

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1084

(Filing No. H- 351)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 798, L.D. 1084, Bill, "An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters"

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

Sec. 1. 5 MRSA §12004-J, sub-§8, as enacted by PL 1989, c. 547, §1 and affected by §5, is repealed.

Sec. 2. 37-B MRSA §505, sub-§4, as amended by PL 1991, c. 626, §18, is further amended to read:

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

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

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

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

(b) Was an American prisoner of war used by the Japanese to clean up Hiroshima or Nagasaki before the surrender of the Japanese empire or a prisoner of war who transited through either Hiroshima or Nagasaki following repatriation;

(c) Is a veteran of the Armed Forces of the United States who participated in the atmospheric testing of nuclear weapons; or

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2 (d) Is a veteran in the Armed Forces of the
 4 United States who was exposed to radiation as a
result of that person's military occupational
specialty code or a nuclear accident.

6 (2) "Radiation" means a fissionable material used in
 8 the composition of a nuclear weapon and a fissionable
 10 material created as a result of either a nuclear
detonation or other military use of radioactive
materials or nuclear accident.

12 (3) "Toxic chemicals" means those insecticides and
 14 herbicides used in Southeast Asia during the Vietnam
War, including, but not limited to:

16 (a) Agent Orange, containing
 18 trichlorophenoxyacetic acid and
dichlorophenoxyacetic acid;

20 (b) Agent White, containing picloram;

22 (c) Agent Blue, containing cacodylic acid,
 24 including arsenic;

26 (d) Lindane, mirex,
dichlorodiphenyltrichloroethan, chlordane,
 28 dieltrin, dapson, malathion, hexachlorobenzene,
dinoxol, trinoxol, diquat, bromouracil, monuron,
tandex and dalapon; and

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

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

38 B. The division:

40 (1) Must have a specific expertise on radiation and
 42 toxic chemicals, particularly dioxin;

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

48 (3) Shall develop and present a response to federal
 50 agencies concerning veterans and their exposure to
 radiation and toxic chemicals and, in this regard, must

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2 be knowledgeable of any actions being taken by other
3 states, coordinate this State's response with any
4 multi-state effort and, if there appears to be a lack
of leadership, take a leadership role in such an effort;

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

10 (5) May develop and disseminate written materials on
11 atomic radiation and ~~agent--orange~~ Agent Orange. A
12 booklet must include information on the following: the
13 effect of exposure on veterans and their children;
14 services available from the Veterans' Administration;
15 how to file claims and class action suits; and the
16 names and addresses of state, local and private
17 agencies to which veterans may go for assistance. In
18 developing the booklet, the division shall follow the
19 recommendations of any commission or committee that has
20 studied ~~agent--orange~~ Agent Orange and atomic radiation
21 problems;

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

28 (7) ~~Shall,--in--consultation--with--the--Commission--on
Vietnam--and--Atomic--Veterans,--develop~~ maintain the 2
29 registries of veterans residing in the State, one for
30 Vietnam veterans who report they were exposed to toxic
31 chemicals while serving in the armed services and one
32 for atomic veterans who report they were exposed to
33 radiation while serving in the armed services, that
34 were initially developed in consultation with the
35 former Commission on Vietnam and Atomic Veterans. To
36 develop maintain the registries, the division ~~and--the~~
37 ~~commission~~ shall collect the names from existing
38 registries and may contact other organizations, hold
39 public hearings or use other methods to collect the
40 names of veterans.

42 (8) Shall assign at least one employee to work on a
43 full-time basis to carry out the special veterans
44 services required by this subsection.

46 Sec. 3. 37-B MRSA c. 8, as amended, is repealed.

48 Sec. 4. Program name change. In order to carry out the
49 purposes of this Act, the program name, Commission on Vietnam and
50 Atomic Veterans within the Department of Defense and Veterans'
Services, is changed to Special Veterans Services.

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FISCAL NOTE

The Department of Defense and Veterans' Services will realize some minor administrative savings as a result of the repeal of the Commission on Vietnam and Atomic Veterans. Changing the program name within the Department of Defense and Veterans' Services from the Commission on Vietnam and Atomic Veterans to Special Veterans Services will not result in any additional costs to the department.'

STATEMENT OF FACT

This amendment deletes Part A of the original bill repealing the Participating Local District Advisory Committee. The amendment changes Part B of the bill so that the entire chapter on the Commission on Vietnam and Atomic Veterans is repealed. The amendment changes the statutory provisions requiring the Division of Veterans' Services to provide special services to veterans exposed to radiation and toxic chemicals. These changes remove all references to the Commission on Vietnam and Atomic Veterans, incorporate the definitions that were in the repealed chapter on the commission into the Maine Revised Statutes, Title 37-B, section 505 and ensure that the special services provided to Vietnam and atomic veterans are continued. The amendment ensures that the program name is changed from the Commission on Vietnam and Atomic Veterans to Special Veterans Services and also adds a fiscal note to the bill.

Reported by the Committee on Aging, Retirement and Veterans
Reproduced and distributed under the direction of the Clerk of the
House
5/18/93

(Filing No. H-351)