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**It's Everybody's Business**

To Make  
Sure People  
Under 21  
Do Not Get  
Alcohol.

No where.

No way.

**CARD ME**

A Program to Reduce Underage  
Access to Alcohol in Maine

# A Guide for Bars & Restaurants Serving Alcohol



*Office of Substance Abuse*  
*Department of Health and Human Services*

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**Produced By:**

We would like to recognize the Responsible Retailing Forum for training, information and models which supported us in creating the Card ME Program. The Responsible Retailing Forum is a joint project of Brandeis University and Florida State University that brings together diverse stakeholders—liquor licensees, associations, wholesalers / distributors and producers, government and non-profit public health organizations, public safety, state attorneys general and researchers—to explore common concerns of policy and implementation and to advance the science, and art, of responsible retailing. We would also like to thank Francis Lyons of BC Consultants for his input and knowledge, which was very helpful in creating this document.

The best practices described have been drawn from the "*Report on Best Practices for Responsible Retailing*", prepared for the Center for Substance Abuse Prevention (CSAP), and Assurances of Voluntary Compliance executed by state Attorneys General and national retail chains that establish standards and procedures for responsible retailing.

**Presented Locally By:**

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These symbols are used throughout the guide



*Legal consideration*



*Good practice tip*



## Overview

The purpose of the CARD ME Program is to support Maine businesses who hold liquor licenses in complying with local, state, and federal laws—and with establishment policies—pertaining to the sale and service of alcohol. Underage drinking and over-use of alcohol is a widespread issue in our country and we need to work together to reduce its impact on individuals, families, and communities.

The CARD ME Program aims to support liquor licensees in carrying out a structured process to:

- 1) Review their current policies and practices relating to the sale or service of alcohol
- 2) Identify "Best Practices" that may be absent in a business' current operations
- 3) Assist in the adoption of effective responsible alcohol sale or service practices that are not in use.

In addition to this guide book, the Card ME Program also offers materials to assist on-premise licensees in implementing best practices. These resources include:

- ◆ Posters and signage for the establishment in both the customer and employee areas which communicate state laws and business policies related to the responsible service of age-restricted and intoxicating products
- ◆ Pay stub labels for employees to act as on-going reminders of laws and policies around serving alcohol
- ◆ Occurrence log for employees and management to communicate with each other about illegal or questionable attempts to access alcohol and/or troublesome patron behavior that may be related to alcohol consumption.

Please consider connecting with community members and local prevention coalitions so that you may all work together to reduce access to alcohol by underage persons, individuals exhibiting high-risk alcohol use and/or who are visibly intoxicated.

# Implementing A Responsible Alcohol Service Improvement Process

## Step 1: Assess your establishment's responsible alcohol sales and service practices

- Complete the Card ME On-Premise Licensee Checklist (see pages 18-21 of this guide) to gauge your current responsible service practices.

## Step 2: Learn about the best practices for responsible alcohol service which your establishment could implement

- Read this guide which highlights pertinent state laws, best practices, and policies.
- Read New Model for Responsible Alcohol Sales and Service (see Appendix 2 on page 22 of this guide) which highlights why efforts by management, employees, and the community are important.

## Step 3: Develop an improvement plan for your establishment which utilizes "Best Practices"

- Based on the results of the On-Premise Licensee Checklist, determine which areas need improvement.
- Identify the best practices which will help meet these needs, to address weak areas and figure out the best way for your establishment to implement them.
  - Create a detailed plan of action and get feedback from others.

## Step 4: Implement the improved responsible alcohol service system in your establishment

- Build "buy in" from all employees and make sure they understand why having the system protects them, the business, and the community.
- Continuously monitor and assess how the system is working and make modifications as necessary.
  - Periodically re-do the On-Premise Licensee Checklist (at least once every six months is recommended).
  - Implement internal compliance checks to see if the system is being followed - even when management is not present. This will allow you to identify non-compliance issues which can be costly to your establishment. You may even be able to partner with community stakeholders for help with this.
  - "Catch" your employees doing the right thing and give them positive reinforcement. Examples of positive reinforcement could include:
    - An extra 5 or 10 minute break
    - A free soft drink or snack during their break

# Best Practices and Recommended Policies

## Hiring and Training Staff



Maine state law does not currently require liquor licensees' employees to receive training on the responsible service of alcohol, so do not assume a new employee has had previous training just because they have worked at another liquor licensee in the past.



