

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 93

S. P. 162

In Senate, January 23, 1935.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Burkett of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Optometry.

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

Sec. 1. R. S., c. 21, § 45, amended. Section 45 of chapter 21 of the revised statutes is hereby amended to read as follows :

‘Sec. 45. Board of registration in optometry; appointment; tenure; vacancies; removals. The governor, with the advice and consent of the council, shall appoint a board to be known as the Maine state board of registration and examination in optometry, consisting of 5 persons, ~~three of whom~~ **who** shall have been resident optometrists, engaged in the actual practice of optometry in this state for a period of 5 years prior to their appointment; ~~one an oculist who in like manner has been engaged in the practice of his profession for five years prior to his appointment; and one, a physician in actual practice;~~ not more than 3 members of the board shall belong to the same political party. They shall be appointed for terms of 3 years each, as the terms of the present members expire, and each shall hold office until his successor is appointed and qualified. Any vacancy in said board shall be filled by the appointment of a person, qualified as aforesaid, to hold office during the unexpired term of the member whose place he fills. Any member of said board may be removed from office for cause,

by the governor, with the advice and consent of the council. The board shall have a common seal.'

Sec. 2. R. S., c. 21, § 46, amended. Section 46 of chapter 21 of the revised statutes is hereby amended to read as follows:

'Sec. 46. Officers, meetings. The board shall annually elect from its members a president and a secretary, who shall be treasurer; they shall severally have authority, during their term of office, to administer such oaths and take such affidavits as are required by the provisions of the 13 following sections, certifying thereto under their hand and the seal of the board. The board shall meet at least once in each year at Augusta; and, in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting; a majority of said board shall constitute a quorum. The secretary shall keep a full record of the proceedings of said board, which shall be open to public inspection at all reasonable times. The board shall from time to time establish and record, in a record kept for that purpose, a schedule of the minimum requirements which must be complied with by applicants for examination before they can be examined or receive a certificate. In like manner the board shall establish and put on record a schedule of the minimum requirements and rules for the recognition of schools of optometry, so as to keep the requirements of proficiency up to the average standard of other states. **The board shall make such rules and regulations not inconsistent with the law, as may be necessary to govern the practice of optometry.** But no rule or requirement shall be made that is unreasonable, or that contravenes any provision of the 13 following sections.'

Sec. 3. R. S., c. 21, § 58, amended. Section 58 of chapter 21 of the revised statutes is hereby amended to read as follows:

'Sec. 58. Refusal to grant certificate. The board of optometry may refuse to issue, or refuse to renew, or may suspend or revoke any certificate of registration for any one or more of the following causes: conviction of felony as evidenced by a certified copy of the record of the court convicting; continued practice of optometry by a person knowingly having a contagious or infectious disease; gross malpractice; advertising by means of false or deceptive statements; **price** advertising; peddling from door to door; habitual drunkenness or habitual addiction to the use of morphine or cocaine or habit forming drugs; **practicing under a name other than that given in the certificate of registration.**

No certificate shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least thirty days' notice in writing of the charge against him and afforded a public hearing before the state board of optometry, ~~provided it shall not be a cause to refuse to issue or refuse to renew or a cause to suspend or revoke any certificate of registration that a person holding a certificate of registration at the time of the passage of this section is peddling from door to door, if such person file the certificate provided for by section five of chapter two hundred seventy-seven of the public laws of nineteen hundred twenty-nine.~~