

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 412

S. D. No. 150

In Senate, Mar. 5, 1925.

Referred to Committee on Public Health and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Spiers of Cumberland.

STATE OF MAINE

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

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 fallectomy may be performed under the conditions and within the restrictions herein described, and under such provisions shall be lawful.

Sect. 2. When either of the recognized sterilizing operations herein referred to may be indicated for the prevention of the reproduction of further feeble-mindedness, or for the therapeutic treatment of certain forms of mental disease, physicians having the custody of such cases may recom-

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