

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 563

AN ACT to Further the Conservation of Vision.

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

Sec. 1. 32 MRSA § 2411, as enacted by PL 1973, c. 788, § 156, is repealed and the following enacted in place thereof:

§ 2411. Definitions

i. Practice of optometry. The practice of optometry is defined as any one or any combination of the following practices:

A. Eye examination. The examination of the eye and related structures to ascertain defects or abnormalities and to detect the presence of eye diseases.

B. Functional examination. The determination of the accommodative or refractive states of the human eye and evaluation of visual functions.

C. Correctional treatment. The correction of vision problems without the use of drugs, medicine or surgery by prescribing or adapting ophthalmic lenses, including contact lenses and other optical aids, and by using other corrective procedures to preserve, restore or improve vision.

D. Fitting of eyeglasses. The fitting, bending and adjusting of eyeglasses with ophthalmic lenses, except that this subsection shall not be considered as the practice of optometry providing the fitting, bending and adjusting is by order of and under the responsibility of an optometrist or ophthalmologist.

E. Replacement of lens. The replacement or duplication of an ophthalmic lens without a written prescription from a person licensed under the laws of this State to practice either optometry or medicine.

Nothing in this section shall be construed to prevent an optical mechanic from doing the merely mechanical work associated with adapting, fitting, bending, adjusting, replacing or duplicating of eyeglasses with ophthalmic lenses.

An ophthalmic lens within the means of this section shall be any spectacle lens or contact lens which has a spherical, cylindrical or prismatic power or value or any lens ground pursuant to a written prescription.

2. Optometrist. "Optometrist" means a person who has obtained a certificate of registration from the Maine State Board of Optometry and a license to practice optometry in the State of Maine.

3. Diagnostic drug. "Diagnostic drug" means a diagnostic pharmaceutical agent known generically as topical anesthetic and mydriatic which is administered topically. The Commissioner of Health and Welfare shall designate the specific agents to be used under the generic classifications.

Sec. 2. 32 MRSA § 2419 is enacted to read:

§ 2419. Use of drugs

1. Diagnostic drugs. The use of diagnostic drugs is permitted only by an optometrist who has obtained a diagnostic drug license under section 2427 or who has passed the examination under section 2422.

2. Standards for use of diagnostic drugs. The following shall constitute the minimum standards for use of diagnostic drugs:

A. The optometrist shall complete or have completed a course in general and ocular pharmacology as it applies to optometry approved by the board.

B. The diagnostic drug shall be used solely for the purpose of detecting any pathological condition or functional abnormality of the eye.

C. Each use of a diagnostic drug shall be noted in writing and shall be made part of the permanent record of each examination and placed on file in accordance with section 2417, subsection 3.

Sec. 3. 32 MRSA § 2422, as enacted by PL 1973, c. 788, § 156, is amended by adding after the 2nd sentence 2 new sentences to read:

The board shall include an examination on the subject of general and ocular pharmacology as it relates to optometry and the use of topically applied diagnostic drugs for all new applicants for a certificate of registration and license. Presently licensed optometrists shall be permitted to use diagnostic drugs only if they obtained a diagnostic drug license under section 2427.

Sec. 4. 32 MRSA § 2427 is enacted to read:

§ 2427. Diagnostic drug license

Every presently licensed optometrist desiring to use diagnostic drugs shall:

1. Have satisfactorily completed a course and examination in general and ocular pharmacology as it applies to optometry approved by the board.

2. Upon satisfying the foregoing requirements, an optometrist shall be granted a diagnostic drug license.

Sec. 5. 32 MRSA § 2432, sub-§§ 13 and 14 are enacted to read:

13. If such person uses diagnostic drugs without first obtaining either a diagnostic drug license or passing the examination under section 2424 after the effective date of this Act;

14. If such person fails to display his diagnostic drug license issued under section 2427.

Sec. 6. 32 MRSA § 2446 is enacted to read:

§ 2446. Drugs

Any optometrist who uses diagnostic drugs, without first having obtained a license under section 2427 or being duly registered as provided in section

2421 and 2424 after the effective date of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$200.

Effective October 1, 1975

CHAPTER 564

AN ACT to Define the Responsibilities of the Bureau of Labor and the Public Employees Labor Relations Board.

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

Sec. 1. 26 MRSA §§ 891-893 are enacted to read:

§ 891. Policy

It is declared to be the policy of the State to provide full and adequate facilities for the settlement of disputes between employers and employees or their representatives and other disputes subject to settlement through mediation.

§ 892. Panel

A panel of mediators, to consist of not less than 5 nor more than 10 impartial members, shall be appointed by the Governor, with the advice and consent of the Council, from time to time upon the expiration of the terms of the several members, for terms of 3 years. They shall be chosen by the Governor from a list, containing at least 5 times as many names as the number of persons to be chosen, supplied at least once a year by the Maine Labor Relations Board. Vacancies occurring during a term shall be filled for the unexpired term. Members of the panel shall each receive \$75 a day for their services, for the time actually employed in the discharge of their official duties and shall also receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by the panel shall be paid by the State from an appropriation for said panel which shall be included in the budget of the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the panel shall be the responsibility of the Executive Director of the Maine Labor Relations Board.

§ 893. Invoking mediation services

Mediation procedures as provided by section 965, subsection 2, shall be followed whenever either party to a controversy requests such services and the Maine Labor Relations Board or its executive director finds that the dispute is subject to settlement through mediation and that it is in the public interest to mediate.

Sec. 2. 26 MRSA § 911, 1st ¶, last 5 sentences, as last amended by PL 1971, c. 620, § 13, are further amended to read:

The board shall hold a meeting on the 3rd Wednesday of September in each year and shall organize by choosing from its members a secretary. Members of the board shall each receive \$50 a day for their services for the time