

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 33

H.P. 33

House of Representatives, January 30, 1989

Reported by Representative HOLT for the Maine Information Commission on Agent Orange and Radiation pursuant to Private and Special Law 1987, chapter 129. Reference to the Joint Standing Committee on Aging, Retirement and Veterans suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

---

STATE OF MAINE

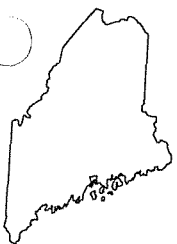
---

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

---

**AN ACT to Authorize the Bureau of Veterans' Services to Provide Assistance to Vietnam Veterans.**

---



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

3 **Sec. 1. 37-B MRSA §505, sub-§1,** as enacted by PL 1983, c. 460,  
5 §3, is amended to read:

7 **1. Financial assistance.** Financial assistance shall be  
9 granted as follows.

11 A. As used in this subsection, unless the context otherwise  
13 indicates, the following terms have the following meanings.

15 (1) "Child" means a person who is under the age of 18  
17 years; over the age of 18 years but under the age of 20  
19 years, regularly attending school; or over the age of  
21 18 years and not attending school if, prior to reaching  
23 the age of 18 years, the child becomes or has become  
25 permanently incapable of self-support by reason of  
27 mental or physical defect, and who is:

29 (a) A natural, legitimate child of a veteran;

31 (b) A foster child of a veteran;

33 (c) A legally adopted child of a veteran;

35 (d) A stepchild, if a member of a veteran's  
37 household either at the time of application or, in  
39 the event of the veteran's death, at the time of  
41 death, and who thereafter continues as a member of  
43 the household; or

45 (e) An illegitimate child, where a veteran has  
47 been judicially ordered or decreed to contribute  
49 to his the child's support, or judicially decreed  
51 to be the putative father, or has acknowledged  
under oath and in writing that he is the father of  
the child.

(2) "Federally recognized period of conflict" means  
World War I, April 6, 1917 to November 11, 1918, or to  
March 31, 1920, if service was in Russia; World War II,  
December 7, 1941 to December 31, 1946; Korean Conflict,  
June 27, 1950 to January 31, 1955 and the Viet-Nam  
Vietnam War, August 5, 1964 to May 7, 1975.

(3) "Parent" means the father or mother of a veteran  
with whom the veteran lived during his the veteran's  
minority and for whom he the veteran would be legally  
responsible under the laws of this State; or the foster  
father or mother of the veteran.

(4) "Spouse" means the person currently legally

1 married to a living veteran or the widow or widower of  
3 a deceased veteran who has not become the dependent of  
another person.

5 (5) "Veteran" means any person who served in the  
7 ~~United States Armed Forces~~ Armed Forces of the United  
9 States during any federally recognized period of  
conflict and was not dishonorably discharged; is  
disabled and a resident of the State; or is deceased  
and at time of death was a resident of the State. A  
11 veteran of the Viet-Nam Vietnam War must have served on  
13 the veteran active duty for a period of more than 90 days unless he  
15 the veteran died in service, or was discharged for a  
service-connected disability and any part of that  
active duty service occurred after August 4, 1964 and  
before May 7, 1975.

17 B. Application for financial assistance under this  
19 subsection shall be made to the bureau on forms provided by  
the bureau. Application may be made by the veteran or his  
21 the veteran's dependent or a person recognized by the bureau  
as entitled to act on behalf of that person.

23 C. Eligibility for aid shall be determined as follows.

25 (1) Financial assistance shall be granted under this  
27 subsection to a veteran who is:

29 (a) Single;

31 (b) A resident of the State; and

33 (c) In dire need.

35 (2) Financial assistance shall be granted under this  
37 subsection to a spouse, a child, a parent or the  
parents of a veteran if that person is a resident and  
in need.

39 (3) Financial assistance under this subsection shall  
41 not be forfeited because of temporary absence from the  
State.

43 (4) The bureau shall give preference to applications  
45 where the death or disability of the veteran is due to  
47 military service or where the death or disability may  
be presumed to be due to military service.

49 D. The bureau shall require proof of the veteran's  
51 disability and its effect on his the veteran's ability to  
provide for himself the veteran and his any dependents.

53 E. The bureau shall determine the amount of financial

1 assistance to be allowed under this subsection. In making  
3 that determination, the bureau shall give consideration to  
the following:

5 (1) The resources of the veteran and his any  
7 dependents, including all other income and resources  
available to provide the dependents with a reasonable  
subsistence compatible with health and decency;

9 (2) Budgetary standards compiled by the bureau which  
11 reasonably reflect current costs of average standards  
of living; and

13 (3) Other necessary expenditures and conditions  
15 applicable in each case.

17 F. Financial assistance approved by the bureau and audited  
19 by the State Controller shall be paid by the Treasurer of  
State and may, in the discretion of the bureau, be paid to  
21 any person whom it may designate for the benefit of eligible  
dependents.

23 G. The bureau shall administer funds appropriated for the  
25 purpose of carrying out this subsection and shall, in  
accordance with the Maine Administrative Procedure Act,  
27 Title 5, chapter 375, subchapter II, adopt rules necessary  
to administer these funds.

