

# MAINE STATE LEGISLATURE

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L.D. 33

(Filing No. H- 235)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 33, L.D. 33, Bill, "An Act to Authorize the Bureau of Veterans' Services to Provide Assistance to Vietnam Veterans"

Amend the bill by striking out the title and inserting in its place the following:

**'An Act to Provide Assistance to Vietnam Veterans and Atomic Veterans and to Establish the Commission on Vietnam and Atomic Veterans'**

Further amend the bill by inserting after the title and before the enacting clause the following:

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

**Whereas, the developing of registries of Vietnam and atomic veterans by the Commission on Vietnam and Atomic Veterans and by the Bureau of Veterans' Services needs to be started this summer to make sufficient progress by the start of the next legislative session; and**

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

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

1           'Sec. 1. 5 MRSA §12004-J, sub-§8 is enacted to read:

3	8. Veterans' Services	Commission on Vietnam and Atomic Veterans	Per Diem and Expenses for Legislative Member; Other Members, Expenses Only	37-B MRSA §521
5				
7				
9				

11           Sec. 2. 37-B MRSA §505, sub-§4 is enacted to read:

13           4. Vietnam and atomic veterans. In addition to subsections 1 to 3, the following applies to Vietnam and atomic veterans.

15           A. Unless the context indicates otherwise, the definitions in section 522 apply to this subsection.

17           B. The bureau:

19                   (1) Shall have a specific expertise on radiation and toxic chemicals, particularly dioxin;

21                   (2) Shall be knowledgeable of the specific reasons for the Federal Government's policy regarding assistance to veterans relative to their exposure to radiation and toxic chemicals;

23                   (3) Shall develop and present a response to federal agencies concerning veterans and their exposure to radiation and toxic chemicals and, in this regard, be knowledgeable of any actions being taken by other states, coordinate this State's response with any multi-state effort and, if there appears to be a lack of leadership, take a leadership role in such an effort;

25                   (4) Shall actively seek out veterans who may have been exposed to radiation and toxic chemicals and attempt to involve them in available programs and act as an ombudsman for them;

27                   (5) May develop and disseminate written materials on atomic radiation and agent orange. A booklet shall include information on the following: the effect of exposure on veterans and their children; services available from the Veterans' Administration; how to file claims and class action suits; and the names and addresses of state, local and private agencies to which veterans may go for assistance. In developing the booklet, the bureau shall follow the recommendations of any commission or committee that has studied agent orange and atomic radiation problems;

1  
3 (6) May attend conferences that are necessary to carry out the responsibilities in this paragraph; and

5 (7) Shall, in consultation with the Commission on Vietnam and Atomic Veterans, develop 2 registries of  
7 veterans residing in the State, one for Vietnam  
9 veterans who report they were exposed to toxic  
11 chemicals while serving in the armed services and one  
13 for atomic veterans who report they were exposed to  
15 radiation while serving in the armed services. To  
develop the registries, the bureau and the commission  
shall collect the names from existing registries and  
may contact other organizations, hold public hearings  
or use other methods to collect the names of veterans.

17 Sec. 3. 37-B MRSA c. 8 is enacted to read:

19 CHAPTER 8

21 COMMISSION ON VIETNAM AND ATOMIC VETERANS

23 §521. Commission established

25 The Commission on Vietnam and Atomic Veterans, as authorized  
27 by Title 5, section 12004-J, is established.

29 §522. Definitions

31 As used in this chapter, unless the context indicates  
otherwise, the following terms have the following meanings:

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

35 A. Participated in the occupation of Japan between August  
37 1, 1945, and August 1, 1946;

39 B. Was an American prisoner of war used by the Japanese to  
41 clean up Hiroshima or Nagasaki prior to the surrender of the  
Japanese empire or a prisoner of war who transited through  
either Hiroshima or Nagasaki following repatriation;

43 C. Is a veteran of the Armed Forces of the United States  
45 who participated in the atmospheric testing of nuclear  
weapons; or

47 D. Was a veteran in the Armed Forces of the United States  
49 who became exposed to radiation as a result of that person's  
military occupational specialty code or a nuclear accident.

51 2. Radiation. "Radiation" means any fissionable material  
used in the composition of a nuclear weapon and any fissionable

1 material created as a result of either a nuclear detonation or  
2 other military use of radioactive materials or nuclear accident.

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

7  
8 A. Agent Orange, containing trichlorophenoxy acidic acid  
9 and dichlorophenoxy acidic acid;

10  
11 B. Agent White, containing picloram;

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

14  
15 D. Lindane, mirex, dichlorodiphenyltrichloroethan,  
16 chlordane, dieldrin, dapsone, malathion, hexachlorobenzene,  
17 dinoxol, trinoxol, diquat, bromacil, monuron, tandex and  
18 dalapon; and

19  
20 E. Any form of dioxin or tetrachlorodibenzo-p-dioxin.

