

MAINE STATE LEGISLATURE

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February 1, 1946

To Dr. N. S. Kupelian, Superintendent
Pownal State School

I received your memo of the 25th, asking for a ruling regarding the sterilization law in certain selected cases.

"1. In the case of a patient whose parents are living, could a sister give her consent to such an operation?"

I must answer that question in the negative, because the statute provides for the written consent of the nearest relative or guardian, when the patient is mentally incompetent to give such consent.

"2. Would it be right to secure the signature of a sister or brother of a feeble-minded child whose father or mother is mentally incompetent?"

My answer to that question is in the negative. A guardian should be appointed for the father, if he is living and mentally incompetent, and the guardian of the father should sign the consent for the father.

"3. Whom may we consider as the nearest relative?"

You must consider the nearest living relative in these cases, in strict compliance.

Ralph W. Farris
Attorney General

RWF:c