

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)

ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842, and Acts approved
August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1935

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-Seventh Legislature

1935

[supplied from page 201 of volume]

Chapter 48.

AN ACT to Provide for the Investigation of Divorce Cases in Which the Custody of Children is Involved.

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

R. S., c. 73, § 13, amended. Chapter 73 of the revised statutes is hereby amended by inserting after section 13 the following section to be numbered 13-A:

'Sec. 13-A. Investigation of cases in which custody of children is involved. Whenever in any divorce action the custody of a minor child is involved, and the court determines that the proper disposition of the case requires an investigation of the conditions and antecedents of the child and its parents for the purpose of determining the fitness of either parent to have custody of such child, the court may notify the state bureau of social welfare. It shall then be the duty of the bureau to make such an investigation and submit to the court a full report in writing with a recommendation as to the disposition of such child and any other information regarding the case which the court may require; provided, that within the discretion of the court the action may be continued to the succeeding term for the completion of such report. Such report shall be available for examination by counsel before a decree is made and upon request of any interested party the court shall require the person making the report to testify subject to cross-examination and to rebuttal.'

Approved March 15, 1935.

Chapter 49.

AN ACT Relating to Proceedings in the Probate Court.

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

R. S., c. 80, § 37, amended. Section 37 of chapter 80 of the revised statutes is hereby amended to read as follows:

'Sec. 37. Proceedings in the probate court. Upon the filing of a petition for the adoption of a minor child the court may in its discretion notify the state bureau of social welfare. It shall then be the duty of the bureau, either through its own workers or through a delegated agency, to verify the allegations of the petition, to investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption; and to make appropriate inquiry to determine whether the proposed home is suitable for the child. This information shall, as soon as practicable, be submitted by the bureau to the court in writing with a

recommendation as to the granting of the petition. Thereupon, if the judge is satisfied of the identity and relations of the parties, of the ability of the petitioners to bring up and educate the child properly, having reference to the degree and condition of his parents, and of the fitness and propriety of such adoption, he shall make a decree, setting forth the facts, and declaring that from that date such child is the child of the petitioners, and that his name is thereby changed, without requiring public notice thereof. The court may require that the child shall have lived for 1 year in the home of the petitioners before the petition is granted, and may also require that the child, during all or part of said probationary period, shall be under the supervision of the bureau of social welfare or a licensed child placing agency.

An attested copy of the certificate of adoption shall forthwith be filed by the register of probate with the state bureau of vital statistics and, if the birth occurred within the state, with the town clerk of the town wherein the child was born, and any certificate of the birth of such child thereafter issued shall be issued in accordance with the facts contained in the certificate of adoption.'

Approved March 15, 1935.

Chapter 50.

AN ACT Relating to Taxation of Trust and Banking Companies.

Emergency preamble. Whereas, the present banking laws relating to returns on interest-bearing deposits are not applicable to the present low rates; and

Whereas, it is necessary that banks make the proper returns in order to protect the interests of the depositors; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of the state of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 12, § 72, amended. Section 72 of chapter 12 of the revised statutes is hereby amended to read as follows:

'Sec. 72. Trust and banking companies to semi-annually return the amount of certain deposits; penalty for false returns; valuation of securities. Every trust and banking company incorporated under the laws of this state shall, semi-annually on the last Saturdays of March and September, make a return signed and sworn to by its treasurer, of the average amount of its