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

25 §523. Membership

26  
27 The commission shall consist of 10 members, 5 of whom shall  
28 be appointed by the Governor, including 2 Vietnam veterans, one  
29 atomic veteran, one veteran appointed from a list of 3 veterans  
30 selected by the Maine Veterans' Coordinating Committee and one  
31 person knowledgeable in conducting publicity campaigns; the  
32 Director of the Bureau of Veterans' Services or a designee; the  
33 Director of the Veterans Administration Center, Togus, or a  
34 designee; and the Director of Disease Control or a designee. The  
35 President of the Senate shall appoint a Senator and the Speaker  
36 of the House of Representatives shall appoint a member of the  
37 House of Representatives. The President of the Senate and the  
38 Speaker of the House of Representatives shall jointly appoint one  
39 of the members as chair.

40  
41 §524. Term of office

42  
43 The term of office shall be 2 years. Commission members may  
44 serve no more than 3 consecutive terms.

45  
46 §525. Chair

47  
48 The members of the commission shall select a chair at the  
49 first meeting of each fiscal year.

50  
51

1 §526. Compensation

3 Members shall be compensated in accordance with Title 5,  
4 section 12004-J, subsection 8.

5 §527. Duties

7 The commission shall:

9  
11 1. Bureau of Veterans' Services; advice. Advise the Bureau  
12 of Veterans' Services on matters concerning Vietnam and atomic  
13 veterans. This shall include giving its advice and consent on  
14 staff hired by the bureau to provide staff assistance to the  
15 commission under section 528;

16  
17 2. Registry of Vietnam and atomic veterans. Assist the  
18 Bureau of Veterans' Services in developing a registry of Vietnam  
19 veterans and a registry of atomic veterans;

20  
21 3. Outreach; public hearings. Develop methods for reaching  
22 out to Vietnam and atomic veterans who need assistance. The  
23 commission may hold public hearings, develop public service  
24 announcements and use other means to reach veterans;

25 4. Advocacy. Act as advocates for Vietnam and atomic  
26 veterans;

27  
28 5. Conduct study. Conduct a study of medical and other  
29 problems faced by Vietnam and atomic veterans and their families;  
30 and

31  
32 6. Report. Report each year to the joint standing  
33 committee of the Legislature having jurisdiction over aging,  
34 retirement and veterans' matters by January 15th.

35 §528. Staff

36  
37 The Bureau of Veterans' Services shall provide clerical and  
38 professional staff to assist the commission.

39  
40 **Sec. 4. Appropriation.** The following funds are appropriated  
41 from the General Fund to carry out the purposes of this Act.

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1989-90                      1990-91

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47 **DEFENSE AND VETERANS' SERVICES,**  
48 **DEPARTMENT OF**

49 **Commission on Vietnam and**  
**Atomic Veterans**

COMMITTEE AMENDMENT "A" to H.P. 33, L.D. 33

1			
	Positions	(2)	(2)
3	Personal Services	\$47,745	\$51,825
	All Other	22,000	22,250
5	Capital Expenditures	1,677	
7	Provides funds for the per diem of legislative members and the expenses of the Commission on Vietnam and Atomic Veterans. Also provides funds to improve services delivered by the Bureau of Veterans' Services to staff the commission with one professional and one clerical position and to develop a registry and conduct a study either through contract or by the bureau's staff.		
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23	<b>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</b>		
25	<b>TOTAL</b>	<u>\$71,422</u>	<u>\$74,075</u>
27			
29	<b>HUMAN SERVICES, DEPARTMENT OF</b>		
31	<b>Bureau of Health</b>		
33	All Other	\$2,000	\$2,000
35	Provides funds for the State Toxicologist to attend the annual Conference on Dioxin.		
37			
39	<b>DEPARTMENT OF HUMAN SERVICES</b>		
	<b>TOTAL</b>	<u>\$2,000</u>	<u>\$2,000</u>
41	<b>TOTAL APPROPRIATIONS</b>	<u>\$73,422</u>	<u>\$76,075</u>

43 **Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1989.

1

**STATEMENT OF FACT**

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This amendment amends the description of the new duties assigned to the Bureau of Veterans' Services. It creates the Commission on Vietnam and Atomic Veterans and provides travel expenses for the State Toxicologist.

5

Reported by the Committee on Aging, Retirement and Veterans  
Reproduced and distributed under the direction of the Clerk of the  
House  
5/19/89

(Filing No. H-235)