### Things to Do During The Hiring Process

- ◆ Let the applicant know that your establishment takes responsible alcohol service seriously.
- ◆ Let the applicant know about business policies and state laws related to the service of alcohol.
- ◆ Screen the applicant for past violations of selling, serving, or supplying age-restricted products to minors; these violations should be taken into consideration during the hiring decision.
- ◆ Inform applicants that failure to comply with state laws and business policies constitutes grounds for disciplinary action up to, and including, discharge.
- ◆ Have the applicant examine an ID to assess age so that they may demonstrate minimum math and reading skills.
- ◆ Ask the applicant to role play or demonstrate how they would respond to situations such as: minors attempting to be served alcohol, someone who says they do not have an ID to show proof of age, or an intoxicated individual who wants to purchase alcohol.
- ◆ Provide applicants with your establishment's policies and expectations regarding legal alcohol sales and service in writing and require them to sign an acknowledgement form before they begin working. (If you do not have a policy, see page 24 of this guide for tips on creating one.)



### Training Tips for New Employees

- ◆ Make sure employees understand which areas of your establishment and products are age-restricted.
- ◆ Thoroughly review laws pertaining to alcohol service; let this be a discussion and not a lecture so that you will be able to assess if the employee understands and takes the issue seriously (this document highlights many laws).
- ◆ Review establishment policies pertaining to alcohol access and service and stress the expectation that they be followed. Provide this information verbally and in writing; require them to sign an acknowledgement form.
- ◆ Make sure the person understands the potential consequences for not complying with laws or policies.
- ◆ Emphasize that employees are encouraged to refuse any order if they believe it may violate a law or business policy.
- ◆ Make sure employees are aware of how and when they should communicate situations or issues to management.
- ◆ Consider having employees role play scenarios related to the service of alcohol, such as:
  - Asking for an ID and as necessary explain why they need to see one
  - Asking for a second form of ID to help confirm identity
  - Declining alcohol when the customer has no ID or when the ID shows the customer to be underage
  - Declining alcohol when there are concerns about an ID being altered, fake, or misused
  - Recognizing and declining a third party sale where minors are using people of age to get alcohol for them
  - Resisting customer pressure and handling a wide range of customer conduct and behaviors
  - Declining an alcohol order because of concerns about a patron being intoxicated and/or over-served.



Training employees around the responsible service of alcohol is not a “one time” task. Systems should be established to ensure that employees (both old and new) are regularly being reminded of the importance of complying with laws and policies around alcohol service. These systems should also include components to increase accountability and communication of issues or incidents.



## Establish A Responsible Alcohol Service System

- Utilize Card ME posters and other printed materials which explain state laws and best practices.
- Make sure that management is giving clear and consistent messages about the importance of following laws as well as establishment policies and procedures around alcohol service or sales.
- Establish the use of an incident log for employees to enter information about illegal and/or questionable attempts to purchase alcohol. Have staff regularly review the log to keep them aware and/or identify repeat issues.
- Have employees regularly sign-off on an acknowledgement that they understand state laws and the establishment's policies and procedures around the service of alcohol. “Signing-off” on policies and expectations serves as a reminder and also establishes a sense of importance and accountability.
- Periodically test employees (written and role play tests are best) for their knowledge and implementation of laws, policies, and procedures; keep a record of these tests.
- Utilize the Card ME On-Premise Licensee Checklist to regularly re-evaluate your establishment's policies/practices and identify refinements.
- Implement internal compliance checks to assess if employees are following laws, policies, and practices. These methods are a great opportunity for you to identify issues before others do and also provide an opportunity to “catch” your employees doing something right.

### State-Certified Training

There are several state certified trainings for liquor licensees and their staff. These trainings have met standards for content and trainer credentials. Participating in this training may result in an insurance discount through your carrier (please contact your carrier to determine if they offer these discounts) as well as potentially reduce penalties if you're ever sued according to the Maine Liquor Liability Act.

