

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Chapter 53

AN ACT Relating to the Practice of Optometry.

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

Sec. 1. R. S., c. 76, § 10, sub-§ VIII, additional. Section 10 of chapter 76 of the revised statutes is hereby amended by adding thereto a new subsection to be numbered VIII, to read as follows:

'VIII. Willfully violating any of the rules and regulations of the Board.'

Sec. 2. R. S., c. 76, § 12, amended. Section 12 of chapter 76 of the revised statutes is hereby amended to read as follows:

'Sec. 12. Corporate practice of optometry; 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 person, 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 willfully 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 of 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. 3. R. S., c. 76, § 5, amended. Section 5 of chapter 76 of the revised statutes is hereby amended to read as follows:

'Sec. 5. License fee. Every registered optometrist shall annually, before the 1st day of April, pay to the Board the sum of \$5 for each office location 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.'

Effective August 20, 1955

Chapter 54

AN ACT Regulating Advertising Relative to Sale or Offering for Sale of Merchandise, Commodities and Service.

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

R. S., c. 133, § 29, amended. Section 29 of chapter 133 of the revised statutes is hereby amended to read as follows:

'Sec. 29. **Fraudulent advertising.** Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, sign, billboard, bill, circular, ~~label~~ pamphlet or letter, photograph, motion picture, radio, loud speaker, television, telephone, telegraph, or in any other way, an advertisement of any sort regarding merchandise, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue and designed to be deceptive or misleading, ~~shall be guilty of a misdemeanor~~ or is intended or designed not to sell the merchandise, commodities or service so advertised at the price stated therein, or otherwise communicated, or with intent not to sell the merchandise, commodities or service so advertised, may be enjoined from such advertising, and shall be punished by a fine of not more than \$500.

The provisions of this section shall not apply to any radio station, publisher of a newspaper, magazine or other publication, or any other established and recognized advertising media, or printer who publishes or prints said advertisement without actual knowledge of its falsity. The fact of the publishing or printing of such advertisement shall not be prima facie evidence of such actual knowledge of falsity.'

Effective August 20, 1955

Chapter 55

AN ACT Relating to Compensation of Members of the Board of Registration in Medicine.

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

R. S., c. 66, § 1, amended. The 2nd paragraph of section 1 of chapter 66 of the revised statutes is hereby amended to read as follows:

'Members of said Board shall receive annual salaries of ~~\$100~~ \$300 each, except the secretary, who shall receive ~~\$300~~ \$500 a year; in addition each member shall receive necessary traveling expenses in attending the meetings of the Board. Extra compensation for each day actually spent in investigation or prosecution of complaints and cases under the provisions of section 6 shall be allowed to each member of the Board actually engaged therein. Provided that if the fees to be collected under the provisions of section 3 are insufficient to pay the salaries and expenses provided by this section, the members of said Board shall be entitled to only a pro rata payment for salary in any year in which such fees are insufficient.'

Effective August 20, 1955