

# MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H   L E G I S L A T U R E

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Legislative Document

No. 241

H. P. 610

House of Representatives, Jan. 31, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed.  
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fernald of Winterport.

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S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-  
THREE

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AN ACT Relating to Sterilization in Certain Cases.

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

**R. S. c. 155, sec. 57, amended.** Section 57 of chapter 155 of the revised statutes is hereby amended to read as follows:

**'Sec. 57. Sterilization may be performed to prevent reproduction of feeble-mindedness or in treatment of mental disease; consent necessary; procedure prior to operation.** The operations of vasectomy and fallocotomy may be performed under the conditions and within the restrictions herein described, and under such provisions shall be lawful.

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 **nearest relative or** guardian when the patient is mentally incompetent to give such consent, is given, the physician ~~having the custody aforesaid of such cases~~ shall call a counsel of two registered medical practitioners—one a physician and one a surgeon—of not less than 5 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 therefore, and such written statement shall be kept on file at the Pownal state school and in case they find that the patient is mentally incapable of giving his consent, the consent of the **nearest relative or** guardian must be secured. If in the judgment of the consulting physicians the operation will prevent the further propagation of mental deficiency, or if in the judgment of the medical consultants the physical or mental condition of any such person will be substantially benefited thereby then the consultants shall select a competent surgeon to perform the operation of fallocotomy or vasectomy, as the case may be, upon such person, **“and such surgeon may be the consulting surgeon.”**