To learn about these training options please contact Liquor Licensing or go to:  
<http://www.maine.gov/dps/liqr/Docs/CertTrain.doc>

### On-line Training (not state certified)

While there may be additional on-line trainings about responsible alcohol retailing, this training has been developed to be specific to Maine's liquor laws, rules, and regulations. To learn about this training, go to: [www.jpmaweb.com/etrain/asap](http://www.jpmaweb.com/etrain/asap)



# Preventing Underage Alcohol Service



You may not sell, furnish, give, or deliver liquor or imitation liquor to a person under 27 years of age unless you verify the person is 21 or over by means of reliable photographic identification containing that person's date of birth.

You can protect your staff and yourself and uphold the law by establishing and following simple practices and policies to be followed for alcohol sales and service.



## Tips for Identifying Minors

- ◆ Check their face- does it match what one would expect for someone over 27? If not, ID and/or refuse sale
- ◆ Assess their clothing- is it trendy or otherwise indicate the person may be under 27 years of age?
- ◆ Assess others in the party – did they accompany the person in placing an order or avoid contact/interaction with staff? Do they appear to be over 27 years of age? If not, ID and/or refuse sale to avoid third-party access to alcohol by minors.
- ◆ How do they react when asked for a reliable photographic identification containing their date of birth?
- ◆ Trust your instincts.



Even if it was not served to them by your staff, having underage patrons consume alcohol at your establishment is a liquor law violation. Whether they brought it in, had it handed to them by a legal-age customer, or they snuck some sips when their party wasn't looking, your establishment could be held accountable for this issue. Put policies and practices in place to ensure underage people do not consume alcohol anywhere on your property.



## Follow a 'No Proof, No Service' Policy

- ◆ **Be Cautious** – it is very hard to tell a young person's age. Ensure that staff are checking IDs, even of those that look older than 21. Remind them that state law requires carding anyone who appears to be 27 years of age or younger.
- ◆ **Be Consistent** – have employees always check ID, even if they think the establishment served the customer before or are pretty certain they are of legal drinking age.
- ◆ **Be Clear** – use plain sight signage to inform customers that they will be checked for an ID.
- ◆ **Be Courteous** – have staff let the customer know that refusing a sale due to lack of ID is simply following policy and that your establishment would be happy to serve them when they are able to produce a valid ID.
- ◆ **Be Conscientious** –it may be useful to ensure that you and your staff record all refusals including date, time, appearance of the customer, items refused, and staff name for every refusal.
- ◆ **Be Careful** – there is evidence that staff may often fail to refuse service if they feel afraid of the consequences, abuse, and violence. Make sure you and your staff feel safe, confident, and supported in refusing service.

# Identifying Fake Identification

Fake or altered ID's are easier than ever for young people to obtain due to access to the internet and high-tech computers, printers, and copiers. The most likely form of fake ID will be a card with which you are not familiar. Falsifying official documents is a serious offense and is extremely difficult to do very well.



## Follow An 'Acceptable Forms of Identification' Policy

### ONLY ACCEPT THE FOLLOWING AS CREDIBLE PHOTO PROOF OF AGE:

- ◆ State photo driving license
- ◆ State non-driver identification card
- ◆ A passport (if you and your staff feel you could spot fraudulent versions)

### DO NOT ACCEPT THE FOLLOWING AS PROOF OF AGE (easier to alter or get duplicates and/or do not have DOB):

- ◆ College or school ID – even if it contains their date of birth
- ◆ An identification NOT issued by a state or federal government agency
- ◆ Birth certificates or social security cards

Simply requiring someone to show an ID is not enough; you and your staff need to take steps to assure that the ID presented is a legitimate ID that belongs to that person. If a customer purchases alcohol using an ID that is: a) not their own, b) expired or altered, or c) an outright fake, your business and staff may not be protected against violations.



