

MAINE STATE LEGISLATURE

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March 21, 1945

To Donald F. Ellis, President, Maine Optometric Association

Your letter of March 16th, addressed to the Attorney General has been submitted to me, together with the documents which you enclosed. On examination of the law, which is Chapter 69 of the Revised Statutes of 1944, it would seem that provision is made for the registration of practitioners of optometry, and upon the issuance of a certificate by the Board the applicant files the same and then issues a license, certifying that the recipient of the certificate has complied with the laws of Maine relating to the practice of optometry in that county.

A further provision is made requiring every registered optometrist to pay annually, before the first day of April, the sum of \$5. as a license fee for such year and in default thereof the certificate may be revoked by the Board.

Section 14 provides that the Board may refuse to issue, may refuse to renew, or may suspend or revoke any certificate of registration for any one of the following causes: "Conviction of felony as evidenced by a certified copy of the record of the court convicting;" and the others enumerated.

It is to be noted that this section speaks of the certificate of registration only and not the annual license, although it may have been the intent to make it applicable to the license, as I can't understand what was meant by the phrase "may refuse to renew," as the license was the only thing that was renewable annually; the registration was of a permanent nature unless the right to it was forfeited by the practitioner.

My suggestion would be, in the particular case, to withhold the annual license if the person involved applies for it. I don't see how he can while he is confined and serving a sentence. He cannot practise without a license. When he is released from prison, I think he should be given notice to appear for a hearing on the revocation of his registration, in accordance with that section, giving him the 30 days' notice therein provided.

I return herewith the certified copy of the record of conviction, which you will need when the accused is given notice of a hearing.

Abraham Breitbard
Deputy Attorney General

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