

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 239

S. P. 131

In Senate, January 30, 1951

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Boucher of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to Adoption of Persons.

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

Sec. 1. R. S., c. 145, § 35, repealed and replaced. Section 35 of chapter 145 of the revised statutes, as amended by chapter 68 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 35. Who may adopt a person. Any unmarried person, or any husband and wife jointly, may petition for leave to adopt a person, regardless of age, and for a change of his or her name, and may present such petition in the probate court of the county where the petitioner or petitioners live or where the person to be adopted lives. The consent of the natural parents shall not be required for the adoption of a person who has reached the age of 21 years or over.'

Sec. 2. R. S., c. 145, § 38, amended. Section 38 of chapter 145 of the revised statutes is hereby amended to read as follows:

'Sec. 38. Legal effect of adoption of child; descent of property. By such decree the natural parents are divested of all legal rights in respect to such child, and he is freed from all legal obligations of obedience and maintenance in respect to them; and he is, for the custody of the person and

right of obedience and maintenance, to all intents and purposes, the child of his adopters, with right of inheritance when not otherwise expressly provided in the decree of adoption, the same as if born to them in lawful wedlock, except that he shall not inherit property expressly limited to the heirs of the body of the adopters, nor property from their ~~lineal or~~ collateral kindred by right of representation, **and he shall stand in regard to lineal descendants of his adopters in the same position as if born to them in lawful wedlock**; but he shall not by reason of adoption lose his right to inherit from his natural parents or kindred; and the adoption of a child made in any other state, according to the laws of that state, shall have the same force and effect in this state, as to inheritance and all other rights and duties ~~as it had in the state where made, in case the person adopting thereafter dies domiciled in this state as if said adoption had been made in this state according to the laws of this state.~~ If the person adopted died intestate, his property acquired by himself or by devise, bequest, gift or otherwise before or after such adoption from his adopting parents or from the kindred of said adopting parents shall be distributed according to the provisions of chapter 156, the same as if born to said adopting parents in lawful wedlock; and property received by devise, bequest, gift or otherwise from his natural parents or kindred shall be distributed according to the provisions of said chapter 156 as if no act of adoption had taken place.'