

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-fifth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-fifth Legislature

**1951**

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'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.'

Effective August 20, 1951.

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## Chapter 80

### AN ACT Relating to Estimates for Taxes by County Commissioners.

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

R. S., c. 79, § 13, amended. Section 13 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Sec. 13. County commissioners to make annual estimates for county taxes. In order to assess a county tax, county commissioners, at their regular session next before the 1st day of each January in which the legislature meets, shall prepare estimates of the sums necessary to defray the expenses which have accrued or may probably accrue for 1 year from said

day, including the building and repairing of jails, court-houses and appurtenances, with the debts owed by their counties, and like estimates for the succeeding year, and after newspaper notice hold a public hearing thereon in the county, and the county tax for both said years shall be granted by the legislature separately at the same session.'

Effective August 20, 1951

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## Chapter 81

### AN ACT Relating to Adoption of Persons.

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

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.'

Effective August 20, 1951