

ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fifth Legislature

OF THE

STATE OF MAINE

1931

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department may recommend the retirement from active service and the placing upon a pension roll, any employee who has been employed in any one or more of the state institutions or departments of this state, with a good record for the term of twenty-five years or more; or has attained the age of seventy years and has been so employed with a good record for twenty years; or the governor and council may recommend the retirement from active service and the placing upon such a roll one who has served as an official, or for part of the time as an official and a part of the time as an employee, and such official or employee shall be so retired and pensioned.'

Sec. 2. R. S., c. 158, sec. 21; relating to pension shall not exceed one-half average salary, amended. Section twenty-one of chapter one hundred fifty-eight of the revised statutes is hereby amended by adding after the word "any," in the first line thereof, the words 'officer or'; so that as amended said section shall read as follows:

'Sec. 21. Any officer or employee who is retired; pension amount. Any officer or employee who is retired, as provided in the preceding section, shall be allowed such amount as the governor and council shall determine not to exceed one-half of the average wage or salary he was receiving for the five years previous to the time of his retirement.'

Approved April 3, 1931.

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## Chapter 275.

### AN ACT to Regulate the Sterilization of Inmates of Institutions.

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

Sec. 1. Provisions for recommendation for sterilization in certain cases. Whenever it appears to the medical staff or institution physician of any institution in this state which has the care or custody of insane or feeble-minded persons that any inmate under the care or custody of such institution would be likely, if released without sterilization, to produce a child or children who by reason of inheritance would have a tendency to serious mental disease or mental deficiency, said medical staff or institution physician shall submit to the governing board of such institution a recommendation that a surgical operation be performed upon said patient for the prevention of parenthood.

Sec. 2. Recommendation to be in writing; sworn statement of superintendent of history of patient. This recommendation shall be in writing

and accompanied by the sworn statement of the superintendent of such institution containing the history of the inmate as shown by the records of the institution, so far as it bears upon the recommendation for sterilization and setting forth the reasons why sterilization is recommended.

**Sec. 3. Written order for sterilization; conditions for.** If, in the judgment of the governing board, procreation by said inmate would be likely to produce a child or children who by reason of inheritance would have a tendency to serious mental deficiency it shall be the duty of the board to approve said recommendation within thirty days and send to the superintendent of such institution a written order, signed by at least two members of such board directing him to proceed with the sterilization not earlier than fifty days after the receipt of said order; provided, however, that no order of sterilization shall be carried into effect until the same shall have been further approved by two of the following persons, the superintendent of the Bangor state hospital, the superintendent of the Augusta state hospital and the superintendent of the Pownal state school for the feeble-minded.

**Sec. 4. Notice to be given.** Such board shall also send one copy of the order for sterilization to the inmate and another copy to the father or mother, husband or wife or legal guardian of the inmate, accompanying it in each case by a certified copy of the recommendation aforesaid and notification that the inmate or his or her representative has a right of appeal to the courts. If none of the foregoing relatives are known and no legal guardian has been appointed, the board shall request a judge of the superior court to appoint some attorney to protect the rights of the inmate and such notices and copies shall be sent to such attorney.

**Sec. 5. Appeal may be taken from such order.** Within thirty days of the issuance of any order of sterilization an appeal may be taken therefrom to the superior court by the inmate or his or her representative. Such appeal shall be entered and heard at the next term of said court held at least fourteen days after the date of such appeal in the county where inmate was domiciled when committed. The proceedings in such appeals shall be governed by the rules provided for probate appeals.

**Sec. 6. Designation of parties to the appeal; findings of court to be certified.** In this appeal the person for whom an order of sterilization has been issued shall be designated as the plaintiff and the superintendent of the institution in which said inmate is under care or custody shall be designated as defendant. The finding of the court shall be certified to the governing board of the institution in which the plaintiff is an inmate.

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Such finding may affirm, revise or reverse the order of the board appealed from.

**Sec. 7. Proceedings stayed pending appeal; how order shall be carried out.** The pendency of any appeal shall stay proceedings under the order of such governing board until the appeal be determined. Should the decision of the court uphold the plaintiff's objection, the order for sterilization shall be vacated automatically and the case may not be initiated again within one year of the date of the final decision of the court. Should the court find against the plaintiff said order shall be put into effect by the superintendent of the institution in which the inmate is under care or custody and the inmate shall be sterilized by vasectomy, if a male; by fallocotomy, if a female.

**Sec. 8. Permanent record, where kept; inspection of.** The completed original documents in every case not originated and completed at the Pownal state school shall be forwarded to said school for permanent record and a duplicate thereof shall be retained by the institution where the inmate was confined. Such records or documents shall not be open to public inspection except for such purposes as may be approved by the superintendent of the Pownal state school, with the assurance that the names of the persons sterilized shall not be made public.

**Sec. 9. Liability of persons executing the provisions of this act.** Neither any of said superintendents nor any other person legally participating in the execution of the provisions of this act shall be liable either civilly or criminally on account of said participation, except in the case of negligence in the performance of the operation.

Approved April 3, 1931.

## Chapter 276.

### AN ACT to Designate the State Highway Leading from Brunswick Through Jackman to the Canadian Line as The Arnold Highway.

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

“Arnold Highway” designated. The state highway leading from Brunswick, through Gardiner, Waterville, Norridgewock, Madison, Bingham and Jackman to the Canadian boundary, known as United States Route 201, is hereby designated as “The Arnold Highway.”

Approved April 3, 1931.