

MAINE STATE LEGISLATURE

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10 M.R.S.A. 1251

Notary Public Oath
Oath Notary Public & Justice of the Peace



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July 3, 1978

To: Gaylon Kennedy, Supervisor, Weights and Measures, Department
of Agriculture
From: Sarah Redfield, Assistant Attorney General
Re: Oath of Weighmasters

This is in response to your request of June 5, 1978, for an opinion as to whether it would be proper and legal for either a Justice of the Peace or a Notary Public to sign the oath required pursuant to Title 10 M.R.S.A. § 2501. Taking an oath before a Justice of the Peace or Notary Public would be acceptable.

Title 10 M.R.S.A. § 2501 concerns the qualifications for a licensed public weighmaster. This section provides, in pertinent part, that:

"Upon receipt of application and the State Sealer satisfying himself that the applicant is of good moral character and has the ability to weigh accurately and to make correct weight certificates and passing such oral or written examination as the State Sealer may determine and upon making oath to execute his duties satisfactorily shall be granted a license as a public weighmaster," (emphasis supplied).

Title 4 M.R.S.A. § 169 provides as follows:

Judges of the District Court and justices of the peace may administer all oaths required by law, unless another officer is specially required to do it."

Title 4 M.R.S.A. § 953 provides, in pertinent part:

"Any notary public may. . . in general, do all acts which may be done by notaries public according to the usages of merchants and authorized by law. He may do all things that justices of the peace are or may be authorized to do and shall have the same territorial jurisdiction. . . . "

Pursuant to these sections, a Notary Public or a Justice of the Peace would be a proper person before whom the oath required by Title 10 M.R.S.A. § 2501 might be taken. Such an interpretation of the powers of Notaries Public and Justices of the Peace is supported by court decisions in State v. Blaisdell, 253 A.2d 341 at 347 (Me., 1969) and Greeley v. Greeley, 118 Me. 491 (1919) (interpreting the law as it existed at that time, R.S. Chapter 40, § 26, which provisions are virtually the same as the current provisions cited above).



SARAH REDFIELD
Assistant Attorney General

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