

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

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'Sec. 2. Salary of secretary, in addition to expenses. The department shall appoint a secretary, not of their own number, who shall have been a resident of the state for at least five years, and shall be qualified by special knowledge and experience in charitable, correctional and institutional work; he shall receive for his services, in addition to his traveling and other necessary expenses, such salary as may be agreed upon by the department, with the approval of the governor and council. The accounts of such secretary for his traveling and other necessary expenses shall be approved by the department, audited by the state auditor and, together with the salary of such secretary, shall be paid out of the state treasury upon certificate of the state auditor.'

Approved April 9, 1929.

Chapter 276.

An Act Relative to Jurisdiction of Prison Commissioners in Matter of Paroles.

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

P. L., 1917, c. 195, sec. 8; relating to transfer of authority to board of prison commissioners, amended. Section eight of chapter one hundred and ninety-five of the public laws of nineteen hundred and seventeen is hereby amended by adding at the end of the last sentence of said section the words 'to prisoners under sentence to the state prison' so that said section, as amended, shall read as follows:

'Sec. 8. Given jurisdiction in granting paroles to prisoners under sentence to state prison. The advisory board in the matter of paroles and the board of prison and jail inspectors are hereby abolished and all of the powers and authority conferred by law upon said boards are hereby transferred to the board of prison commissioners and all existing provisions of law applicable to either of said boards shall hereafter apply to said board of prison commissioners. The commissioners shall have exclusive jurisdiction in all cases in granting paroles to prisoners under sentence to the state prison.'

Approved April 9, 1929.

Chapter 277.

An Act Relating to Optometry.

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

Sec. 1. R. S., c. 18, sec. 41; relating to board of registry in optometry, amended. Section forty-one of chapter eighteen of the revised statutes is hereby amended by striking out the word "opticians" in the fourth line

thereof and inserting in place thereof the word 'optometrists' so that said section as amended shall read as follows:

'Sec. 41. Optometry board shall have three resident optometrists. 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 five persons, three of whom shall have been resident optometrists, engaged in the actual practice of optometry in this state 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 members of the board shall belong to the same political party. They shall be appointed for terms of three 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. 18, sec. 44; relating to practice of optometry, amended. Section forty-four of chapter eighteen of the revised statutes is hereby amended by striking out all of said section after the word "defined" in the second line thereof and inserting in place thereof the words, '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 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.

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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 :

'Sec. 44. Practice of optometry newly defined. 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 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.'

Sec. 3. R. S., c. 18, sec. 45; relating to unlawful practice if not registered, amended. 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, nor to resident merchants so long as they shall sell spectacles, only, that do not contain ophthalmic lenses,' so that said section as amended shall read as follows :

'Sec. 45. Certificate of registration; practicing without prohibited; exceptions; amended. No person shall practice optometry in this state, unless he shall first obtain a certificate of registration from the state board of registration and examination in optometry, and file the same with the clerk of the supreme judicial court of the county in which he proposes to practice, as hereinafter provided ; but sections forty-three to fifty-five, both

inclusive, shall not apply to persons authorized under the laws of this state to practice medicine within the state of Maine, nor to resident merchants so long as they shall sell spectacles, only, that do not contain ophthalmic lenses.'

Sec. 4. R. S., c. 18, sec. 53; relating to annual license fee, amended. Section fifty-three of chapter eighteen of the revised statutes is hereby amended by striking out the word "two" in the third line thereof and inserting in place thereof the word 'five,' so that said section, as amended, shall read as follows:

'Sec. 53. License fee \$5.00 annually. Every registered optometrist shall annually, before the first day of April, pay to the state board of registration and examination in optometry the sum of five dollars as a license 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. 18, sec. 54; relating to refusal to grant a certificate, amended. Section fifty-four of chapter eighteen of the revised statutes is hereby amended by striking out all of said section after the word "board" in the first line thereof and inserting in place thereof the following words: '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; advertising; peddling from door to door; habitual drunkenness or habitual addiction to the use of morphine or cocaine or habit forming drugs.'

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 act is peddling from door to door, if such person within thirty days after the passage of this act shall file with the secretary of state a certificate that he desires to continue so to practice,' so that said section as amended shall read as follows:

'Sec. 54. Certificates may be refused, suspended or revoked for causes specified; public hearing provided for. 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

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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; advertising; peddling from door to door; habitual drunkenness or habitual addiction to the use of morphine or cocaine or habit forming drugs.

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 act is peddling from door to door, if such person within thirty days after the passage of this act shall file with the secretary of state a certificate that he desires to continue so to practice.'

Approved April 9, 1929.

Chapter 278.

An Act for the Better Protection of Lobsters and Crabs in the Georges River.

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

Sec. 1. Close time on lobsters and crabs in Georges river. For a period of eight years from the first day of August, nineteen hundred and twenty-nine, it shall be unlawful to take in any manner from the waters of the Georges river, any lobsters or crabs or to place in the waters of said river any trap, pot or net for the purpose of catching lobsters or crabs above a line drawn from the most western point of Howard's head in the town of St. George, touching the northern end of Gary's island at high water mark to the western shore of Georges river in the town of Cushing.

Sec. 2. Limit after eight years. After the expiration of the aforesaid eight years, any person having a license to take lobsters from waters of this state shall be entitled to place in the waters of the aforesaid Georges river, one pot, trap or net capable of taking lobsters or crabs, but no person shall take from the waters of the aforesaid Georges river more than three legal lobsters and five crabs in any one day.

Sec. 3. Penalty for placing traps. Any person convicted of placing in the waters of the aforesaid Georges river any pot, trap or net in violation of section one of this act shall be punished by a fine of not less than ten or more than twenty dollars.

Sec. 4. Penalty for taking lobsters or crabs. Any person convicted of