

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-SECOND LEGISLATURE**

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**S. P. 604**

**S. D. 274**

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In Senate, March 30, 1925.

Reported by Mr. Phillips from Committee on Public Health  
and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Spiers of Cumberland.

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**STATE OF MAINE**

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

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

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

Section 1. That the operations of vasectomy and fallec-  
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 disease,

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