

# MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

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Senate Document

No. 67

S. P. 146

In Senate, Jan. 31, 1929.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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AN ACT to Amend Sections Forty-one, Forty-four, Forty-five,  
Fifty-three and Fifty-four of Chapter Eighteen of the Re-  
vised Statutes, Relating to Optometry.

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

Section 1. Section forty-one of chapter eighteen of the  
2 revised statutes is hereby amended by striking out the word,  
3 "opticians," in the fourth line thereof and inserting in place  
4 thereof the word, 'optometrists,' so that said section as  
5 amended shall read as follows:

'Sect. 41. The governor with the advice and consent of  
2 the council, shall appoint a board to be known as the Maine

3 State Board of Registration and Examination in Optom-  
4 etry, consisting of five persons, three of whom shall have  
5 been resident optometrists, engaged in the actual practice  
6 of optometry in this state for a period of five years prior  
7 to their appointment; one, an oculist who in like manner  
8 has been engaged in the practice of his profession for five  
9 years prior to his appointment; and one, a physician in  
10 actual practice; not more than three members of the board  
11 shall belong to the same political party. They shall be ap-  
12 pointed for terms of three years each, as the terms of the  
13 present members expire, and each shall hold office until his  
14 successor is appointed and qualified. Any vacancy in said  
15 board shall be filled by the appointment of a person, quali-  
16 fied as aforesaid, to hold office during the unexpired term  
17 of the member whose place he fills. Any member of said  
18 board may be removed from office for cause, by the gov-  
19 ernor, with the advice and consent of the council. The  
20 board shall have a common seal.'

Sect. 2. Section forty-four of chapter eighteen of the  
2 revised statutes is hereby amended by striking out all of  
3 said section after the word, "defined," in the second line  
4 thereof and inserting in place thereof the words, 'As any  
5 one or any combination of the following practices:

(a) The examination of the human eye, without the use  
2 of drugs, medicines or surgery, to ascertain the presence  
3 of defects or abnormal conditions which can be corrected  
4 by the use of ophthalmic lenses, prisms or ocular exercises.

(b) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye or the range of power of vision of the human eye;

(c) The prescription or adaptation without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation and the fitting, bending and adjusting of spectacles and eyeglasses with ophthalmic lenses for the betterment of vision;

(d) The replacement or duplication of an ophthalmic lens without a prescription from a person authorized under the laws of this state to practice either optometry or medicine. The provisions of this paragraph shall not be construed so as to prevent an optical mechanic from doing the merely mechanical work in such a case.

An ophthalmic lense within the meaning of this act shall be any lens which has a spherical, cylindrical or prismatic power or value, and is ground pursuant to a prescription, so that said section as amended shall read as follows:

'Sect. 44. The practice of optometry is defined as any one or any combination of the following practices:

(a) The examination of the human eye, without the use of drugs, medicines or surgery, to ascertain the presence of defects or abnormal conditions which can be corrected by the use of ophthalmic lenses, prisms or ocular exercises;

(b) The employment of objective or subjective mechanical means to determine the accommodative or refractive states of the human eye or the range or power of vision of the human eye;

(c) The prescription or adaptation without the use of drugs, medicines or surgery, of lenses, prisms, or ocular exercises to correct defects or abnormal conditions of the human eye or to adjust the human eye to the conditions of special occupation and the fitting, bending and adjusting of spectacles and eyeglasses with ophthalmic lenses for the betterment of vision;

(d) The replacement or duplication of an ophthalmic lens without a prescription from a person authorized under the laws of this state to practice either optometry or medicine. The provisions of this paragraph shall not be construed so as to prevent an optical mechanic from doing the merely mechanical work in such a case.

An ophthalmic lens within the meaning of this act shall be any lens which has a spherical, cylindrical or prismatic power or value, and is ground pursuant to a prescription.'

Sect. 3. Section forty-five of chapter eighteen of the revised statutes is hereby amended by striking out all of said section after the words, "apply to," in the sixth line thereof and inserting in place thereof the words, 'persons authorized under the laws of this state to practice medicine within the State of Maine,' so that said section as amended shall read as follows:

‘Sect. 45. No person shall practice optometry in this  
2 state, unless he shall first obtain a certificate of registration  
3 from the state board of registration and examination in  
4 optometry, and file the same with the clerk of the supreme  
5 judicial court of the county in which he proposes to prac-  
6 tice, as hereinafter provided, but sections forty-three to  
7 fifty-five, both inclusive, shall not apply to persons author-  
8 ized under the laws of this state to practice medicine within  
9 the State of Maine.’

Sect. 4. Section fifty-three of chapter eighteen of the re-  
2 vised statutes is hereby amended by striking out the word  
3 “two” in the third line thereof and inserting in place there-  
4 of the word ‘five,’ so that said section as amended shall read  
5 as follows:

‘Sect. 53. Every registered optometrist shall annually, be-  
2 fore the first day of April, pay to the state board of reg-  
3 istration and examination in optometry the sum of five dol-  
4 lars as a license fee for such year; and in case of default  
5 in such payment by any person his certificate may be re-  
6 voked by the board.’

Sect. 5. Section fifty-four of chapter eighteen of the re-  
2 vised statutes is hereby amended by striking out all of said  
3 section after the word “board” in the first line thereof and  
4 inserting in place thereof the following words: ‘of optometry  
5 may refuse to issue, or refuse to renew, or may suspend or  
6 revoke any certificate of registration for any one or more  
7 of the following causes: Conviction of felony as evidenced

8 by a certified copy of the record of the court convicting.  
9 continued practice of optometry by a person knowingly  
10 having a contagious or infectious disease, gross malpractice,  
11 advertising by means of false or deceptive statements; ad-  
12 vertising, practicing or attempting to practice under a name  
13 other than his own, peddling from door to door, habitual  
14 drunkenness or habitual addiction to the use of morphine  
15 or cocaine or habit forming drugs.

No certificate shall be suspended or revoked for any of the  
2 foregoing causes unless the person accused has been given  
3 at least thirty days' notice in writing of the charge against  
4 him and afforded a public hearing before the state board  
5 of optometry,' so that said section as amended shall read  
6 as follows:

'Sect. 54. The board of optometry may refuse to issue  
2 or refuse to renew or may suspend or revoke any certificate  
3 of registration for any one or more of the following causes:  
4 Conviction of felony as evidenced by a certified copy of  
5 the record of the court convicting; continued practice of  
6 optometry by a person knowingly having a contagious or  
7 infectious disease; gross malpractice; advertising by means  
8 of false or deceptive statements; advertising, practicing or  
9 attempting to practice under a name other than his own;  
10 peddling from door to door, habitual drunkenness or habit-  
11 ual addiction to the use of morphine or cocaine or habit  
12 forming drugs.

No certificate shall be suspended or revoked for any of

2 the foregoing causes unless the person accused has been  
3 given at least thirty days' notice in writing of the charge  
4 against him and afforded a public hearing before the state  
5 board of optometry.'