomplished by an attestation. The attestation should be on the plans and specifications; and should be of the following nature:

"A true copy, attest: signature of attesting person."

However, there is no set formulae for attestation. The subsequent phrases would all comply: "full, true and complete copy," "true and correct copy," "true, perfect and complete copy." It has been held that a certificate reading "a copy. Attest" implies that the document authenticated is a "true copy." Commonwealth v. Quigley, 48 N.E. 782, 783; 170 Mass. 14.

The word "attest" has been defined as follows: "To bear witness to; to bear witness to a fact; to affirm to be true or genuine; . . ." Black Law Dictionary, 4 Ed. p. 162 (emphasis added).

In the context of R. S. 1954, c. 97, § 47-A, the attestation must be by an individual who prepared the original plans and specifications, or by someone who, because of his training and/or background, could properly affirm that a copy was in fact complete and accurate in every detail.

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