

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 55

H.P. 44

House of Representatives, January 31, 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.

*Ed Pert*

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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Resolve, Reestablishing the Maine Information Commission on Agent Orange and Radiation.

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(EMERGENCY)



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

5           **Whereas,** the Maine Information Commission on Agent Orange  
and Radiation needs to start early in July 1989, in order to  
7 complete its work; and

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

15           **Commission reestablished. Resolved:** That the Maine  
Information Commission on Agent Orange and Radiation is  
17 reestablished. The commission shall consist of 7 members, 3 of  
whom shall be appointed by the Governor to include 2 Vietnam  
19 veterans and one atomic veteran as defined in this resolve; one  
veteran appointed by the Governor from a list of 3 veterans  
21 selected by the Maine Veterans' Coordinating Committee; and the  
Director of Disease Control or the director's designee. The  
23 President of the Senate shall appoint a member of the Senate and  
the Speaker of the House shall appoint a member of the House of  
25 Representatives. The President of the Senate and the Speaker of  
the House shall jointly appoint one of the members as chair; and  
27 be it further

29           **Definitions. Resolved:** That for the purposes of this resolve,  
the following terms have the following meanings.

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

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

37           B. Was an American prisoner of war used by the Japanese to  
clean up Hiroshima or Nagasaki prior to the surrender of the  
39 Japanese empire or a prisoner of war who transited through  
the port of Nagasaki after surrender; or

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

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

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

53

- 1           A. Agent Orange, containing trichlorophenoxy acidic acid  
and dichlorphenoxy acidic acid;
- 3
- 5           B. Agent White, containing picloram;
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- 9           C. Agent Blue, containing cacodylic acid, including arsenic;
- 11          D. Lindane, mirex, dichlorodiphenyltrichloroethane,  
chlordan, dieldrin, dapsone, malathion, hexachlorobenzene,  
dinoxol, trinoxol, diguat, bromacil, monuron, tandex and  
dalapon; and
- 13          E. Any form of dioxin or tetrachlorodibenzo-p-dioxin.

15          4. "Vietnam veteran" means any person who served on active  
17 duty in the Armed Forces of the United States during the Vietnam  
War, August 5, 1964 to May 7, 1975; and be it further

19           **Convening of commission. Resolved:** That when the appointment  
21 of all commission members is completed, the chair shall convene  
the first meeting. The first meeting shall be convened no later  
23 than July 15, 1989; and be it further

25           **Meetings. Resolved:** That the commission shall meet as  
27 necessary to complete the tasks assigned the commission; and be  
it further

29           **Study. Resolved:** That the commission shall develop a  
questionnaire to obtain a self-reported medical history on  
31 Vietnam and atomic veterans and their families. The  
questionnaire will also determine the veterans' utilization of  
33 medical and social services and determine the unmet need for  
additional services.

35           The commission shall, in cooperation with the Division of  
37 Disease Control, develop an informational booklet for veterans  
who have been exposed to Agent Orange.

39           The commission shall publicize the existence of the booklet  
41 and the questionnaire and make an effort to gain as wide a  
participation in the survey as possible; and be it further

43           **Report. Resolved:** That the commission shall present its  
45 findings, together with any necessary implementing legislation,  
to the 114th Legislature by December 1, 1989; and be it further

47           **Assistance. Resolved:** That if staff assistance is desired,  
49 assistance shall be requested from the Legislative Council. The  
commission may hire outside consultants to conduct all or  
51 portions of the study if the commission so chooses; and be it  
further

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**Compensation. Resolved:** That all members of the commission shall receive per diem, as defined for Legislators in the Maine Revised Statutes, Title 3, section 2, for the days of attendance at commission meetings. All members of the commission shall receive expenses, as defined in the Maine Revised Statutes, Title 5, section 12002, upon application to the Executive Director of the Legislative Council for those expenses; and be it further

**Appropriation. Resolved:** That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1989-90

**LEGISLATURE**

**Maine Information Commission  
on Agent Orange and Radiation**

|                   |         |
|-------------------|---------|
| Personal Services | \$8,310 |
| All Other         | 5,100   |

Provides funds for travel, computer services and miscellaneous expenses for the commission and a half-time research assistant.

**LEGISLATURE  
TOTAL**

\$13,410

; and be it further

**Sunset. Resolved:** That this resolve is repealed on January 15, 1990.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve shall take effect when approved.

**STATEMENT OF FACT**

The Maine Information Commission on Agent Orange and Radiation was established by Private and Special Law 1987, chapter 129. That Act was repealed by its own terms on January 15, 1989. This resolve reestablishes the commission to conduct a survey of the health status and health and social service utilization patterns and needs of Vietnam and atomic veterans. It will also develop and disseminate a pamphlet on the health effects of Agent Orange and the services available to veterans.