## Tips for Determining Validity of an ID

### Always take physical control of the ID and request that it be taken out of wallets or covers so that you may:

- ◆ Check the back; look for poor photocopy quality (blurred imagery) or digitized lettering. Also, look for wording that indicates it is not an issued by a branch of government, a disclaimer, or statement of authenticity.
- ◆ Check for thickness, unevenly cut corners and bumpy surfaces indicating a picture has been replaced or the card has been hand cut.
- ◆ Check for color bleed on security features and font on the front of the ID card- all images should be crisp and clear.
- ◆ Check the picture and physical information to see that it matches the person attempting to gain entrance or be served.
- ◆ Pay special attention to the date of birth and confirm the individual is old enough and that it has not been altered (are the numbers the same size and color? Are the numbers evenly spaced and level with each other?)
- ◆ Make sure the identification has not expired.
- ◆ Use the ID Checking Guide you can purchase at: <http://www.driverslicenseguide.com/>.



If you are in any doubt about the validity of an ID, remember that you are perfectly within your rights to refuse sale/service of alcohol.

If you come across what you believe to be a fake ID, state law allows you to retain it for a reasonable amount of time to determine the age of the person. You must inform the person why you are retaining the ID and must notify law enforcement immediately so they may investigate.



## Retaining an ID You Suspect Is Fake

In order to legally retain an ID you suspect is fake and to support successful prosecution, the following will need to occur:

- ◆ You must tell the person why you are retaining their ID.
- ◆ You must immediately notify law enforcement that you have retained the ID.
- ◆ Report the name and address of the business where ID was retained.
- ◆ Record the reason the ID was retained.
- ◆ Record the date and time ID was retained.
- ◆ Note if the picture on the ID card did or did not match the person presenting the ID.
- ◆ Note if the ID appeared to have been altered in any way and if so, detail how.
- ◆ Report the name and address of the employee retaining the ID card.
- ◆ Provide any additional information or details you may have.

# Preventing Alcohol Service to Visibly Intoxicated Persons



**It is unlawful to sell or allow consumption of liquor to a visibly intoxicated person, or allow an intoxicated person to remain on the premise.**

If you are negligent or reckless in serving a visibly intoxicated person and they cause death, injury or damage to a third person, you can be sued for damages up to \$350,000 plus unlimited medical expenses.

A visibly intoxicated person is likely to display one or more of the following signs:

- Slurred speech – liquor on breath
- Red glassy eyes which may have trouble staying open or wander
- Trouble walking
- Poor balance
- Poor or no fine motor skills
- Short attention or impaired ability to understand conversation or situations
- “Falling-down drunk”



## Tips for Refusing Service to Visibly Intoxicated Persons

**You can (and need to) refuse to serve someone who you believe is visibly intoxicated.**

- Staff should be continuously evaluating the sobriety of each customer they serve alcohol to. Speak to them, encourage a response, make personal contact. Look for (or create) opportunities to assess the person’s coordination and motor skills such as when they get up to walk or try to pick up a dropped item.
- When refusing service to a visibly intoxicated person, have your staff double team the situation (or more if you are dealing with a group). It is preferable to have a member of management and/or security present to support the server(s). Team members’ statements should be brief and very clear that you can not lawfully serve the person.
- If you refuse service, advise the patron of your concern that they may drive under the influence; attempt to get an alternative ride or call police. Staff should act as a team and should watch out for one-another and the business.
- If an employee observes something which indicates any patron is visibly intoxicated (or nearing that state), they should alert the appropriate server, bartender, and/or manager. Every team member plays a part in protecting the establishment’s liquor license, bottom-line, reputation and safety of your customers.
- Record refusals and other critical incidents in the Alcohol Incident Log.

**A visibly intoxicated person leaving your premise is the biggest threat for tragedy, violations, and civil suit under the Maine Liquor Liability Act. Your establishment’s policy should make that clear to your staff.**

# Protecting Your Business

## Establishment Set-up & Monitoring, Signage, and Promotions

There are some factors which may negatively impact the health of your business and your reputation as a responsible liquor licensee. In addition to liquor law violations, the following could tarnish the public's perception of your establishment: theft, violence, dirty or damaged facilities, patrons' creation of noise or other disturbances, and promotions which encourage excessive alcohol consumption or lewd behavior.

The set-up and monitoring of your establishment is an important factor, not just from a customer attraction stand-point, but also when it concerns protecting your liquor license, staff and patrons.

