

**ServSafe Alcohol
Online Course**

State of Maine Supplement



Table of Contents

Section 1 – Alcohol Law and Your Responsibility	3
<i>Days and Hours of Sale</i>	3
<i>Consumption</i>	3
<i>Legal Age to Buy Beverage Alcohol</i>	3
<i>Sale of Imitation Beverage Alcohol</i>	3
<i>Credit Sales</i>	3
<i>Discounts and Rebates</i>	4
<i>Food Requirements</i>	4
<i>Right to Inspect</i>	4
<i>Intoxicated Persons</i>	4
<i>Prohibited Practices</i>	4
<i>Permitted Practices</i>	4
<i>Liquor Purchases</i>	5
<i>Records</i>	5
<i>Advertising Signs</i>	5
<i>Other Licenses and Permits</i>	5
<i>Licensing</i>	5
<i>The Maine Liquor Liability Act</i>	6
Section 2 – Recognizing and Preventing Intoxication	7
<i>Understanding The Disease of Alcoholism</i>	7
Section 3 – Checking Identification	8
<i>Minors</i>	8
<i>Sale by Agents to Minors</i>	8
<i>Prosecuting for Use of False or Altered ID</i>	8

Section 1 – Alcohol Law and Your Responsibility

Days and Hours of Sale

	Sales Start	Sales Stop
Monday through Saturday	6 a.m.	1 a.m.
Sunday (where permitted)	9 a.m.	1 a.m.
Memorial Day	12 noon	1 a.m.
New Year’s Eve - Monday through Saturday	6 a.m.	2 a.m.
New Year’s Eve – Sunday	12 noon	2 a.m.
New Year’s Eve – Sunday in a dry town that permits the sale of beverage alcohol during the week	9 p.m.	2 a.m.
Any election day	Regular business hours	

Consumption

Licensees may not permit the consumption of beverage alcohol on their premises after 1:15. There is one exception: On January 1, consumption is permitted until 2:15 a.m.

All licensees are urged to consult the Bureau of Liquor Enforcement or any Liquor Enforcement Officer regarding questions involving the sale or consumption of beverage alcohol on their licensed premise.

Legal Age to Buy Beverage Alcohol

The legal age to purchase beverage alcohol in Maine is 21. You must refuse to sell or serve beverage alcohol to anyone who fails to show a Maine Identification Card or a Maine Driver's License with a photograph.

Age of Employees

To sell or serve beverage alcohol in a licensed establishment, an employee must be 17 years old provided a supervisor who is 18 years old or older is present.

A licensee may employ a person as young as 15 to stock the coolers and shelves, put beverage alcohol in a bag, or clean beverage alcohol off the tables.

- It is recommended that you contact the Federal Department of Labor to see if and what restrictions may apply to hiring minors.
- No one under the age of 15 can handle beverage alcohol in any manner.

Sale of Imitation Beverage Alcohol

The sale of imitation beverage alcohol to minors is prohibited. This is the only restriction regarding imitation beverage alcohol.

Credit Sales

It is unlawful to extend credit for beverage alcohol sales. A customer may not “run a tab,” that is, selling or serving beverage alcohol today and allowing the customer to

pay at a later date. You may allow an individual to run a tab through the night provided the beverage alcohol is paid for prior to the customer leaving the premises.

It is legal:

- to accept payment by credit card;
- for a hotel or club to extend credit to a registered guest or member; or
- for a hotel or a Class A restaurant to extend credit to the host of a prearranged function.

If you extend credit contrary to the law, you have no legal right to collect on a claim.

Discounts and Rebates

It is unlawful to offer any free merchandise, rebate, or gift contingent on the purchase of any spirits, malt liquor, or wine. Examples of this include giving a rebate or gift with the purchase of a case of beer.

Food Requirements

Certain types of licenses, Class A lounges, golf clubs, indoor tennis clubs, etc., require food to be available at all times when beverage alcohol is being served.

Class A restaurants must sell a certain dollar amount of food based on the population of the municipality where the restaurant is located and regularly provide full course meals for the public. Ten percent of Class A lounges and restaurants' total annual gross income must come from the sale of food.

Right to Inspect

Liquor enforcement officers have the right to inspect the entire licensed premise, including records. Failure to comply with the officer's right to inspect the establishment is a violation.

Intoxicated Persons

It is unlawful to sell beverage alcohol to a visibly intoxicated person, allow a visibly intoxicated person to consume beverage alcohol, or allow a visibly intoxicated person to remain on the premises.

Prohibited Practices

It is unlawful to:

- Serve more than two drinks to a person at one time;
- Offer or deliver any free drinks;
- Offer to sell or deliver an unlimited number of drinks for a fixed price, except at a private function not open to the public;
- Permit any game or contest which involves drinking or the awarding of drinks as prizes; or
- Allow any practice that encourages customers to drink in excess.

Permitted Practices

It is legal to:

- Offer free food or entertainment;
- Increase the price of drinks with entertainment;
- Include a drink with a meal package;
- Offer room service (licensed hotels only);
- Reduce drink prices for a private party;
- Charge different prices for the same drink in different rooms; and

- Offer a "happy hour."

Liquor Purchases

All Maine licensees must purchase their beer and table wine from a licensed Maine wholesaler. All beverage alcohol must be paid for prior to or at the time of delivery. It is illegal for a licensee to purchase beer or wine through a local discount store to be sold in a licensed premise. Also, it is illegal for an on-premise licensee to purchase beverage alcohol through an agency store to be sold on the licensed premise. It is allowed to purchase beverage alcohol from the Kittery Liquor Store for sale on your premise. You must tell them you are a license-holder and provide them with your license number and obtain and retain the blue slip. They will charge you the same price your local store would, not the discount price.

