

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1171

S. P. 549

In Senate, March 2, 1949

Referred to the Committee on Public Health, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Barnes of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Optometry.

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

Sec. 1. R. S., c. 69, § 2, amended. The 1st sentence of the 2nd paragraph of section 2 of chapter 69 of the revised statutes, as amended by section 2 of chapter 333 of the public laws of 1947, is hereby further amended to read as follows:

'The members of the board shall each receive \$10 for each day actually engaged in the duties of his office, and actual expenses incurred in ~~attending the meetings of the board connection therewith~~; except that the secretary of said board shall receive an annual salary of \$200.'

Sec. 2. R. S., c. 69, § 3, amended. The first 2 sentences of section 3 of chapter 69 of the revised statutes, as amended by section 3 of chapter 333 of the public laws of 1947, are hereby further amended to read as follows:

'~~Except as provided in section 8 every~~ ~~Every~~ person before beginning the practice of optometry in this state shall pass an examination before the board. ~~Such~~ **At the discretion of the board such** examinations ~~shall~~ **may** consist of tests in basic sciences; in anatomy and physiology of the eye;

pathology; practical, theoretical and physiological optics; ~~and~~ practical and theoretical optometry; **and such other phases of optometric knowledge and skill as the board may deem essential.**'

Sec. 3. R. S., c. 69, § 4, amended. Section 4 of chapter 69 of the revised statutes is hereby amended to read as follows:

'Sec. 4. Annual report. The board shall make an annual report of its proceedings to the governor on **or before** the 1st Monday in July of each year, which shall contain an account of all moneys received and disbursed by them.'

Sec. 4. R. S., c. 69, § 5, amended. Section 5 of chapter 69 of the revised statutes is hereby amended to read as follows:

'Sec. 5. Annual license fee. Every registered optometrist shall annually, before the 1st day of April, pay to the board the sum of \$5 as a license **renewal** fee for such year; and in case of default in such payment by any person his certificate may be revoked by the board.'

Sec. 5. R. S., c. 69, § 7, amended. Section 7 of chapter 69 of the revised statutes is hereby amended to read as follows:

'Sec. 7. Unlawful to practice unless registered; exceptions. No person shall practice optometry in this state, unless he shall first obtain a certificate of registration from the board ~~and file the same with the clerk of the superior court of the county in which he proposes to practice, as hereinafter provided~~; but the provisions of this chapter shall not apply to persons authorized under the laws of this state to practice medicine within this state, nor to resident merchants so long as they shall sell spectacles, only, that do not contain ophthalmic lenses.'

Sec. 6. R. S., c. 69, § 8, amended. Section 8 of chapter 69 of the revised statutes is hereby amended to read as follows:

'Sec. 8. Issuance of certificates to optometrists licensed in other states; exceptions; fee. Upon application and the payment of the sum of \$50 said board ~~shall~~ **may** issue, without the prescribed examination, to persons practicing optometry in those states which, in the opinion of the board, maintain a standard in the requirements of the practice of optometry equal to the standard of this state, a certificate to practice in this state, which certificate shall be filed in the same manner as that issued to residents of the state; provided, however, that such certificate shall be issued only to the residents of such states as allow similar privileges to residents of this state.'

Sec. 7. R. S., c. 69, §§ 9, 10, 11, repealed. Sections 9, 10 and 11 of chapter 69 of the revised statutes are hereby repealed.

Sec. 8. R. S., c. 69, § 12, amended. Section 12 of chapter 69 of the revised statutes is hereby amended to read as follows:

'Sec. 12. Certificates displayed in office. Every person to whom a certificate of ~~examination or registration is~~ and **current certificate of annual license renewal** are granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted. Whenever practicing the profession of optometry outside of, or away from said office ~~or place of business~~, he shall deliver to each ~~customer or~~ person so fitted with glasses, a ~~bill of sale statement~~, which shall contain his signature, home post office address and the number of his certificate of registration.'

Sec. 9. R. S., c. 69, § 13, repealed. Section 13 of chapter 69 of the revised statutes is hereby repealed.

Sec. 10. R. S., c. 69, § 15, amended. The 1st sentence of the 1st paragraph of section 15 of chapter 69 of the revised statutes is hereby amended to read as follows:

'Whoever engages in the practice of optometry in this state without first having ~~obtained a license as provided in section 10, or as provided in section 11 in case of a change of residence~~ been duly registered as **provided in sections 7 and 8**, shall be deemed guilty of a misdemeanor, and shall be punished by fine of not less than \$50, nor more than \$200.'

Sec. 11. R. S., c. 69, § 15, amended. The last paragraph of section 15 of chapter 69 of the revised statutes, as amended by section 5 of chapter 333 of the public laws of 1947, is hereby repealed.

Sec. 12. R. S., c. 69, §§ 16, 17, additional. Chapter 69 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 16 and 17, to read as follows:

'Sec. 16. Corporate practice of optometry prohibited; penalty for violation of rules of the board. No person who shall receive a certificate of registration or license to practice optometry in this state shall assign, lease, sublet, give or grant unto any person, copartnership, firm or corporation the right or privilege to practice optometry directly or indirectly under said registration, and no registered optometrist, under this chapter, shall associate himself in any way with any person, not a registered optometrist nor any copartnership, firm or corporation for the promotion of any commercial practice for profit or division of profit, which enables any such per-

son, copartnership, firm or corporation to engage, either directly or indirectly in the practice of optometry in this state, and any optometrist, registered under the provisions of this chapter, guilty of such conduct or of violation of the provisions of this section, or of wilfully violating any of the rules and regulations of the board, promulgated as provided in this chapter, shall be punished by having his certificate and registration to practice optometry in this state suspended or revoked; provided that no certificate or registration shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least 10 days' notice, in writing, of the charge against him, and afforded a public hearing before the board.

Sec. 17. Appeal from decree of revocation. A person whose certificate has been revoked may file with the secretary, within 30 days after the decision of the board, a written notice of appeal therefrom. Upon receiving such notice the secretary shall transmit the record of the proceedings to the governor and attorney-general; and they shall review the proceedings as disclosed by the record, and their decision affirming or overruling the action of the board shall be final.'