### Set-up

The layout and other aspects of your establishment's physical set-up greatly impact you and your staff's ability to monitor for and prevent consumption by underage and/or visibly intoxicated patrons. If only part of your establishment is limited to patrons over the age of twenty-one, assess if the dividing structure would allow for individuals or drinks to cross to the other side.



**Do not make an alteration which changes your business's physical character or layout unless you have received prior permission from Maine Department of Public Safety's Liquor Licensing Division as it may impact your liquor license.**

### Monitor access to establishment

Underage or intoxicated individuals who wish to gain access to your establishment may attempt to do so without your staff's knowledge. Determine if side or back entrances or windows could be potential entry points; if such opportunities are present, you may want to consider securing or alarming them or positioning staff at those locations. Don't forget to assess if restroom windows could be entry points.

### Monitor access to alcohol beverages once inside

Where alcohol is stored or stocked may affect theft rates. Because it is an age-restricted product and/or an intoxicant, people who do not steal other types of items may take alcohol. Theft may also occur because alcohol is an addictive substance and individuals (regardless of age) may find themselves in need of it with no means of purchasing it. Have policies and procedures in place to ensure inventory is monitored and secured.

### Signage

Here are some rules and regulations which affect the signage use at Maine liquor licensees:\*

- A premise may have only one outside sign advertising liquor.
- A premise may have only one sign inside the establishment advertising liquor which can be seen from the outside.

*\*For all rules and regulations around signage, please refer to Maine Department of Public Safety's Liquor Licensing Division.*



## Take Steps to Reduce Illegal Consumption and/or Non-payment of Alcohol Service at Your Establishment

### To reduce illegal consumption:

- ◆ Ensure employees can see all sections of your establishment clearly; if possible install mirrors and/or surveillance equipment to assist in monitoring corners, hallways, or other areas where illegal consumption or other problem behaviors may occur.
- ◆ If your patrons are both over and under 21 years of age, plan for how your establishment will monitor for and prevent of-age patrons from “sharing” their alcoholic beverages with underage individuals. Do not allow beverages in the restrooms as underage consumption or drink-swapping may easily occur undetected there.
- ◆ Make sure that temporary displays, décor, and/or service areas will not impede employees’ view of any areas where patrons are consuming alcohol.
- ◆ Encourage staff to make themselves visible and to speak to anyone hanging around or acting suspiciously.
- ◆ Utilize signage at doorways and other visible areas to make it clear that you uphold liquor laws and will cooperate with law enforcement to address crimes and disruptive behavior.

### Alcohol Promotions and Advertising

Promotions on price may be an important part of your business. However, you must make sure that your promotions do not encourage or promote underage or excessive consumption. You should be aware that irresponsible promotions undermine the status of a responsible retailer and perhaps even your bottom line.



## Guidelines for Alcohol Promotions and Advertising

### Take the following into consideration when planning promotions and advertising:

- ◆ Alcohol can NOT be given away; this would also cover “buy one, get one” type specials.
- ◆ Do not use advertisements, which contain either subject matter or illustrations, which may induce minors, young people, or high-risk groups, such as college students, to drink excessively.
- ◆ Do not plan contests or activities which encourage or contribute to excessive alcohol use.
- ◆ Do not use advertising which would be inappropriate or offensive to patrons.
- ◆ Do not use advertising that depicts a person in the act of drinking alcohol.
- ◆ Do not have specials or contests that require the purchase of alcohol or award alcohol as the prize.

## Hours of Sale

Maine state law allows the sale of alcohol only during these times:

Monday through Saturday.....6 AM to 1 AM the next day

Sunday.....9 AM to 1 AM Monday

*There are some limited exceptions relating to New Year's*

*For more information on Pricing and Promotion, go to:  
[www.maineosa.org/prevention/licensee/index.htm](http://www.maineosa.org/prevention/licensee/index.htm)*

## People congregating outside establishment

Having people congregate or loiter outside your establishment may negatively impact your business by creating litter, deterring customers, and could also result in nuisances or safety concerns for the community and staff. It may also result in young people illegally gaining access to your establishment by dodging door staff who are distracted by a crowd or situation.



