

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 272

In Senate, March 22, 1923.

Reported by Mr. Hinckley from Committee on Judiciary
and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

Presented by Senator Spencer of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

REASON FOR THIS AMENDMENT

As the law now stands relating to adoption, it is a matter of doubt whether the word "child" means a minor or refers to relationship rather than age. An adult thus adopted becomes the "child" of its adopters. And there are records in this state of probate courts allowing the adoption of adults.

It is submitted that a reading of the whole statute leads to the probable conclusion that minors rather than adults were in the minds of the law makers, but in view of the doubt as to how the court might construe the present reading, this amendment is offered.

To allow the adoption of adults is to open the road to the

evasion of our inheritance tax laws, and such is about the only conceivable object of such adoptions.

Hence the statute should be made certain that such adoptions are not allowable in this state.

AN ACT Relating to Adoption.

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

Section thirty-five, chapter seventy-two of the revised statutes as amended by chapter one hundred and twenty-four of the public laws of nineteen hundred and twenty-one is hereby further amended by adding the word 'minor' before the word "child" in the fourth line of said amended section, so that said section as amended, shall read as follows:

'Sect. 35. Any unmarried inhabitant of the state, or any husband and wife jointly, may petition the judge of probate for their county for leave to adopt a minor child and for a change of his name. Any unmarried inhabitant of another state, or any non-resident husband and wife jointly, may present such petition in the probate court where such child lives.'