

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 188

In Senate, March 2, 1923.

Referred to Committee on Public Health and one thousand copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Speirs of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT Permitting Sterilizing Operations in Certain Cases
of Mental Disease and Feeble-Mindedness.

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

Section 1. That the operations of vasectomy and fal-
2 tomy may be performed under the conditions and within
3 the restrictions herein described, and under such provisions
4 shall be lawful.

Sect. 2. When either of the recognized sterilizing opera-
2 tions herein referred to may be indicated for the prevention
3 of the reproduction of further feeble-mindedness, or for
4 the therapeutic treatment of certain forms of mental dis-
5 ease, physicians in charge of state and county institutions,

6 having the custody of such cases may recommend to the
7 nearest relative, guardian and affected individual the ad-
8 visability and necessity of such operation; and when the
9 written consent of the patient, when mentally competent to
10 give such consent, as well as that of the nearest relative
11 or guardian is given, the physician having the custody
12 aforesaid of said case shall call a counsel of two registered
13 medical practitioners—one a physician and one a surgeon—
14 of not less than five years' practice and not related to the
15 patient, whose duty it shall be in conjunction with the
16 physician in charge of the case, to examine the individual
17 recommended for operation. Whether the person to be
18 operated upon is mentally capable of giving his consent
19 shall be decided by the consultants and stated in writing,
20 with their reasons therefor, and such written statement shall
21 be kept on file at school for feeble-minded and in case they
22 find that the patient is mentally incapable of giving his
23 consent, the consent of the guardian or nearest relative
24 must be secured. If in the judgment of the consulting
25 physicians the operation will prevent the further propaga-
26 tion of mental deficiency, or if in the judgment of the
27 medical consultants the physical or mental condition of any
28 such person will be substantially benefitted thereby, then
29 the consultants shall select a competent surgeon to per-
30 form the operation of fallocotomy or vasectomy, as the case
31 may be, upon such person.

Sect. 3. The compensation of the consulting physicians
2 and surgeons in the case of public charges shall be entrusted
3 with the management of the several institutions and shall
4 be paid out of the funds appropriated for the maintenance
5 of such institutions.