

MAINE STATE LEGISLATURE

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

Legislative Document

No. 856

H. P. 825

House of Representatives, February 18, 1953.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. McGlauffin of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to the Adoption of Persons.

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

R. S., c. 145, § 36, amended. Section 36 of chapter 145 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

‘Sec. 36. **Consent.** Before such petition is granted, written consent to such adoption must be given by the child, if of the age of 14 years, and by each of his living parents, if not hopelessly insane or intemperate; or, when a divorce has been decreed to either parent, written consent of the parent or the department of health and welfare, whichever is entitled to the custody of the child, personal notice of such petition to be given to the parent or parents not entitled to custody, if within the jurisdiction of the court, or if beyond the jurisdiction of the court or the residence is unknown, such notice as the judge deems proper; or such consent by one parent, when, after such notice to the other parent as the judge deems proper and practicable, such other parent is considered by the judge unfit to have the custody of the child. When any child has been committed to the custody of the department of health and welfare under the provisions of section 238 of chapter 22, and the commitment order is still in effect, con-

sent shall be given by the department and no notice need be given to the parents. The consent of the parents and the child when required must be acknowledged before a justice of the peace or notary public. If there are no such parents or if the parents have abandoned the child and ceased to provide for its support or if the parents are considered by the judge unfit to have the custody of the child consent may be given by the legal guardian; if no such guardian, then by some person appointed by the judge to act in the proceedings as the next friend of such child; if an illegitimate child, and under the age of 14 years, such consent may be given by the mother of such child. Provided, however, if only one of such parents has abandoned the child and ceased to provide for its support, consent may be given by the parent who has not abandoned said child. The parents or surviving parent of such child, or the mother if such child be illegitimate, with the approval of the judge of probate of any county within the state, and after a determination by such judge of probate that a surrender and release is for the best interests of all parties, may surrender and release all parental rights in and to such child and the custody and control thereof to an incorporated and licensed society, asylum, child placing agency or home in this state, or to the state department of health and welfare for the purpose of enabling such incorporated society, asylum, or home, or state department of health and welfare to have such child adopted by some suitable person, and its name changed when a change is desirable, and the child made an heir-at-law under the provisions of this chapter. The effect of this surrender and release shall be fully explained by the judge of probate to the parent or parents executing the same. The aforementioned surrender and release approved as aforesaid shall be filed with the petition of adoption of said child in the probate court. In such cases the consent to adoption hereinbefore provided for may be given by such incorporated society, asylum, or home, or state department of health and welfare.'