

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 323

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE. ●

AN ACT to define and regulate the practice of optometry.

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

Section 1. There shall be and is hereby created a board
2 which shall be known as the Maine State board of regis-
3 tration and examination in optometry, whose duty it shall
4 be to carry out the provisions of this act. Said board shall
5 consist of five members, three of whom shall have been
6 resident opticians, engaged in the actual practice of optom-
7 etry in the State of Maine for a period of five years prior
8 to their appointment; one an oculist who in like manner
9 has been engaged in the practice of his profession for five
10 years prior to his appointment; and one a physician in actual
11 practise; not more than three of whom shall belong to the

12 same political party. The appointments to this board shall
13 be made by the governor within thirty days after this law
14 goes into effect. Of those so appointed two shall serve
15 for one year, one for two years, and the other two for
16 three years. The successors of all shall be appointed by
17 the governor and shall serve for a term of three years each,
18 and each shall hold his office until his successor is appointed.
19 Appointments to fill vacancies from any cause shall be made
20 by the governor for the residue of such term. The mem-
21 bers of the board, before entering on their duties, shall each
22 take and subscribe to the oath required to be taken by other
23 State officers, which shall be administered by the secretary
24 of the State and filed in his office; and said board shall have
25 a common seal. Any member of said board may be re-
26 moved by the governor for cause.

Sect. 2. Said board shall at its first regular meeting,
2 which shall be held within fifteen days after their appoint-
3 ment, and annually thereafter, elect from its members a
4 president, a secretary and a treasurer, who shall severally
5 have the power, during their term of office, to administer
6 such oaths and take such affidavits as are required by the
7 provisions of this act, certifying thereto under their hand
8 and the seal of the board. Said board shall meet at least
9 once in each year at Augusta, and, in addition thereto,
10 whenever and wherever the president and secretary thereof
11 shall call a meeting; a majority of said board shall at all
12 times constitute a quorum. The treasurer and secretary

13 shall each give bond in the sum of not less than two thou-
14 sand dollars, with sureties to be approved by the governor,
15 which bond shall be filed with the State auditor. The sec-
16 retary shall keep a full record of the proceedings of said
17 board, which record shall at all reasonable times be open
18 to public inspection. Said board shall from time to time
19 establish and record, in a record kept for that purpose, a
20 schedule of the minimum requirements which must be com-
21 plied with by applicants for examination before they can
22 be examined or receive a certificate. In like manner said
23 board shall establish and put on record a schedule of the
24 minimum requirements and rules for the recognition of
25 schools of optometry so as to keep the requirements of
26 proficiency up to the average standard of other states. But
27 no rule or requirement shall be made that is unreasonable,
28 or that contravenes any of the provisions of this act.

Sect. 3. Every person before beginning the practice of
2 optometry in this State after ninety days from the day
3 when this act takes effect shall pass an examination before
4 the State board of examiners. Such examination shall be
5 confined to such knowledge as is essential to the practice
6 of optometry. Any person having signified to said board
7 his desire to be examined shall appear before such board
8 at such time and place as they may designate, and before
9 such examination shall pay to said board the sum of five
10 dollars, and if he shall successfully pass said examination
11 shall pay to said board a further sum of ten dollars, on the

12 issuance to him of a certificate. All persons successfully
13 passing such examination shall be registered in a record
14 which shall be kept by the secretary of said board, as licensed
15 to practice optometry, and shall also receive a certificate of
16 such registration to be signed by the president and secretary
17 of said board.

Sect. 4. That the practice of optometry be defined as fol-
2 lows: The employment of mechanical means for testing
3 and measuring the refractive and accommodative conditions
4 of the eye, without the employment of drugs or medicine,
5 and the measuring and grinding of lenses, the fitting, bend-
6 ing and adjusting of spectacles and eyeglasses with lenses
7 for the betterment of vision: Provided, that the fitting or
8 peddling of spectacles and eyeglasses by itinerant opticians
9 prior to this act shall not be construed to mean the practice
10 of optometry within the meaning of this act.

Sect. 5. After ninety days from the day when this act
2 takes effect it shall be unlawful for any person to practice
3 optometry in the State of Maine, unless he shall first obtain
4 a certificate of registration from the board, hereby created,
5 and file the same with the clerk of the supreme judicial court
6 of the county in which he proposes to practice, as in this act
7 provided.

Sect. 6. Nothing in this act shall be considered to apply
2 to physicians and surgeons authorized to practice medicine
3 and engage therein under the laws of the State of Maine,
4 nor to resident merchants so long as they sell spectacles as

5 any other piece of merchandise without representation of
6 qualification in the practice of optometry on the part of the
7 seller.

Sect. 7. Upon application and the payment of the sum
2 of five dollars said board shall issue, without the prescribed
3 examination, to persons practicing optometry in those states
4 which, in the opinion of the board, equal the standard of the
5 State of Maine in the requirements of such practice, a cer-
6 tificate to practice in this State, which certificate shall be
7 filed in the same manner as that issued to residents of the
8 State of Maine; provided, however, that such certificate
9 shall be issued only to the residents of such states as allow
10 similar privileges to residents of the State of Maine.

Sect. 8. Every person who has been engaged in the ac-
2 tual and continuous practice of optometry as defined by
3 section 4, in the State of Maine, for three years immediately
4 prior to the time when this act takes effect shall within
5 ninety days thereafter file affidavit in satisfactory proof
6 thereof with said board, which shall make and keep a rec-
7 ord of such persons, and shall upon the payment of the sum
8 of five dollars issue to him a certificate of registration.

