

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 371

S. P. 720

In Senate, March 22, 1929.

Reported by Senator Weeks of Somerset from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

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

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

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:

'Sec. 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 optometry,
4 consisting of five persons, three of whom shall have been
5 resident optometrists, engaged in the actual practice of
6 optometry in this state for a period of five years prior to
7 their appointment; one, an oculist who in like manner has
8 been engaged in the practice of his profession for five years
9 prior to his appointment; and one, a physician in actual
10 practice; not more than three members of the board shall
11 belong to the same political party. They shall be appointed
12 for terms of three years each, as the terms of the present
13 members expire, and each shall hold office until his succes-
14 sor is appointed and qualified. Any vacancy in said board
15 shall be filled by the appointment of a person, qualified as
16 aforesaid, to hold office during the unexpired term of the
17 members whose place he fills. Any member of said board
18 may be removed from office for cause, by the governor,
19 with the advice and consent of the council. The board
20 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 by
4 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 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,' so that said section as amended shall read as follows:

'Sect. 44. The practice of optometry is defined as any one or 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 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 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, nor to resident merchants, so long as
10 they shall sell spectacles, only, that do not contain ophthalmic
11 lens.’

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

‘Sect. 53. Every registered optometrist shall annually,
2 before the first day of April, pay to the state board of
3 registration and examination in optometry the sum of five
4 dollars 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
2 revised statutes is hereby amended by striking out all of
3 said section after the word “board” in the first line thereof
4 and inserting in place thereof the following words: ‘of
5 optometry may refuse to issue, or refuse to renew, or may

6 suspend or revoke any certificate of registration for any one
7 or more of the following causes: Conviction of felony as
8 evidenced by a certified copy of the record of the court
9 convicting, continued practice of optometry by a person
10 knowingly having a contagious or infectious disease; gross
11 malpractice; advertising by means of false or deceptive
12 statements; advertising, peddling from door to door; habit-
13 ual drunkenness or habitual addiction to the use of mor-
14 phine or cocaine or habit 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, provided it shall not be a cause to
6 refuse to issue or refuse to renew or a cause to suspend or
7 revoke any certificate of registration that a person holding
8 a certificate of registration at the time of the passage of
9 this act is peddling from door to door, if such person within
10 thirty days after the passage of this act shall file with the
11 secretary of state a certificate that he desires to continue
12 so to practice,' so that said section as amended shall read
13 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; peddling from
9 door to door; habitual drunkenness or habitual addiction
10 to the use of morphine or cocaine or habit 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, provided it shall not be a cause to re-
6 fuse to issue or refuse to renew or a cause to suspend or
7 revoke any certificate of registration that a person holding
8 a certificate of registration at the time of the passage of this
9 act is peddling from door to door, if such person within
10 thirty days after the passage of this act shall file with the
11 secretary of state a certificate that he desires to continue so
12 to practice.'