29 H. Any person who is denied financial assistance under this  
31 subsection or who is not satisfied with the amount allotted  
~~to him~~ by the bureau may appeal to the director. Each  
33 applicant for financial assistance shall be advised, at the  
time a decision on his the application is made, of his the  
35 applicant's right of appeal and of the method and time for  
making the appeal. The appellant shall be provided with  
37 reasonable notice and a fair hearing. At the hearing, the  
director or a member of the bureau authorized by ~~him~~ the  
39 director shall hear all evidence pertinent to the matter at  
issue and render a decision in the name of the director,  
41 within a reasonable time after the hearing. On request of  
the appellant, the director shall arrange for the hearing to  
43 be recorded in writing or on tape. A copy of the record  
shall be provided to the appellant at his the appellant's  
45 request and expense. An appeal to the Superior Court may be  
had in accordance with the Maine Administrative Procedure  
47 Act, Title 5, chapter 375, subchapter VII.

49 I. An applicant eligible for financial assistance under  
this subsection who is also eligible for public assistance  
51 under any state law for which federal funds are available  
shall receive that public assistance. Financial assistance  
53 may be granted under this subsection pending receipt of the  
public assistance by eligible applicants.

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

3                    4. Vietnam and atomic veterans. In addition to subsections  
5 1 to 3, the following shall apply to Vietnam and atomic veterans.

7                    A. As used in this subsection, unless the context otherwise  
9 indicates, the following terms have the following meanings.

11                    (1) "Atomic veteran" means a person who:

13                    (a) Participated in the occupation of Japan  
15 between August 1, 1945 and August 1, 1946;

17                    (b) Was an American prisoner of war used by the  
19 Japanese to clean up Hiroshima or Nagasaki prior  
21 to the surrender of the Japanese empire or a  
23 prisoner of war who transited through the port of  
25 Nagasaki after surrender; or

27                    (c) Is a veteran of the Armed Forces of the  
29 United States who participated in the atmospheric  
31 testing of nuclear weapons.

33                    (2) "Radiation" means any fissionable material used in  
35 the composition of a nuclear weapon and any fissionable  
37 material created as a result of a nuclear detonation.

39                    (3) "Toxic chemicals" means any of those insecticides  
41 and herbicides used in Southeast Asia during the  
43 Vietnam War, including, but not limited to:

45                    (a) Agent Orange, containing trichlorophenoxy  
47 acidic acid and dichlorphenoxy acidic acid;

49                    (b) Agent White, containing picloram;

51                    (c) Agent Blue, containing cacodylic acid,  
53 including arsenic;

                    (d) Lindane, mirex, dichlorodiphenyltrichlo-  
roethane, chlordane, dieldrin, dapsone, malathion,  
hexachlorobenzene, dinoxol, trinoxol, diquat,  
bromacil, monuron, tandex and dalapon; and

                    (e) Any form of dioxin or  
tetrachlorodibenzo-p-dioxin.

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

B. The bureau shall:

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47  
49  
51

(1) In cooperation with other organizations, disseminate literature and information on radiation and toxic chemicals, including Agent Orange, to Vietnam and atomic veterans in the State;

(2) Monitor congressional actions related to Vietnam veterans and exposure to Agent Orange;

(3) Inform Vietnam and atomic veterans of the services available from the United States Veterans Administration and help them file claims for medical treatment and disability pensions;

(4) Aid Vietnam veterans in filing claims in any class action suit brought on behalf of Vietnam veterans for injuries sustained as a result of their alleged exposure to Agent Orange or other toxic chemicals; and

(5) Attend the National Conference of State Agent Orange Programs.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
<b>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</b>		
<b>Veterans' Services</b>		
Positions	(1.5)	(1.5)
Personal Services	\$26,041	\$36,993
All Other	2,000	2,250
Capital Expenditures	880	
Provides funds for one professional and one half-time secretary for the Bureau of Veterans' Services, 2 desks and money for the Director of Veterans' Services to attend the National Conference of State Agent Orange Programs.		
<b>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</b>		
<b>TOTAL</b>	\$28,921	\$39,243

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33

**HUMAN SERVICES, DEPARTMENT OF**

**Bureau of Health**

**Division of Disease Control**

All Other	\$2,000	\$2,000
-----------	---------	---------

Provides travel money for the State Toxicologist to attend the annual Conference on Dioxin.

**DEPARTMENT OF HUMAN SERVICES**

<b>TOTAL</b>	<u>\$2,000</u>	<u>\$2,000</u>
--------------	----------------	----------------

<b>TOTAL APPROPRIATIONS</b>	<u>\$30,921</u>	<u>\$41,243</u>
-----------------------------	-----------------	-----------------

**STATEMENT OF FACT**

This bill establishes the duty and the capacity with the Bureau of Veterans' Services to provide information to Vietnam veterans on the effects of Agent Orange and how to apply for benefits from the United States Veterans Administration. The bill also provides money for the Director of Veterans' Services to attend the National Conference of State Agent Orange Programs and for the State Toxicologist to attend the annual Conference on Dioxin.