

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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VOLUME I



By the Authority of the Legislature

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CHAPTER 69.

REGISTRATION IN OPTOMETRY.

Sec. 1. Board of registration in optometry; appointment; tenure; vacancies; removals. R. S. c. 21, § 45. 1935, c. 124, § 1. The state board of registration and examination in optometry, as heretofore established, and hereinafter in this chapter called the "board", shall consist of 5 persons appointed by the governor, with the advice and consent of the council. They shall have been resident optometrists, engaged in the actual practice of optometry in this state for a period of 5 years prior to their appointment; not more than 3 members of the board shall belong to the same political party. They shall be appointed for terms of 3 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. Officers; compensation; meetings; rules and regulations; compensation. R. S. c. 21, § 46; c. 125, §§ 51, 55, 56. 1931, c. 216, Art. I, § 5; Art. II, § 15. 1935, c. 124, § 2. 1943, c. 320. The board shall annually elect from its members a president, and a secretary who shall be treasurer; they shall severally have authority, during their term of office, to administer such oaths and take such affidavits as are required by the provisions of this chapter, certifying thereto under their hand and the seal of the board. The treasurer shall receive all fees, charges, and assessments payable to the board, and account for and pay over the same according to law. The board shall meet at least once in each year at Augusta; and, in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting; a majority of said board shall constitute a quorum.

The members of the board shall each receive \$5 for each day actually engaged in the duties of his office, and actual expenses incurred in attending the meetings of the board.

The secretary shall keep a full record of the proceedings of said board, which shall be open to public inspection at all reasonable times. The board shall from time to time establish and record, in a record kept for that purpose, a schedule of the minimum requirements which must be complied with by applicants for examination before they can be examined or receive a certificate. In like manner the board shall establish and put on record a schedule of the minimum requirements and rules for the recognition of schools of optometry, so as to keep the requirements of proficiency up to the average standard of other states. The board shall make such rules and regulations not inconsistent with law, as may be necessary to govern the practice of optometry; but no rule or requirement shall be made that is unreasonable, or that contravenes any provision of this chapter.

See c. 14, §§ 2-4, re bond of treasurer; c. 15, § 27, re fees, fund for payment of expenses of board, etc.

Sec. 3. Practitioners of optometry; examination; fees; registration. R. S. c. 21, § 47. Every person before beginning the practice of optometry in this state shall pass an examination before the board. Such examinations shall be confined to such knowledge as is essential to the practice of optometry. Any

person, having signified to said board his desire to be examined, shall appear before the board at such time and place as they may designate, and before such examination shall pay to said board the sum of \$15, and if he shall successfully pass said examination shall pay to said board a further sum of \$10, on the issuance to him of a certificate. All persons successfully passing such examination shall be registered, in a record which shall be kept by the secretary of said board, as licensed to practice optometry, and shall also receive a certificate of such registration to be signed by the president and secretary of said board.

Sec. 4. Annual report. R. S. c. 21, § 56. The board shall make an annual report of its proceedings to the governor on the 1st Monday in July of each year, which shall contain an account of all moneys received and disbursed by them.

See c. 14, § 5, re uniform fiscal year.

Sec. 5. Annual license fee. R. S. c. 21, § 57. Every registered optometrist shall annually, before the 1st day of April, pay to the board the sum of \$5 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. 6. Practice of optometry defined. R. S. c. 21, § 48. 1937, c. 15. The practice of optometry is defined as any one or any combination of the following practices:

I. 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;

II. 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;

III. 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 eye-glasses with ophthalmic lenses for the betterment of vision;

IV. 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 subsection 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 and the following section shall be any lens which has a spherical, cylindrical, or prismatic power or value, or any lens ground pursuant to a prescription.

Sec. 7. Unlawful to practice unless registered; exceptions. R. S. c. 21, § 49. No person shall practice optometry in this state, unless he shall first obtain a certificate of registration from the board, and file the same with the clerk of the superior court of the county in which he proposes to practice, as hereinafter provided; but the provisions of this chapter shall not apply to persons authorized under the laws of this state to practice medicine within this state, nor to resident merchants so long as they shall sell spectacles, only, that do not contain ophthalmic lenses.

