

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 104

—duties of trustees.

—shall furnish detailed account.

Conditional act.

more than three years under one appointment; and the governor and state superintendent of public schools are, by virtue of their office, members of the board. Said board has charge of the general interests of said schools; shall see that the affairs thereof are conducted as required by law and by such by-laws as the board adopt; employ teachers and lecturers for the same; and annually, on the first day of December, lay before the governor and council, for the information of the legislature, a financial statement, furnishing an accurate detailed account of the receipts and expenditures for the school year preceding.'

Section 2. This amendment is enacted upon condition that the Machias Normal School Act, so called, becomes a law.

Approved March 13, 1909.

Chapter 104.

An Act relating to the Taxation of Railroads.

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

Section 30, chapter 8, R. S., repealed.

Section thirty of chapter eight of the revised statutes is hereby repealed.

Approved March 18, 1909.

Chapter 105.

An Act to define and regulate the practice of Optometry.

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

Maine state board of registration and examination in optometry.

—number, and qualification of members.

—governor shall appoint.

—tenure.

Section 1. There shall be and is hereby created a board which shall be known as the Maine State Board of Registration and Examination in Optometry, whose duty it shall be to carry out the provisions of this act. Said board shall consist of five members, three of whom shall have been resident opticians, engaged in the actual practice of optometry in the state of Maine for a period of five 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 three of whom shall belong to the same political party. The appointments to this board shall be made by the governor within thirty days after this law goes into effect. Of those so appointed two shall serve for one year, one for two years, and the other two for three years. The successors of all shall be

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appointed by the governor and shall serve for a term of three years each, and each shall hold his office until his successor is appointed. Appointments to fill vacancies from any cause shall be made by the governor for the residue of such term. The members of the board, before entering on their duties, shall each take and subscribe to the oath required to be taken by other state officers, which shall be administered by the secretary of the state and filed in his office; and said board shall have a common seal. Any member of said board may be removed by the governor for cause.

—vacancies,
how filled.

—shall
be sworn.

Section 2. Said board shall at its first regular meeting, which shall be held within fifteen days after their appointment, and annually thereafter, elect from its members a president, a secretary and a treasurer, who shall severally have the power, during their term of office, to administer such oaths and take such affidavits as are required by the provisions of this act, certifying thereto under their hand and the seal of the board. Said 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 at all times constitute a quorum. The treasurer and secretary shall each give bond in the sum of not less than two thousand dollars, with sureties to be approved by the governor, which bond shall be filed with the state auditor. The secretary shall keep a full record of the proceedings of said board, which record shall at all reasonable times be open to public inspection. Said 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 said 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. But no rule or requirement shall be made that is unreasonable, or that contravenes any of the provisions of this act.

Officers, and
powers of.

—shall meet
at Augusta
annually.

—treasurer
and secre-
tary shall
give bond.

—records.

—schedule
of require-
ments.

Section 3. Every person before beginning the practice of optometry in this state after ninety days from the day when this act takes effect shall pass an examination before the state board of examiners. Such examination shall be confined to such knowledge as is essential to the practice of optometry. Any person having signified to said board his desire to be examined shall appear before such board at such time and

Shall pass
examination
before
beginning
practice.

—time and
place for ex-
amination.

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—fees.

—shall be registered.

Practice defined.

Unlawful to practice unless registered.

Shall not apply to physicians and merchants.

Certificate may be issued to certain persons without examination.

Shall file satisfactory proof of

place as they may designate, and before such examination shall pay to said board the sum of five dollars, and if he shall successfully pass said examination shall pay to said board a further sum of ten dollars, on the issuance to him of a certificate. All persons successfully passing such examination shall be registered in a record which shall be kept by the secretary of said board, as licensed to practice optometry, and shall also receive a certificate of such registration to be signed by the president and secretary of said board.

Section 4. That the practice of optometry be defined as follows: The employment of mechanical means for testing and measuring the refractive and accommodative conditions of the eye, without the employment of drugs or medicine, and the measuring and grinding of lenses, the fitting, bending and adjusting of spectacles and eyeglasses with lenses for the betterment of vision: Provided, that the fitting or peddling of spectacles and eyeglasses by itinerant opticians prior to this act shall not be construed to mean the practice of optometry within the meaning of this act.

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

Section 6. Nothing in this act shall be considered to apply to physicians and surgeons authorized to practice medicine and engage therein under the laws of the state of Maine, nor to resident merchants so long as they sell spectacles as any other piece of merchandise without representation of qualification in the practice of optometry on the part of the seller.

Section 7. Upon application and the payment of the sum of five dollars said board shall issue, without the prescribed examination, to persons practicing optometry in those states which, in the opinion of the board, equal the standard of the state of Maine in the requirements of such practice, a certificate to practice in this state, which certificate shall be filed in the same manner as that issued to residents of the state of Maine; provided, however, that such certificate shall be issued only to the residents of such states as allow similar privileges to residents of the state of Maine.

Section 8. Every person who has been engaged in the actual and continuous practice of optometry as defined by sec-

tion four in the state of Maine, for three years immediately prior to the time when this act takes effect shall within ninety days thereafter file affidavit in satisfactory proof thereof with said board, which shall make and keep a record of such persons, and shall upon the payment of the sum of five dollars issue to him a certificate of registration.

three years continuous practice.

Section 9. All persons entitled to a certificate of registration under the provisions of section eight of this act shall be exempt from the provisions of section three.

Exemption.

Section 10. Every person receiving a certificate under the provisions of this act shall present the same for record to the clerk of the supreme judicial court of the county in which he intends to practice, and shall pay to such clerk fifty cents for recording the same, which certificate shall be recorded by the clerk in a record to be provided by him for that purpose.

Certificate shall be recorded by clerk of S. J. court.
—fee.

Section 11. In case of change of residence from one county to another in this state, the holder of an optometrist's license shall obtain a new license in the county where he proposes to reside by filing with the clerk of the supreme judicial court for such county the license obtained by him in the county in which he last resided, in the same manner as provided for on the presentation of his certificate from the state board of registration and examination in optometry, and the clerk shall issue to him a new license.

New license, how obtained, in case of change of residence.

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

Clerk of S. J. court shall issue license.

State of Maine, county of _____ ss:

I, _____, clerk of the supreme judicial court of _____ county, in the state of Maine, do hereby certify that _____ has complied with the laws of Maine relating to the practice of optometry in the county and state aforesaid.

Form of license.

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

_____, Clerk.

Section 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

Duplicate lists of certificates received and licenses issued shall be furnished by clerk of courts.

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license, and the name and residence of the person receiving the same.

Waiver of right to certificate, when.

Section 14. Any person entitled to a certificate, as provided for in section eight 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 right to a certificate under the provisions of said section eight. 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.

—forfeiture of certificate.

Certificate shall be displayed in office.

Section 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 person so fitted with glasses, a bill of sale, which shall contain his signature, home postoffice address, and the number of his certificate of registration.

Compensation of board, how paid.

Section 16. Out of the funds coming into the possession of said board each member thereof may receive as compensation the sum of five dollars for each day actually engaged in the duties of his office and actual expenses incurred in attending the meetings of the board. The secretary and treasurer shall be reimbursed for all necessary expenses incurred while discharging their duties to the board at their homes. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the state treasury. The treasurer shall pay the per diem and expenses as provided herein, only on the itemized verified statement of the person entitled thereto. All moneys received over and above said per diem allowance and expenses, as above provided for, shall be held by the treasurer as a special fund for meeting expenditures of said board and carrying out the provisions of this act. Said board shall make an annual report of its proceedings to the governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by

—expenses of secretary and treasurer, how paid.

—treasurer shall hold all balances as a special fund.

—board shall make annual report to governor.

them, pursuant to this act: Provided, however, that all mon-
 eys in excess of five hundred dollars, as shown by such report
 to be on hand and unexpended, shall be paid annually into the
 general school fund.

—proviso.

Section 17. Every registered optometrist shall in every
 year after nineteen hundred and nine pay to the said board of
 examiners the sum of two dollars as a license fee for such
 year. Such payment shall be made prior to the first day of
 April in each and every year, and in case of default in such
 payment by any person his certificate may be revoked by the
 board of examiners. Such fees shall be accounted for under
 section sixteen.

Annual
 license fee.

Section 18. Said board may refuse to grant a certificate to
 any person guilty of felony, gross immorality or habitual
 drunkenness, or affected with contagious or infectious disease;
 and may, after notice and hearing, revoke a certificate and any
 license which may have been granted thereon, for like cause.

May refuse
 to grant
 certificate.

Section 19. To open an office for the purpose of practicing
 optometry or to announce to the public in any way an inten-
 tion to practice optometry in any county in the state shall be
 prima facie evidence of engaging in the practice of optometry
 within the meaning of this act.

—may
 revoke
 certificate.

Prima facie
 evidence of
 engaging in
 practice.

Section 20. Any person who shall after ninety days from
 the day when this act takes effect, be, or engaged in the prac-
 tice of optometry in this state without first having obtained a
 certificate of registration from the board created by this act,
 shall be deemed guilty of a misdemeanor, and upon conviction
 may be fined not less than fifty dollars nor more than two
 hundred dollars.

Penalty for
 violation
 of this act.

Approved March 18, 1909.

Chapter 106.

An Act to amend Section one hundred and fifteen of Chapter fifteen of
 the Revised Statutes, relating to appropriations for the Normal
 Schools.

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

Section one hundred and fifteen of chapter fifteen of the
 revised statutes is hereby amended by substituting for the
 words "forty thousand" in line two the words 'sixty-two
 thousand five hundred,' and by substituting for the word
 "four" in line three the word 'nine,' and by substituting
 for the words "forty-three thousand" in lines three and four

Section 115,
 chapter 15,
 R. S.,
 amended.