

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)

LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

D. Amounts necessary to reimburse municipalities as required by section 1319-R, subsection 3; and

E. Costs incurred in the inspection or supervision of hazardous waste activities and hazardous waste handlers.

For the purposes of this subsection, "sudden" means an unexpected or abrupt discharge which occurs after September 1, 1981.

Sec. 16. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

ADMINISTRATION, DEPARTMENT OF

Office of Information Services

All Other \$45,000

This appropriation provides funds for contractual services in support of a study to design an integrated, geographic-based information system that would fulfill the needs of the state agencies, regional councils and municipalities in the growth management program.

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

Effective July 10, 1989.

CHAPTER 547

H.P. 33 - L.D. 33

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

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,

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

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

8. Veterans' Commission on Expenses Only 37-B MRSA Services Vietnam and Atomic Veterans §521

Sec. 2. 37-B MRSA §505, sub-§4 is enacted 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 definitions in section 522 apply to this subsection.

B. The bureau:

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

(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;

(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;

(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;

(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;

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

(7) Shall, in consultation with the Commission on Vietnam and Atomic Veterans, develop 2 registries of veterans residing in the State, one for Vietnam veterans who report they were exposed to toxic chemicals while serving in the armed services and one for atomic veterans who report they were exposed to 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.

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

CHAPTER 8

COMMISSION ON VIETNAM AND ATOMIC VETERANS

§521. Commission established

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

§522. Definitions

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

1. Atomic veteran. "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 prior to 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

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

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

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

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

B. Agent White, containing picloram;

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

D. Lindane, mirex, dichlorodiphenyltrichloroethane, 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. "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.

§523. Membership

The commission shall consist of 8 members, 6 of whom shall be appointed by the Governor, including 3 Vietnam veterans, one atomic veteran, one veteran appointed from a list of 3 veterans selected by the Maine Veterans' Coordinating Committee and one person knowledgeable in conducting publicity campaigns; the Director of the Bureau of Veterans' Services or a designee; and the Director of Disease Control or a designee.

§524. Term of office

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

§525. Chair

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

§526. Compensation

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

§527. Duties

The commission shall:

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

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

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

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

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

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

§528. Staff

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

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

	1989-90	1990-91
DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF		
Commission on Vietnam and Atomic Veterans		
Positions	(2)	(2)
Personal Services	\$47,745	\$51,825
All Other	22,000	22,250
Capital Expenditures	1,677	
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.		
DEPARTMENT OF DEFENSE AND VETERANS' SERVICES		
TOTAL	<u>\$71,422</u>	<u>\$74,075</u>
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Health		
All Other	\$2,000	\$2,000
Provides funds for the State Toxicologist to attend the annual Conference on Dioxin.		

DEPARTMENT OF HUMAN SERVICES	<u>\$2,000</u>	<u>\$2,000</u>
TOTAL		
TOTAL APPROPRIATIONS	<u>\$73,422</u>	<u>\$76,075</u>

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

Effective July 1, 1989, signed by the Governor July 10, 1989.

CHAPTER 548

S.P. 63 - L.D. 46

An Act to Improve the Early Childhood Educational Plans Grants Program

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

Sec. 1. 20-A MRSA c. 203, sub-c, II, 3rd line, as amended is repealed and the following enacted in its place:

CHILDREN AGES 4 to 9

Sec. 2. 20-A MRSA §4251, as enacted by PL 1983, c. 576, §1, is amended to read:

§4251. Intent

The intent of this subchapter is to encourage school administrative units to place an increased emphasis on instruction and curriculum for all children ~~in kindergarten through grade 3~~ ages 4 to 9. This subchapter is not intended as a method of financing existing efforts but as a way of encouraging the development of new or expanded programs.

Sec. 3. 20-A MRSA §4252, sub-§4, as enacted by PL 1983, c. 576, §1, is amended to read:

4. Programs for 4-year-old children. Encourage the development of 2-year kindergartens in conformity with section 5201, subsection 2, paragraph C and other appropriate programs to address the needs of 4-year-old children;

Sec. 4. 20-A MRSA §4252, sub-§§5 and 6, as enacted by PL 1983, c. 576, §1, are amended to read:

5. Multigrade classrooms. Establish classroom units of more than one grade level; ~~and~~

6. Learning environment. Develop a learning environment which would encourage each student to learn and progress at ~~their~~ that student's own functional level;

Sec. 5. 20-A MRSA §4252, sub-§§7 and 8 are enacted to read:

7. Transition. Facilitate the transition of children from preschool programs to public school programs; and