See c. 61, §§ 1-8, re practice of medicine.

Sec. 8. Issuance of certificates to optometrists licensed in other states; exceptions; fee. R. S. c. 21, § 50. Upon application and the payment of the sum of \$50 said board shall issue, without the prescribed examination, to persons practicing optometry in those states which, in the opinion of the board, maintain a standard in the requirements of the practice of optometry equal to the standard of this state, a certificate to practice in this state, which certificate shall be filed in the same manner as that issued to residents of the state; provided, however, that such certificate shall be issued only to the residents of such states as allow similar privileges to residents of this state.

Sec. 9. Certificate recorded by clerk of courts. R. S. c. 21, § 51. Every person receiving a certificate under the provisions of section 3 shall present the same for record to the clerk of the superior court of the county in which he intends to practice, and the clerk shall record the same. Whoever neglects or refuses to file such certificate for record, within 30 days after the issuance thereof, forfeits the same.

Sec. 10. Clerk to issue license. R. S. c. 21, § 52. The clerk of the superior court of the county in which an applicant so intends to practice shall issue to the person presenting such certificate a license over his official seal in the following form:

“State of Maine,
County of _____, ss:
I, _____, clerk of the superior court of _____ county, in the state of Maine, do hereby certify that _____ has complied with the laws of Maine relating to the practice of optometry in the county and state aforesaid.
Witness my hand and the seal of said court _____ this day _____, Clerk.”

See § 15.

Sec. 11. New license. R. S. c. 21, § 53. Whenever the holder of an optometrist's license changes his residence from one county to another in this state, he shall obtain a new license in the county where he proposes to reside, by filing with the clerk of the superior court for such county the license obtained by him in the county in which he last resided, in the same manner as on the presentation of his certificate from the board, and the clerk shall issue to him a new license.

See § 15.

Sec. 12. Certificate displayed in office. R. S. c. 21, § 54. Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted. Whenever practicing the profession of optometry outside of, or away from said office or place of business, he shall deliver to each customer or person so fitted with glasses, a bill of sale, which shall contain his signature, home post-office address, and the number of his certificate of registration.

Sec. 13. Duplicate lists of certificates and licenses to be furnished. R. S. c. 21, § 55. The clerk of courts in each county shall furnish annually on the 1st day of January to the board, upon blanks furnished by such board, a duplicate list of all certificates received and licenses issued by him during the preceding

year, and shall include therein the date of issue of such license, and the name and residence of the person receiving the same.

Sec. 14. Refusal to grant certificate. R. S. c. 21, § 58. 1935, c. 124, § 3. The board 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:

I. Conviction of felony as evidenced by a certified copy of the record of the court convicting;

II. Continued practice of optometry by a person knowingly having a contagious or infectious disease;

III. Gross malpractice;

IV. Advertising by means of false or deceptive statements;

V. Peddling from door to door;

VI. Habitual drunkenness or habitual addiction to the use of morphine or cocaine or habit forming drugs;

VII. Practicing under a name other than that given in the certificate of registration.

No certificate shall be suspended or revoked for any of the foregoing causes unless the person accused has been given at least 30 days' notice in writing of the charge against him and afforded a public hearing before the board.

Sec. 15. Penalty; prima facie evidence of engaging in practice. R. S. c. 21, § 59. 1939, c. 298. Whoever engages in the practice of optometry in this state without first having obtained a license as provided in section 10, or as provided in section 11 in case of a change of residence, shall be deemed guilty of a misdemeanor, and shall be punished by fine of not less than \$50, nor more than \$200. To open an office for the purpose of practicing optometry or to announce to the public in any way an intention to practice optometry in any county in the state shall be prima facie evidence of engaging in the practice of optometry within the meaning of this section.

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 shall associate himself in any way with any person, not a registered optometrist, 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 directly or indirectly engage in the practice of optometry in this state, and any registered optometrist guilty of such conduct or violation of the provisions of this section shall be punished by having his certificate and registration to practice optometry in this state suspended or revoked; provided that no certificate or 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.