

## (EMERGENCY) FIRST SPECIAL SESSION

# ONE HUNDRED AND FOURTH LEGISLATURE

## Legislative Document

No. 1663

H. P. 1334 The Committee on Judiciary suggested. BERTHA W. JOHNSON, Clerk

Presented by Mr. Heselton of Gardiner.

# STATE OF MAINE

### IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND SEVENTY

#### AN ACT Relating to Jurisdiction of Probate Courts in Adoption Cases.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the Legislature by chapters 294 and 332 of the public laws of 1969 enacted laws which attempted to clarify the jurisdiction of the probate courts in adoption cases; and

Whereas, the present law has created a conflict of opinion within the several probate courts; and

Whereas, such conflicts of opinion and inconsistencies in the adoption laws have created uncertainties and confusions in interpreting legislative intent as such laws apply to adoption; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**R. S., T. 19, § 531, repealed and replaced.** Section 531 of Title 19 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

#### § 531. Persons who may adopt

Any husband and wife jointly, or any unmarried person, resident or nonresident of the State of Maine, may petition the probate court to adopt a person, regardless of age, and for a change of his or her name. Jurisdiction to grant such adoption and change of name shall be in the county where the person to be adopted lives or the county where the petitioner resides or the petitioners reside or in the county in which the placing agency is located. Any person serving on active duty in a military branch or the United States and the spouse of any such person who is not a citizen of the State of Maine and who, at the time of filing a petition for adoption, has been stationed at one or more military installations or other place in this State for a period of 3 months next before the filing of such petition, shall for the purposes hereof be deemed to be an actual bona fide inhabitant of the State of Maine and resident of the county in which he is or has been stationed. The consent of the natural parents shall not be required for the adoption of any person 20 years of age, or over.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.