

MAINE STATE LEGISLATURE

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(EMERGENCY)
(NEW DRAFT OF H.P. 1621, L.D. 2214)
(NEW TITLE)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2613

H.P. 1914 House of Representatives, April 4, 1988
Reported by Representative MATTHEWS from the Committee on
Aging, Retirement and Veterans and printed under Joint Rule 2.
EDWIN H. PERT, Clerk
Original bill sponsored by Representative HOLT of Bath.
Cosponsored by Representatives DELLERT of Gardiner, LISNIK of
Presque Isle and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT to Establish the Maine**
2 **Commission on Agent Orange and**
3 **Radiation Information.**
4

5 **Emergency preamble.** Whereas, Acts of the
6 Legislature do not become effective until 90 days
7 after adjournment unless enacted as emergencies; and

8 Whereas, in order for the commission to complete

1 the initial phase of its work before the First Regular
2 Session of the 114th Legislature; and

3 Whereas, in the judgment of the Legislature, these
4 facts create an emergency within the meaning of the
5 Constitution of Maine and require the following
6 legislation as immediately necessary for the
7 preservation of the public peace, health and safety;
8 now, therefore,

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

11 **Sec. 1. Commission established.** The Maine
12 Commission on Agent Orange and Radiation Information
13 is established. The commission shall consist of 7
14 members, 5 of whom shall be jointly appointed by the
15 President of the Senate and Speaker of the House to
16 include: Two Vietnam veterans, one atomic veteran, as
17 defined in this resolve, the Director of Disease
18 Control and the Director of the Environmental Health
19 Unit from the Department of Human Services. The
20 President of the Senate shall appoint one Senator and
21 the Speaker of the House shall appoint one
22 Representative. One of the Legislators appointed
23 shall be from the Joint Standing Committee on Human
24 Resources and one from the Joint Standing Committee on
25 Aging, Retirement and Veterans.

26 **Sec. 2. Definitions.** For the purposes of this
27 Act, the following terms have the following meanings:

28 1. "Atomic veteran" means a person who:

29 A. Participated in the occupation of Japan
30 between August 1, 1945 and August 1, 1946;

31 B. Was an American prisoner of war used by the
32 Japanese to clean up Hiroshima or Nagasaki prior
33 to the surrender of the Japanese empire; or

34 C. Was a veteran of the Armed Forces of the
35 United States who participated in the atmospheric
36 testing of nuclear weapons;

1 2. "Radiation" means any fissionable material
2 used in the composition of a nuclear weapon and any
3 fissionable material created as a result of a nuclear
4 detonation.

5 3. "Toxic chemicals" means any of those
6 insecticides and herbicides used in Southeast Asia
7 during the Vietnam War, including, but not limited to:

8 A. Agent Orange containing trichlorophenoxy
9 acidic acid and dichlorophenoxy acidic acid;

10 B. Agent White, containing picloram;

11 C. Agent Blue, containing cacodylic acid,
12 including arsenic;

13 D. Lindane, mirex, dichlorodiphenyltrichlo-
14 roethane, chlordane, dieldrin, dapsone, malathion,
15 hexachlorobenzene, dinoxol, trinoxol, diquat,
16 bromacil, monuron, tandex and dalapon; and

17 E. Any form of dioxin or
18 tetrachlorodibenzo-p-dioxin.

19 4. "Vietnam veteran" means any person who served
20 on active duty in the Armed Forces of the United
21 States during the Vietnam War, August 5, 1964 to May
22 7, 1975.

23 **Sec. 3. Tasks to be performed.** The commission
24 shall:

25 1. Compile information concerning:

26 A. The use of toxic chemicals in Southeast Asia;
27 and

28 B. The effect of radiation on atomic veterans and
29 their children;

30 2. Develop a medical form for a medical history
31 to be used by medical personnel treating Vietnam and
32 atomic veterans and their families to record pertinent
33 medical information. Veterans will be responsible for

1 having the forms completed. In developing the form
2 the commission shall request assistance from the
3 Division of Disease Control and from agencies in other
4 states which are dealing with veterans who have been
5 exposed to Agent Orange or radiation;

6 3. Develop procedures for the establishment of a
7 registry of all Vietnam veterans and atomic veterans
8 in the State. The registry should establish a data
9 base of information containing the medical history
10 information on veterans and their families;

11 4. Make an assessment of the availability and
12 adequacy of health and social services for Vietnam and
13 atomic veterans in Maine; and

14 5. Publicize the existence of the commission and
15 the commission's interest in having Vietnam and atomic
16 veterans who wish to participate in the registry to
17 contact the commission.

18 **Sec. 4. Report.** The commission shall report to
19 the First Regular Session of the 114th Legislature by
20 January 15, 1989, on its progress in making contact
21 with veterans and in establishing a registry. The
22 commission shall make written recommendations and
23 proposals as to how the registry should be made an
24 ongoing activity of State Government and how the
25 social services provided to affected veterans could be
26 improved.

27 **Sec. 5. Meetings.** The commission shall meet as
28 necessary to complete the tasks assigned the
29 commission.

30 **Sec. 6. Staff assistance.** The commission
31 shall request from the Legislative Council sufficient
32 staff assistance to carry out these duties and may
33 hire outside consultants to conduct all or portions of
34 the study if the commission so chooses.

35 **Sec. 7. Reimbursement.** The members of the
36 commission who are Legislators shall receive the
37 legislative per diem, as defined in the Maine Revised
38 Statutes, Title 3, section 2, for days of attendance