### Reduce Loitering or Congregating Outside Your Establishment

#### To reduce loitering:

- Assess lighting outside your business; a well-lit area will allow your staff to monitor the property better and may also deter illegal and/or destructive behavior.
- Assess the view of the exterior from inside the establishment- especially from the areas your staff spend most of their time; remove any signs or other items that detract from their ability to monitor the property.
- Post signs stating "No Loitering" and indicate police will be called. Intoxicated individuals on your property are not only a nuisance, but also a potential liability to your business, its reputation, and its liquor license.
- Remove/relocate any items such as picnic tables which promote undesirable congregating.

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# Useful Contacts

## **Maine Department of Public Safety's Liquor Licensing Division**

164 State House Station  
Augusta, Maine 04333-0164  
Offices Located at 45 Commerce Drive  
Augusta, Maine  
Phone: (207) 624-7220  
Fax: (207) 287-3424  
<http://www.maine.gov/dps/liqr/index.html>

## **Maine Office of Substance Abuse**

41 Anthony Ave  
#11 State House Station  
Augusta, ME 04333-0011  
207-287-2595  
TTY: 1-800-606-0215  
Fax: 207-287-4334  
[www.maineosa.org](http://www.maineosa.org)



## APPENDICES

### **1. Card ME On-Premise Licensee Checklist**

The On-Premise Licensee Checklist is a modification of a tool developed by the Responsible Retailing Forum. The Responsible Retailing Forum is a joint project of Brandeis University and Florida State University that brings together diverse stakeholders—retailers, retail associations, wholesalers / distributors and producers, government and non-profit public health organizations, public safety, state attorneys general and researchers—to explore common concerns of policy and implementation and to advance the science, and art, of Responsible Retailing. The tool is used by licensees to identify strengths and weaknesses in current policies and practices.

### **2. Responsible Retail Forum’s “New Model of Responsible Retailing” Document**

The Responsible Retailing Forum, a joint project of Brandeis University and Florida State University, has developed a model for how different stakeholders (stores, community members, and policy makers) can work together to improve the responsible retailing of age-restricted products.

### **3. Office of Substance Abuse’s Guide to Developing an Alcohol Sales Policy for Your Business**

These tools were developed to assist liquor licensees develop internal policies that may help the licensee stay compliant with Maine liquor laws and to assist employees with the responsible sale of alcohol through the use of a uniform policy and best practices.

These tools can also be found online at: [www.maineosa.org/prevention/community/licensee/policy.htm](http://www.maineosa.org/prevention/community/licensee/policy.htm)

## Card ME On-Premise Licensee Checklist

Dear Maine Liquor Licensee,

This tool was designed to provide you with a way to assess your establishment's responsible alcohol sales and service practices and to identify areas for improvement. The first two pages of the tool contain a checklist where you can inventory which specific responsible beverage service best practices are already being consistently implemented and which are not. The second part of the tool provides an opportunity for you to identify some best practices you plan to adopt in order to improve your responsible alcohol beverage service and to reduce your establishment's risk for illegal alcohol sales or service.

### Instructions

1. Complete the "Today" column of the chart (on pages 1 & 2 of the checklist). Some of the questions are yes or no and some ask you to rate the practice on a scale of 1-5. You should check the "N" or "1" if your establishment is not implementing that practice consistently or at all.
2. On Page 3 of the tool, use the blank space to list any policies or practices you plan to integrate into your establishment's responsible beverage service system.
3. Refer to the Card ME "Guide for Bars & Restaurants Serving Alcohol" to learn details about the policies and best practices which could improve your establishment's responsible beverage service system and lower your risk. Review the items in the Card ME's Tool Kit and identify which you plan to use. Ask your coalition representative to order the necessary materials.
4. Over the next several months take action to improve your establishment's use of best practices in its responsible beverage service system.
5. Six months after you completed the Card ME On-Premise Licensee Checklist, complete the "In 6 Months" column of the chart on pages 1 and 2 of the tool. Assess where your business has made improvements and identify areas needing further improvement.
6. Continue re-assessing your establishment every six months even after you have implemented all the recommended best practices.

