

# 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

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Legislative Document

No. 1076

S. P. 465

In Senate, March 2, 1951.

Reported by Senator Kavanagh of Androscoggin from Committee on Public Health and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

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AN ACT Relating to the Practice of Optometry.

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

**R. S., c. 69, § 17, repealed and replaced.** Section 17 of chapter 69 of the revised statutes, as enacted by section 12 of chapter 336 of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

**‘Sec. 17. Appeal from decree of suspension or revocation.** A person whose certificate has been suspended or revoked may secure judicial review thereof by commencing within 30 days after the decision of the board an action in the superior court of Kennebec county against the board for the review of its decision. In such action, a petition, which need not be verified, but which shall state the grounds upon which a review is sought, shall be served upon the board or upon such person as the board may designate together with as many copies of the petition as there are members of the board and the party so served shall forthwith mail one such copy to each such board member. With its answer, the board shall certify and file with said court the original or a certified copy of all documents and papers and transcript of all testimony taken in the matter, together with its findings of fact and decision therein. In any judicial proceeding under this section, the findings of the board as to the facts, if supported by evidence and in the

absence of fraud, shall be conclusive, and the jurisdiction of said court shall be confined to questions of law. An appeal may be taken from the decision of the superior court of Kennebec county to the supreme judicial court for the state of Maine, in the same manner, but not inconsistent with the provisions hereof, as is provided in civil cases. It shall not be necessary, in any judicial proceedings under this section, to enter exceptions to the rulings of the board and no bond shall be required for entering such an appeal. Upon the final determination of such judicial proceedings, the board shall enter an order in accordance with such determination. Pending such final determination and the entry of such order in accordance therewith, the action of the board in suspending or revoking the certificate of the petitioner shall be stayed by such an appeal.'