Sect. 9. All persons entitled to a certificate of registration
2 under the provisions of section 8 of this act shall be exempt
3 from the provisions of section 3.

Sect. 10. Every person receiving a certificate under the
2 provisions of this act shall present the same for record to
3 the clerk of the supreme judicial clerk of the county in

4 which he intends to practice, and shall pay to such clerk
5 fifty cents for recording the same, which certificate shall be
6 recorded by the clerk in a record to be provided by him for
7 that purpose.

Sect. 11. In case of change of residence from one county
2 to another in this State, the holder of an optometrist's li-
3 cense shall obtain a new license in the county where he pro-
4 poses to reside by filing with the clerk of the supreme judi-
5 cial court for such county the license obtained by him in the
6 county in which he last resided, in the same manner as pro-
7 vided for on the presentation of his certificate from the State
8 board of registration and examination in optometry, and
9 the clerk shall issue to him a new license.

Sect. 12. It shall be the duty of the clerk of the supreme
2 judicial court of the county in which an applicant so intends
3 to practice, to issue to the person presenting such certificate
4 as hereinbefore provided, a license over his official seal in the
5 following form:

State of Maine, county of.....ss:

I,, clerk of the supreme judicial court
8 of county, in the State of Maine, do hereby
9 certify that has complied with the laws of
10 Maine relating to the practice of optometry in the county
11 and State aforesaid.

Witness my hand and seal of said court this
13 day of

....., Clerk.

Sect. 13. The clerk of courts in each county shall furnish annually on the first day of January to the Maine State board of registration and examination in optometry, upon blanks furnished by such board, a duplicate list of all certificates received and licenses issued by him during the preceding year, and shall include therein the date of issue of such license, and the name and residence of the person receiving the same.

Sect. 14. Any person entitled to a certificate, as provided for in section 8 of this act, who shall not within ninety days after this act takes effect, make written application to the board of examiners for a certificate of registration, accompanied by a written statement, signed by him, and duly verified before an officer authorized to administer oaths within this State, fully setting forth the grounds upon which he claims such certificate, shall be deemed to have waived his rights to a certificate under the provisions of said section 8. Any failure, neglect or refusal on the part of any person holding such certificate to file the same for record, as hereinbefore provided, for thirty days after the issuance thereof, shall forfeit the same.

Sect. 15. Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted. And whenever practicing said profession of optometry outside of, or away from said office or place of business, he shall deliver to each customer or per-

7 son so fitted with glasses, a bill of sale, which shall contain
8 his signature, home postoffice address, and the number of his
9 certificate of registration.

Sect. 16. Out of the funds coming into the possession of
2 said board each member thereof may receive as compensation
3 the sum of five dollars for each day actually engaged in the
4 duties of his office and actual expenses incurred in attend-
5 ing the meetings of the board. The secretary and treas-
6 urer shall be reimbursed for all necessary expenses incurred
7 while discharging their duties to the board at their homes.
8 Said expenses shall be paid from the fees and assessments
9 received by the board under the provisions of this act, and
10 no part of the salary or other expenses of the board shall
11 ever be paid out of the State treasury. The treasurer shall
12 pay the per diem and expenses as provided herein, only on
13 the itemized verified statement of the person entitled there-
14 to. All moneys received over and above said per diem al-
15 lowance and expenses, as above provided for, shall be held
16 by the treasurer as a special fund for meeting expenditures
17 of said board and carrying out the provisions of this act.
18 Said board shall make an annual report of its proceedings
19 to the governor on the first Monday in January of each year,
20 which report shall contain an account of all moneys received
21 and disbursed by them, pursuant to this act: Provided,
22 however, that all moneys in excess of five hundred dollars,
23 as shown by such report to be on hand and unexpended, shall
24 be paid annually into the general school fund.

Sect. 17. Every registered optometrist shall in every year
2 after 1909 pay to the said board of examiners the sum of
3 two dollars as a license fee for such year. Such payment
4 shall be made prior to the first day of April in each and
5 every year, and in case of default in such payment by any
6 person his certificate may be revoked by the board of exam-
7 iners. Such fees shall be accounted for under section 16.

Sect. 18. Said board may refuse to grant a certificate to
2 any person guilty of felony, gross immorality or habitual
3 drunkenness, or afflicted with contagious or infectious dis-
4 ease; and may, after notice and hearing, revoke a certificate
5 and any license which may have been granted thereon, for
6 like cause.

Sect. 19. To open an office for the purpose of practicing
2 optometry or to announce to the public in any way an inten-
3 tion to practice optometry in any county in the State shall
4 be prima facie evidence of engaging in the practice of op-
5 tometry within the meaning of this act.

Sect. 20. Any person who shall after ninety days from
2 the day when this act takes effect, be, or engage in the prac-
3 tice of optometry in this State without first having obtained
4 a certificate of registration from the board created by this
5 act, shall be deemed guilty of a misdemeanor and upon con-
6 viction may be fined not less than fifty dollars nor more
7 than two hundred dollars.



STATE OF MAINE.

IN SENATE,

March 3, 1909.

Reported by Mr. LOONEY from the Committee on Judiciary
ought to pass. Report tabled pending acceptance and bill or-
dered printed on motion by Mr. OSGOOD of Androscoggin.

F. G. FARRINGTON, *Secretary*.