

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 633

H. P. 492

House of Representatives, February 5, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rollins of Dixfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Fee Splitting in Certain Professional Occupations.

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

Sec. 1. R. S., T. 4, § 812, additional. Title 4 of the Revised Statutes is amended by adding a new section 812 to read as follows:

§ 812. Division of fees among attorneys-at-law

No member of the bar licensed to practice law in this State shall divide a fee for legal services with another attorney-at-law who is not a partner in or associate of his law firm or law office unless:

1. Client consents. The client consents to employment of the other attorney-at-law after a full disclosure that a division of fees will be made.

2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.

3. Reasonable compensation. The total fee of the attorneys-at-law does not clearly exceed reasonable compensation for all legal services they rendered the client.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 2. R. S., T. 32, § 209, additional. Title 32 of the Revised Statutes is amended by adding a new section 209 to read as follows:

§ 209. Division of fees among architects

No person registered to perform the functions of an architect in this State shall divide a fee for architectural services with another architect who is not a partner in or associate of his firm or office unless:

1. Client consents. The client consent to employment of the other architect after a full disclosure that a division of fees will be made.

2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.

3. Reasonable compensation. The total fee of the architects does not clearly exceed reasonable compensation for all architectural services they rendered the client.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 3. R. S., T. 32, § 455, additional. Title 32 of the Revised Statutes is amended by adding a new section 455 to read as follows:

§ 455. Division of fees among chiropractors

No person licensed to practice chiropractic in this State shall divide a fee for chiropractic services with another chiropractor who is not a partner in or associate of his firm or office unless:

1. Patient consents. The patient consents to employment of the other chiropractor after a full disclosure that a division of fees will be made.

2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.

3. Reasonable compensation. The total fee of the chiropractors does not clearly exceed reasonable compensation for all chiropractic services they rendered the patient.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 4. R. S., T. 32, § 1094-A, additional. Title 32 of the Revised Statutes is amended by adding a new section 1094-A to read as follows:

§ 1094-A. Division of fees among dentists

No person licensed to practice dentistry in this State shall divide a fee for dental services with another dentist who is not a partner in or associate of his firm or office unless:

1. Patient consents. The patient consents to employment of the other dentist after a full disclosure that a division of fees will be made.

2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.

3. Reasonable compensation. The total fee of the dentists does not clearly exceed reasonable compensation for all dental services they rendered the patient.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 5. R. S., T. 32, § 1361, additional. Title 32 of the Revised Statutes is amended by adding a new section 1361 to read as follows:

§ 1361. Division of fees among engineers

No person licensed to practice professional engineering in this State shall divide a fee for professional engineering services with another professional engineer who is not a partner in or associate of his firm or office unless:

1. Client consents. The client consents to employment of the other professional engineer after a full disclosure that a division of fees will be made.
2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.
3. Reasonable compensation. The total fee of the professional engineers does not clearly exceed reasonable compensation for all professional engineering services they rendered the client.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 6. R. S., T. 32, § 2456, additional. Title 32 of the Revised Statutes is amended by adding a new section 2456 to read as follows:

§ 2456. Division of fees among optometrists

No person licensed to practice optometry in this State shall divide a fee for optometry services with another optometrist who is not a partner in or associate of his firm or office unless:

1. Patient consents. The patient consents to employment of the other optometrist after a full disclosure that a division of fees will be made.
2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.
3. Reasonable compensation. The total fee of the optometrists does not clearly exceed reasonable compensation for all optometry services they rendered the patient.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 7. R. S., T. 32, § 2706, additional. Title 32 of the Revised Statutes is amended by adding a new section 2706 to read as follows:

§ 2706. Division of fees among osteopaths

No person licensed to practice osteopathy in this State shall divide a fee for osteopathic services with another osteopath who is not a partner in or associate of his firm or office unless:

1. Patient consents. The patient consents to employment of the other osteopath after a full disclosure that a division of fees will be made.

2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.

3. Reasonable compensation. The total fee of the osteopaths does not clearly exceed reasonable compensation for all osteopathic services they rendered the patient.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 8. R. S., T. 32, § 3155, additional. Title 32 of the Revised Statutes is amended by adding a new section 3155 to read as follows:

§ 3155. Division of fees among physicians and surgeons

No person licensed to practice medicine or surgery in this State shall divide a fee for medical or surgical services with another physician or surgeon who is not a partner in or associate of his firm or office unless:

1. Patient consents. The patient consents to employment of the other physician or surgeon after a full disclosure that a division of fees will be made.

2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.

3. Reasonable compensation. The total fee of the physicians or surgeons does not clearly exceed reasonable compensation for all medical or surgical services they rendered the patient.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 9. R. S., T. 32, § 3656, additional. Title 32 of the Revised Statutes is amended by adding a new section 3656 to read as follows:

§ 3656. Division of fees among podiatrists

No person licensed to practice podiatry in this State shall divide a fee for podiatrist services with another podiatrist who is not a partner in or associate of his firm or office unless:

1. Patient consents. The patient consents to employment of the other podiatrist after a full disclosure that a division of fees will be made.

2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.

3. Reasonable compensation. The total fee of the podiatrists does not clearly exceed reasonable compensation for all podiatrist services they rendered the patient.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

Sec. 10. R. S., T. 32, § 3817, additional. Title 32 of the Revised Statutes is amended by adding a new section 3817 to read as follows:

§ 3817. Division of fees among psychologists

No person certified to practice psychology in this State shall divide a fee for psychological services with another psychologist who is not a partner in or associate of his firm or office unless:

1. Patient consents. The patient consents to employment of the other psychologist after a full disclosure that a division of fees will be made.
2. Division made in proportion. The division is made in proportion to the services performed and responsibilities assumed by each.
3. Reasonable compensation. The total fee of the psychologists does not clearly exceed reasonable compensation for all psychological services they rendered the patient.

This section shall not prohibit payment to a former partner or associate pursuant to a separation or retirement agreement.

STATEMENT OF FACT

The intent of this Act is to prevent fee splitting, except under certain conditions within the following professional occupations: attorneys-at-law, architects, chiropractors, dentists, engineers, optometrists, osteopaths, physicians and surgeons, podiatrists and psychologists.