

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON VETERANS
AND LEGAL AFFAIRS

December 2021

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Chapter 38, Fantasy Contest Account Activity; Chapter 39, Registration of Fantasy Contestants; Chapter 40, Fantasy Contestant Funds and Required Reserves; Chapter 41, Licensee Records, Annual Reporting and Audits; Chapter 42, Collection of Payments; and Chapter 43, Complaints and Disciplinary Actions.

Resolve 2021, chapter 7 was finally passed as an emergency measure effective April 7, 2021.

LD 173 An Act To Restore Honor to Certain Service Members

ENACTED LAW SUMMARY

Public Law 2021, chapter 37 requires the Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management to establish a process for a veteran who separated from service without an honorable discharge due solely to the veteran's sexual orientation or gender identity or to statements, consensual sexual conduct or consensual acts relating to sexual orientation or gender identity to have that discharge treated as an honorable discharge for purposes of determining the veteran's eligibility for rights, privileges and benefits under state law.

Public Law 2021, chapter 37 further requires the director to explore whether other states have established processes for reviewing and potentially upgrading the discharge status, for state law purposes, of veterans who have been diagnosed with post-traumatic stress disorder or traumatic brain injury or who have been diagnosed with psychological trauma resulting from sexual assault or sexual harassment during military service as described in 38 United States Code, Section 1720D and who separated from service without an honorable discharge. The director is required to report, no later than January 15, 2022, to the Joint Standing Committee on Veterans and Legal Affairs on both the potential for implementing such a process in the State and the resources that would be required to implement the process. The committee may report out legislation to the Second Regular Session of the 130th Legislature based on the director's report.

LD 205 An Act To Extend the Ability of Restaurants and Bars To Serve Alcohol To Go

ENACTED LAW SUMMARY

Public Law 2021, chapter 3 temporarily permits, until September 10, 2022, a licensed on-premise retailer of spirits, wine or malt liquor to sell the type or types of liquor that it is authorized to sell for on-premises consumption to customers for off-premises consumption if the liquor is accompanied by a food order that consists of a hot or cold meal. A licensed on-premises retailer may sell malt liquor for off-premises consumption only in an original container, may sell spirits for off-premises consumption only as an ingredient of an approved cocktail and may sell wine for off-premises consumption either in an original container or as an ingredient in an approved cocktail. An approved cocktail must be prepared on the day of sale by the licensee's employee, may contain no more than four-and-one-half ounces of spirits and must be sealed in an approved,

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tamper-evident container bearing a label identifying the licensee, the date of preparation and the cocktail's ingredients.

Public Law 2021, chapter 3 also temporarily permits, until September 10, 2022, a licensed Maine distillery or small distillery that operates a tasting room but that does not operate a licensed on-premises retail establishment to sell the spirits it manufactures for off-premises consumption as an ingredient of an approved cocktail. An approved cocktail sold by a licensed Maine distillery or small distillery need not be accompanied by a food order and may contain wine and spirits products not manufactured by the distillery or small distillery as long as those ingredients were purchased from an agency liquor store licensed as a reselling agent.

An employee of an on-premises retailer, distillery or small distillery may deliver liquor sold for off-premises consumption at the licensed premises or at a remote location as long as the individual making the delivery verifies that the person to whom the delivery is made is at least 21 years of age. If liquor is delivered to a customer at a remote location, the employee making the delivery must also be at least 21 years of age.

Public Law 2021, chapter 3 was enacted as an emergency measure effective March 17, 2021.

LD 306 An Act To Temporarily Waive Certain Requirements for Relicensing for Restaurants That Serve Liquor

ENACTED LAW SUMMARY

Public Law 2021, chapter 7 temporarily exempts restaurants and other entities seeking to renew an on-premises retail liquor license that expires on or before January 1, 2022 from any applicable statutory requirement that a certain percentage or dollar amount of the entity's income during the previous year must have been from the sale of food. If the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations denied an on-premises retail license renewal application between January 1, 2021 and the effective date of this legislation solely on the basis that the licensee failed to comply with an applicable statutory food-sales requirement, Public Law 2021, chapter 7 directs the bureau to grant the license renewal.

Public Law 2021, chapter 7 also requires the bureau to grant a 90-day license extension to each on-premises retail liquor licensee that had an active license during the entire period beginning March 18, 2020 and ending June 16, 2020, during which restaurants were required to close their dine-in facilities due to the public health emergency created by COVID-19.

Public Law 2021, chapter 7 was enacted as an emergency measure effective March 17, 2021.