

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 649

H.P. 479

House of Representatives, February 11, 2003

An Act To Allow the Practice of Optometry on the Same Premises As an Optical Shop or Other Establishment

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SULLIVAN of Biddeford.
Cosponsored by Senator HATCH of Somerset and
Representatives: DUPREY of Medway, O'BRIEN of Lewiston, RECTOR of Thomaston,
ROGERS of Brewer, SMITH of Monmouth.

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

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Sec. 1. 32 MRSA §2414 is enacted to read:

§2414. 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 optometrist's practice and the optometrist's 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 optometrist'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 revenue 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 and K, as amended by PL 1993, c. 600, Pt. A, §160, are repealed.

Sec. 3. 32 MRSA §2434, sub-§4, as amended by PL 1993, c. 600, Pt. A, §161, is further amended to read:

4. Mercantile employment. The practice of optometry as a full or part-time employee of a mercantile establishment ~~or directly or indirectly encouraging one's optometric services to be promoted as part of a mercantile or commercial establishment.~~ 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 2414; and

