

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

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

**Sec. 1. 5 MRSA §12004-B, sub-§5,** as enacted by PL 1987, c. 786, §5, is amended to read:

5. State Claims Commission      \$400 \$150/Day      23 MRSA §152

**Sec. 2. 23 MRSA §152, 2nd ¶,** as repealed and replaced by PL 1987, c. 395, Pt. A, §92, is amended to read:

Members of the State Claims Commission ~~shall~~ must be compensated according to the provisions of Title 5, chapter 379. The daily rate for commission members is \$150.

**Sec. 3. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1995-96	1996-97
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>State Claims Commission</b>		
Personal Services	\$5,175	\$6,900
All Other	193	255
Allocates funds to increase the per diem of commission members from \$100 to \$150 and for related charges.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	\$5,368	\$7,155

See title page for effective date.

**CHAPTER 439**

**H.P. 590 - L.D. 800**

**An Act to Amend the Laws Related to Optometry**

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

**Sec. 1. 32 MRSA §2411, sub-§1, ¶A,** as amended by PL 1987, c. 542, Pt. K, §§2 and 20, is further amended to read:

A. The examination of the eye and related structures without the use of invasive surgery or other invasive techniques or tissue-altering lasers to ascertain defects, abnormalities or diseases of the eye;

**Sec. 2. 32 MRSA §2411, sub-§1, ¶C,** as repealed and replaced by PL 1987, c. 542, Pt. K, §§3 and 20, is amended to read:

C. The correction, treatment or referral of vision problems and ocular abnormalities by the prescribing, adapting and application of ophthalmic lenses, devices containing lenses, prisms, contact lenses, orthoptics, vision therapy, ~~ocular~~ pharmaceutical agents and prosthetic devices and other optical aids, and by using other corrective procedures to preserve, restore or improve vision, excluding invasive, laser or other surgery and tissue-altering lasers;

**Sec. 3. 32 MRSA §2411, sub-§3,** as repealed and replaced by PL 1987, c. 542, Pt. K, §§4 and 20, is repealed and the following enacted in its place:

**3. Pharmaceutical agent.** "Pharmaceutical agent" means any medicinal diagnostic and therapeutic substances for use in the diagnosis, cure, treatment or prevention of glaucoma, and any topical medicinal diagnostic and therapeutic substances for use in the diagnosis, cure, treatment or prevention of ocular conditions and diseases other than glaucoma.

**Sec. 4. 32 MRSA §2411, sub-§5,** as enacted by PL 1987, c. 542, Pt. K, §§5 and 20, is amended to read:

**5. Therapeutic pharmaceuticals.** "Therapeutic pharmaceuticals" means those pharmaceutical agents required to prevent, manage or treat abnormal ocular conditions or diseases, ~~excluding glaucoma.~~

Nothing in this section may be construed to permit the optometric use of pharmaceutical agents ~~which that~~ are:

A. Controlled substances identified in schedules I and II as described in the United States Code, Title 21, Section 812;

B. Any pharmaceutical agent administered by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injections, except injections for the emergency treatment of anaphylactic shock; and

C. Any pharmaceutical agent for the specific treatment of a systemic disease, unless the agent is used specifically for an ocular disease.

Notwithstanding any other provision of this Act, an optometrist may dispense, prescribe and administer nonlegend agents.

**Sec. 5. 32 MRSA §2417, sub-§6** is enacted to read:

**6. Determination of the scope of the practice of optometry.** The board, in accordance with the Maine Administrative Procedure Act, shall adopt reasonable rules to carry out the purposes of this chapter.

**Sec. 6. Optometry Study Panel.**

**1. Panel established.** There is created the Optometry Study Panel, referred to in this section as the "panel."

**2. Membership.** The panel consists of 5 members to be appointed as follows:

A. Two licensed optometrists appointed by the State Board of Optometry;

B. One licensed ophthalmologist appointed by the Board of Licensure in Medicine;

C. One licensed pharmacist appointed by the Board of Commissioners of the Profession of Pharmacy; and

D. One member of the general public appointed by the Governor.

**3. Convening.** The Commissioner of Professional and Financial Regulation shall call the first meeting of the panel within 15 days of the effective date of this Act.

**4. Chair.** The panel shall elect a chair from among its members.

**5. Staff.** Staffing must be provided from within the existing personnel of the Board of Licensure in Medicine and the State Board of Optometry.

**6. Duties.** The panel shall:

A. Determine the qualifications required of optometrists for prescription and use of nontopical medicinal diagnostic and therapeutical substances for the diagnosis, cure, treatment or prevention of glaucoma;

B. Determine the qualifications required of optometrists for prescription and use of nontopical medicinal diagnostic and therapeutical substances for the diagnosis, cure, treatment or prevention of abnormal ocular conditions and diseases other than glaucoma;

C. Determine what, if any, restrictions or limitations should be placed on prescription and use of nontopical medicinal diagnostic and therapeutical substances by optometrists for the diagnosis, cure, treatment or prevention of abnormal ocular conditions and diseases other than glaucoma; and

D. Develop a detailed evaluation program to determine the incidence of mistreatment of glaucoma by optometrists. The panel shall include in its recommendations the agency or agencies to be responsible for final design, conduct and review of this evaluation.

**7. Report to the Legislature.** The panel shall prepare and submit a report to the Joint Standing Committee on Business and Economic Development with a copy to the Executive Director of the Legislative Council and the Law and Legislative Reference Library. The report must summarize the findings of the panel and must be signed by all members of the panel as either in favor of or opposed to the recommendations. The report must include specific proposed legislation for putting the specific recommended qualifications of treating glaucoma into statute. The report must be submitted on January 1, 1996. The Joint Standing Committee on Business and Economic Development shall submit legislation that has an effective date of October 1, 1996 based on the issues dealt with by the panel.

**Sec. 7. Education and training.** The Board of Optometry shall require an applicant for certification to treat glaucoma to successfully complete the education and training requirements as approved by the Legislature for that certification.

**Sec. 8. Effective date.** Those sections of this Act that repeal and replace the Maine Revised Statutes, Title 32, section 2411, subsection 3 and amend Title 32, section 2417, subsection 6 take effect October 1, 1996.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 440**

**H.P. 472 - L.D. 653**

**An Act to Amend the Excise Tax Charged on Commercial Vehicles**

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

**Sec. 1. 29-A MRSA §531, sub-§6** is enacted to read: