

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 523

House of Representatives, March 8, 1917.

Referred to Committee on Legal Affairs and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Cates of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to amend certain Sections of Chapter 72, Revised
Statutes relating to the adoption of children.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section 36 of Chapter 72, Revised Statutes, is
2 hereby amended by adding at the end of said section, the
3 following:

“The person or persons giving the written consent speci-
2 fied in this section shall file with the probate court an affi-
3 davit setting forth, so far as the affiant has knowledge of
4 them, the following facts, namely, the full name of the child,

5 the date and place of its birth, the name, date and place of
6 birth of each of its parents, and their whereabouts if living ;
7 the date and place of their marriage, the names and where-
8 abouts of any brothers and sisters of the child, whether or
9 not the child or either of its parents or brothers and sisters
10 are or have been insane, or are feeble minded ; whether the
11 parents of either of them are or have been afflicted with
12 syphilis or other disease likely to be transmitted to the child
13 and the means which the affiant, if not one of the parents,
14 has of knowing the truth of the statements made in such
15 affidavit. If said affiants or either of them, knowingly, wil-
16 fully and with intent to deceive shall make any false state-
17 ment in said affidavit, he shall be punished by a fine of not
18 more than five hundred dollars or by imprisonment not ex-
19 ceeding one year, or both,' so that said section as amended
20 shall read as follows :

'Sect. 36. Before such petition is granted, written consent
2 to such adoption must be given by the child, if of the age
3 of fourteen years, and by each of his living parents, if not
4 hopelessly insane or intemperate ; or, when a divorce has
5 been decreed to either parent, written consent by the parent
6 entitled to the custody of the child ; or such consent by one
7 parent, when, after such notice to the other parent as the
8 judge deems proper and practicable, such other parent is
9 considered by the judge unfit to have the custody of the
10 child. If there are no such parents, or if the parents have
11 abandoned the child and ceased to provide for its support,

12 consent may be given by the legal guardian; if no such
13 guardian, then by the next of kin in the state; if no such kin,
14 then by some person appointed by the judge to act in the
15 proceedings as the next friend of such child; if an illegiti-
16 mate child, and under the age of fourteen years, such con-
17 sent may be given by the mother of such child. The per-
18 son or persons giving the written consent specified in this
19 section shall file with the probate court an affidavit setting
20 forth, so far as the affiant has knowledge of them, the fol-
21 lowing facts, namely, the full name of the child, the date and
22 place of its birth, the name, date and place of birth of each
23 of its parents, and their whereabouts, if living; the date and
24 place of their marriage, the names and whereabouts of any
25 brothers and sisters of the child, whether or not the child
26 or either of its parents or brothers and sisters are or have
27 been insane, or are feeble minded; whether the parents or
28 either of them are or have been afflicted with syphilis or
29 other disease likely to be transmitted to the child and the
30 means which the affiant, if not one of the parents, has of
31 knowing the truth of the statements made in such affidavit.
32 If said affiants or either of them, knowingly, wilfully and
33 with intent to deceive shall make any false statement in said
34 affidavit, he shall be punished by a fine of not more than
35 five hundred dollars or by imprisonment not exceeding one
36 year, or both.'

Sect. 2. Section 37 of said Chapter 72 is hereby amended
2 by inserting, after the word "parties" in the second line,

3 thereof the words 'of the truth of the statements made in
4 the affidavit described in the preceding section,' so that said
5 section as amended shall read as follows:

'Sect. 37. Thereupon, if the judge is satisfied of the iden-
2 tity and relations of the parties; of the truth of the state-
3 ments made in the affidavit described in the preceding sec-
4 tion; of the ability of the petitioners to bring up and educate
5 the child properly, having reference to the degree and condi-
6 tion of his parents, and of the fitness and propriety of such
7 adoption, he shall make a decree, setting forth the facts, and
8 declaring that from that date such child is the child of the
9 petitioners, and that his name is thereby changed, without
10 requiring public notice thereof.'