

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

2. If a surplus lines policy covers risks or exposures only partially in this State the tax so payable must be computed upon the proportion of the premium that is properly allocable to the risks or exposures located in this State.

§2017. Annual report

1. Each broker shall file an annual report in February with the superintendent and the Treasurer of State containing a sworn statement of the gross premium charged for insurance placed and the gross return premiums on the insurance cancelled during the year ending on the 31st of the preceding December.

Sec. 2. 24-A MRSA §2018, as amended by PL 1991, c. 298, §5, is further amended to read:

§2018. Failure to file statement or remit tax; penalty

If any broker fails to file ~~an annual~~ the monthly statement; or fails to remit the tax provided by section 2017, ~~prior to the first day of March 2016~~ within 30 days after the tax is due, the superintendent may, following an adjudicatory hearing, assess a penalty of not less than \$25 for each day of delinquency ~~commencing with the first day of March~~. Any fine collected by the superintendent must be paid to the Treasurer of State and credited to the Insurance Regulatory Fund.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 17, 1992.

CHAPTER 675

H.P. 1291 - L.D. 1866

An Act to Prevent Certain Restraint of Trade Practices

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

Sec. 1. 32 MRSA §2417, sub-§4-A is enacted to read:

4-A. Release of contact lens prescription. After contact lenses have been adequately fitted and the patient released from immediate follow-up care by the optometrist, the patient may request a copy of the contact lens specifications from the optometrist. The optometrist shall provide a copy of the prescription, at no cost, which must contain the information necessary to properly duplicate the current prescription. The prescription must contain an expiration date. The prescription may contain fitting guidelines and may also contain specific instructions for use by the patient.

The prescribing optometrist is not liable for any injury or condition to a patient that results from negligence in packaging, manufacturing or dispensing lenses by anyone other than the prescribing optometrist.

The dispensing party may dispense contact lenses only upon receipt of a written prescription, except that an optometrist may fill a prescription of another optometrist or a physician without a copy of the prescription. Except in the case of a physician who has previously seen the wearer, a contact lens prescription may not be filled by mail, but must be filled by being personally dispensed to the contact lens wearer. A person who fills a contact lens prescription shall maintain a file of that prescription for a period of 6 years. Any person, corporation or other entity that improperly fills a contact lens prescription or fills an expired prescription commits a civil violation for which a forfeiture of not less than \$250 nor more than \$1,000 may be adjudged.

Any person may file a complaint with the board seeking disciplinary action concerning violations of this subsection. The board shall investigate or cause to be investigated and shall resolve a complaint on its own motion or upon receipt of a written complaint. The board shall conduct its actions in accordance with the Maine Administrative Procedure Act.

Sec. 2. 32 MRSA §2418-B is enacted to read:

§2418-B. Consumer information

The board shall develop a publication that contains the information it believes necessary to educate consumers of optical products and services. The publication must inform the consumer of the consumer's right to bring complaints to the attention of the board. The publication must contain the board's address and phone number.

The board shall provide reasonable quantities of this publication at no charge to licensed practitioners.

Sec. 3. 32 MRSA §2429 is enacted to read:

§2429. Consumer information

A person requesting an eye examination must be given at the time of the request the consumer information publication required in section 2418-B.

Sec. 4. 32 MRSA §2600 is enacted to read:

§2600. Release of contact lens prescription

After contact lenses have been adequately fitted and the patient released from immediate follow-up care by the physician, the patient may request a copy of the contact lens specifications from the physician. The physician shall provide a copy of the prescription, at no cost,

which must contain the information necessary to properly duplicate the current prescription. The prescription must contain an expiration date. The prescription may contain fitting guidelines and may also contain specific instructions for use by the patient.

The prescribing physician is not liable for any injury or condition to a patient that results from negligence in packaging, manufacturing or dispensing lenses by anyone other than the prescribing physician.

The dispensing party may dispense contact lenses only upon receipt of a written prescription, except that a physician may fill a prescription of an optometrist or another physician without a copy of the prescription. Except in the case of a physician who has previously seen the wearer, a contact lens prescription may not be filled by mail, but must be filled by being personally dispensed to the contact lens wearer. A person who fills a contact lens prescription shall maintain a file of that prescription for a period of 6 years. Any person, corporation or other entity that improperly fills a contact lens prescription or fills an expired prescription commits a civil violation for which a forfeiture of not less than \$250 nor more than \$1,000 may be adjudged.

Any person may file a complaint with the board seeking disciplinary action concerning violations of this section. The board shall investigate or cause to be investigated and shall resolve a complaint on its own motion or upon receipt of a written complaint. The board shall conduct its actions in accordance with the Maine Administrative Procedure Act.

Sec. 5. 32 MRSA §3300 is enacted to read:

§3300. Release of contact lens prescription

After contact lenses have been adequately fitted and the patient released from immediate follow-up care by the physician, the patient may request a copy of the contact lens specifications from the physician. The physician shall provide a copy of the prescription, at no cost, which must contain the information necessary to properly duplicate the current prescription. The prescription must contain an expiration date. The prescription may contain fitting guidelines and may also contain specific instructions for use by the patient.

The prescribing physician is not liable for any injury or condition to a patient that results from negligence in packaging, manufacturing or dispensing lenses by anyone other than the prescribing physician.

The dispensing party may dispense contact lenses only upon receipt of a written prescription, except that a physician may fill a prescription of an optometrist or another physician without a copy of the prescription. Except in the case of a physician who has previously seen the wearer, a contact lens prescription may not be

filled by mail, but must be filled by being personally dispensed to the contact lens wearer. A person who fills a contact lens prescription shall maintain a file of that prescription for a period of 6 years. Any person, corporation or other entity that improperly fills a contact lens prescription or fills an expired prescription commits a civil violation for which a forfeiture of not less than \$250 nor more than \$1,000 may be adjudged.

Any person may file a complaint with the board seeking disciplinary action concerning violations of this section. The board shall investigate or cause to be investigated and shall resolve a complaint. The board shall conduct its actions in accordance with the Maine Administrative Procedure Act.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

Board of Optometrists

All Other \$4,500

Provides funds for the printing and mailing costs of a publication to educate consumers of optical products and services.

See title page for effective date.

CHAPTER 676

H.P. 1059 - L.D. 1548

An Act Related to Incineration Plants

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

Sec. 1. 38 MRSA c. 24, sub-c. VIII is enacted to read:

SUBCHAPTER VIII

**INCINERATION PLANT FINANCIAL
STATEMENTS**

§2231. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.