

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 51

S. P. 112

In Senate, Jan. 30, 1929.

Tabled by Senator Oakes of Cumberland pending reference and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

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

AN ACT to Amend Section Two of Chapter Two Hundred

Eight of the Public Laws of Nineteen Hundred Twenty-five, Permitting Sterilizing Operations.

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

Section two of chapter two hundred eight of the public
2 laws of nineteen hundred twenty-five, is hereby amended
3 by striking out in the eighth line thereof the words "as well
4 as that of the nearest relative or guardian" and inserting in
5 place thereof the following: 'or the written consent of the
6 guardian when the patient is mentally incompetent to give
7 such consent' and by striking out in the eighteenth line
8 thereof the following "or nearest relative" so that said
9 section as amended shall read as follows:

‘Sect. 2. Operations may be performed to prevent reproduction of feeble-mindedness or in treatment of mental disease; consent must be obtained; procedure prior to operation. 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 recommend to the nearest relative, guardian and affected individual the advisability and necessity of such operation; and when the written consent of the patient, when mentally competent to give such consent, or the written consent of the guardian, when the patient is mentally incompetent to give such consent, is given, the physician having the custody aforesaid of said case shall call a counsel of two registered medical practitioners—one a physician and one a surgeon—of not less than five years’ practice and not related to the patient, whose duty it shall be in conjunction with the physician in charge of the case, to examine the individual recommended for operation. Whether the person to be operated upon is mentally capable of giving his consent shall be decided by the consultants and stated in writing, with their reasons therefor, and such written statement shall be kept on file at school for feeble-minded and in case they find that the patient is mentally incapable of giving his consent, the consent of the guardian must be secured. If in the judgment of the consulting physicians the operation

28 will prevent the further propagation of mental deficiency,
29 or if in the judgment of the medical consultants the physical
30 or mental condition of any such person will be substantially
31 benefited thereby, then the consultants shall select a compe-
32 tent surgeon to perform the operation of fallectomy or
33 vasectomy, as the case may be, upon such person.'