

MAINE STATE LEGISLATURE

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January 5, 1975⁶

Joseph M. Hochadel

Executive

Robert J. Stolt, Assistant

Attorney General

Governor's Signature

This will respond to your memorandum of November 25, 1975, in which you ask whether the Governor may use a signature stamp to indicate his approval on documents other than those which, by law, he is required to sign.

This question has been answered by the Supreme Judicial Court on a number of occasions. In Chapman v. Limerick, 56 Me. 390 (1868), and the Opinion of the Justices, 68 Me. 587 (1876), the Court held "wherever the constitution or the statutes of the state require the official signature of a public officer, he must personally affix his signature or mark. This duty cannot be executed by attorney or delegated to another." This result was reached through interpretation of Rules of Statutory Construction as presently set out in 1 M.R.S.A. § 72(28) ". . . when the signature of a person is required, he must write it or make his mark. . . ."

The situation which you pose is premised on the absence of a constitutional or statutory requirement of the Governor's signature. In those instances where the signature of the Governor is not required by law, he may use a facsimile signature or signature stamp. See 80 C.J.S. §§ 7 and 9 "Signatures", and Oklahoma v. Williamson, 352 P.2d 394 (1960).

ROBERT J. STOLT
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RJS/ec