Records

All Maine liquor licensees are required to keep records of their purchases. These records are to be kept separate and apart from records of other business transactions, and maintained for two years.

In addition, all on-premise licensees are required to keep records of their sales.

Advertising Signs

All licensed premises are allowed to have one outside sign and one sign inside the premise where it may be seen from the outside, advertising the fact that beverage alcohol is for sale.

Other Licenses and Permits

Most licensed premises are required to maintain licenses and/or permits issued by other state agencies, municipalities, and the federal government (examples: Human Services License, Victuals License, Special Tax Stamp, etc.). Check if you are required to have any of these licenses and if so, be sure they are current.

Licensing

Termination of Business

Once the premise is sold or goes out of business, the unexpired license must be returned to the Bureau of Alcoholic Beverages. A new owner must apply for a license on his or her own.

License Renewal

In order to insure the continuous operation of your premise, submit your renewal application at least 30 days in advance of the expiration date. All on-premise retail licensees must have their renewal applications approved by the city, town, or county commissioners before sending it to the Bureau of Alcoholic Beverages for renewal.

NOTE: All questions must be answered and the required fee must accompany any application.

License Posting

All liquor licenses must be posted in an area where the beverage alcohol is sold so the public can see it.

The Maine Liquor Liability Act

Purpose:	To prevent intoxication-related deaths, injuries and damages; to encourage responsible serving practices; and to provide a basis for obtaining compensation for damages as a result of intoxication-related incidents.
Conditions:	If you serve a minor who becomes intoxicated or you serve a visibly intoxicated person and because of the intoxication, the person causes death, injury, or damage to another person, you can be sued.
Conduct:	If you negligently or recklessly serve a minor or visibly intoxicated person, you can be held liable.
Who May Sue:	The injured party or their estate, and/or the minor who was served (if at the time the minor was 17 or younger) may sue.
Notice of Intent To Sue:	A party bringing suit must provide you with written notice of their intent to sue within 180 days or show good cause why notice could not be filed.
Statutes of Limitations:	The suit must be brought within a two-year period.
Limit on Award:	The law imposes a limit on damages of \$250,000 plus medical care and treatment. The amount of the award and the percentage you can be held liable for is determined by judge or jury.
Name and Retained:	The party bringing the suit must name, as a defendant, the minor or intoxicated person that caused the injury, along with the server and whoever else was involved.
Several Liability:	This liability is a several liability not a joint liability. This means several parties may be named as defendants but each defendant is responsible for their own percentage of the damages.
Evidence of Responsible Service Practices:	A server's educational training course is admissible in court.
Refusal to Serve:	You can refuse to serve someone who fails to show proper age identification, appears to be a minor, or is visibly intoxicated.
Retaining ID:	You can retain IDs for a reasonable length of time to determine the age of a person. You must inform the person why you are holding the ID.

Section 2 – Recognizing and Preventing Intoxication

Understanding The Disease of Alcoholism

Alcoholism is the addiction to alcohol. It is a progressive and chronic disease that frequently leads to brain damage and early death. Alcoholism usually develops over a period of years, progressing through various stages.

The Early Stage can be called social or heavy drinking. Over time, the individual's tolerance of alcohol increases and more is needed to get the same effects. Blackouts can begin to occur with loss of memory. The individual becomes preoccupied with alcohol, often gulping drinks.

In the Middle Stage, the individual consumes three or more drinks per occasion, three or more times per week. He or she loses control of drinking, and may not be able to predict the amount of alcohol consumed during each time. Feelings of guilt and/or depression are common. The individual may lose friends or job, and feelings of guilt and/or depression are common. He or she may begin drinking early in the day.

In the Final Stages, the drinker is in need of help. Drinking is continuous, and the individual may suffer from tremors and shaking hands. During this stage, ethics and morals may deteriorate. He or she may finally admit defeat against alcohol's grip. If the individual continues to deteriorate, it may lead to insanity or death.

There is no cure for alcoholism, but an alcoholic can be successfully treated for the disease. Many alcoholics who get help lead a normal life. There are different periods of recovery. Recovering alcoholics in early recovery go through detoxification, learn about the disease, and accept help. In the middle recovery period, the individual begins rebuilding emotional balance and facing problems brought on by excessive drinking. Continuing recovery builds economic security and returns the individual to normal function; however, relapse can occur at any time.

Section 3 – Checking Identification

Minors

Minors are not allowed on the premises of the following establishments:

- Taverns
- Hotel lounges that do not offer a menu selection
- Class A lounges

Exceptions: Minors are permitted in the establishment if they work on the premise or if they are in the company of their parents, legal guardians, or custodians. No establishment may sell beverage alcohol to a minor, or allow any minor to possess or consume beverage alcohol.

Sale by Agents to Minors

Agents or employees of a licensee who sell to minors may be summoned to District Court and are subject to a fine up to \$500.

Prosecuting for Use of False or Altered ID

In order to prosecute an individual for using a false or altered ID, the Bureau of Liquor Enforcement needs the following:

1. Name and address of the location where the ID card was retained;
2. Reason card was retained;
3. Date and time the ID was retained;
4. Whether the picture on the ID is the same as the person presenting the ID;
5. Whether the card has been altered in any way and, if so, how;
6. Name and address of employee retaining the ID; and
7. Any additional information pertaining to the incident.

Send the above information and the retained ID to: Bureau of Liquor Enforcement;
State House Station #42; Augusta, ME 04333.