

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

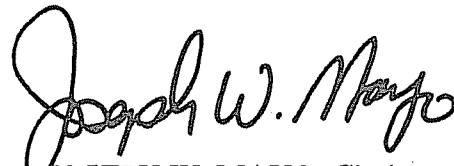
No. 1151

H.P. 846

House of Representatives, April 1, 1993

An Act to Amend the Laws Regulating the Practice of Optometry.

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Business Legislation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HOGLUND of Portland.
Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, ALIBERTI of Lewiston, BOWERS of Washington, BRENNAN of Portland, CARROLL of Gray, CATHCART of Orono, CLEMENT of Clinton, COLES of Harpswell, DAGGETT of Augusta, DORE of Auburn, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GEAN of Alfred, GWADOSKY of Fairfield, HATCH of Skowhegan, HOLT of Bath, KILKELLY of Wiscasset, LARRIVEE of Gorham, MICHAEL of Auburn, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, OLIVER of Portland, PINEAU of Jay, RAND of Portland, RICHARDSON of Portland, ROTONDI of Athens, RUHLIN of Brewer, SAXL of Bangor, SIMONEAU of Thomaston, ST. ONGE of Greene, STEVENS of Orono, TARDY of Palmyra, TOWNSEND of Portland, TOWNSEND of Eastport, TOWNSEND of Canaan, WINN of Glenburn, Senators: BRANNIGAN of Cumberland, CAREY of Kennebec, CIANCHETTE of Somerset, CONLEY of Cumberland, LUTHER of Oxford, MARDEN of Kennebec.

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

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Sec. 1. 32 MRSA §2430 is enacted to read:

§2430. Contract with optical shop or commercial or mercantile establishment

1. Contract requirements. An optometrist may enter into a written contract for space in or on the premises of an optical shop or commercial or mercantile establishment as long as:

A. The optical shop or commercial or mercantile establishment does not control or attempt to control the professional judgment of the optometrist;

B. The optometrist maintains control of the practice and the optometric records related to the practice;

C. The office or offices to be used for the practice of optometry are private and equipped as required for a complete ocular examination; and

D. Appropriate identification is visible to the public indicating the doctor's name and phone number and that the optometrist is independent of the optical shop or commercial or mercantile establishment.

2. Effect of rental or payment. Rental or payment for space, equipment or services on a flat rate or percentage of gross revenues is lawful and may not be construed as fee splitting or the sharing or dividing of profit.

Sec. 2. 32 MRSA §2431-A, sub-§2, ¶J, as enacted by PL 1983, c. 378, §30, is repealed.

Sec. 3. 32 MRSA §2434, sub-§4, as enacted by PL 1973, c. 788, §156, is amended to read:

4. Mercantile employment. The practice of optometry as a full or part-time employee of any mercantile establishment or directly or indirectly encouraging one's optometric services to be promoted as part of any mercantile or commercial establishment. In--this--prohibition--shall--be--included This chapter does not prohibit the practice of optometry as--a--lessee of--a in or on the premises of an optical shop or commercial or mercantile establishment involved in the selling of spectacles, frames, mounting, lenses or other optical devices under the terms of a written contract as authorized in section 2430;