## Card ME On-Premise Licensee Checklist of Current Responsible Retailing Practices

Store name:

Person completing the checklist: (1<sup>st</sup> time) \_\_\_\_\_ (2<sup>nd</sup> time- if different from first) \_\_\_\_\_

| <b>Section I. Management Practices</b><br>Check Y if you have the items below, check N if you do not  | 1st time<br><hr/> Date<br>Y N | 2nd time<br><hr/> Date<br>Y N |
|---|-------------------------------|-------------------------------|
| A copy of state and local liquor laws is easily found in the establishment  |                               |                               |
| A written business policy about the sale of alcohol in the establishment  |                               |                               |
| Signs are posted in clear view that say:  |                               |                               |
| your establishment will not serve alcohol to people under the age of 21 or allow underage consumption on your premises  |                               |                               |
| anyone who appears younger than 27 will be asked for an ID  |                               |                               |
| visibly intoxicated patrons will not be served or allowed to remain on premise  |                               |                               |
| no loitering outside your establishment   |                               |                               |
| beverages are prohibited from the restrooms   |                               |                               |
| Employees have a reasonably clear view of all portions of your establishment where alcohol is consumed  |                               |                               |
| Employees have a reasonably clear view of the outside of the establishment  |                               |                               |
| Alcohol placements can be easily monitored by employees? <i>*Secure approval from Liquor Licensing before changing placement</i>  |                               |                               |
| <b>Rate how consistently the following occur in your establishment on a scale of 1-5:</b><br>1 = Never                      4 = Almost always<br>2 = Sometimes                5 = Always<br>3 = Often                        U= Unsure/Unknown  | 1st time<br><hr/> Date        | 2nd time<br><hr/> Date        |
| When setting up promotions, do you consider the age of the people who might be most influenced or attracted to them? ( For example: Do promotional events, displays or items use activities, graphics or items that appeal to people under the age of 21- such as child-like games, graphics, or toys?) |                               |                               |
| Do employees record refusals to serve alcohol in a log or other formal system?  |                               |                               |
| Does management consistently tell employees that they appreciate and support efforts to obey laws and policies related to alcohol sales?  |                               |                               |

| <b>Section II. Hiring Practices</b>  |  | <b>1st time</b> | <b>2nd time</b> |
|--|--|-----------------|-----------------|
| Rate how consistently the following occur in your establishment using the scale below:<br><b>1 = Never</b> <b>4 = Almost always</b><br><b>2 = Sometimes</b> <b>5 = Always</b><br><b>3 = Often</b> <b>U= Unsure/Unknown</b> |  | <b>Date</b>     | <b>Date</b>     |
| <i>Before</i> hiring a new employee does management do the following with applicants:  |  |                 |                 |
| Review state and local liquor laws and business policies regarding alcohol sales/service?  |  |                 |                 |
| Talk about the importance of following laws related to not serving alcohol to people under the age of 21?  |  |                 |                 |
| Talk about the consequences for clerks who serve alcohol to minors or allow minors to consume on premise?<br>(Including how law or business policy violations could affect continued employment)                           |  |                 |                 |
| Ask them if they have ever been cited for selling, serving, or supplying alcohol to anyone under the age of 21?  |  |                 |                 |
| Ask them to read and sign your business' policy on alcohol service to underage and/or visibly intoxicated persons?   |  |                 |                 |

| <b>Section III. Training Practices</b>   |  | <b>1st time</b> | <b>2nd time</b> |
|--|--|-----------------|-----------------|
| Rate how consistently the following occur in your establishment using the scale below:<br><b>1 = Never</b> <b>4 = Almost always</b><br><b>2 = Sometimes</b> <b>5 = Always</b><br><b>3 = Often</b> <b>U= Unsure/Unknown</b> |  | <b>Date</b>     | <b>Date</b>     |
| <i>Before</i> the new employee begins work, does management ask new hires if they understand state and local liquor laws and the establishment's policy regarding alcohol service to minors and review if necessary?       |  |                 |                 |
| Does new employee training include demonstration and practice of the following items:  |  |                 |                 |
| How to ask for ID  |  |                 |                 |
| How to calculate age from an ID  |  |                 |                 |
| How to identify a false ID   |  |                 |                 |
| When and how to ask for a second ID  |  |                 |                 |
| Steps that must be taken when retaining an ID  |  |                 |                 |
| Reasons to refuse alcohol service (including to underage and visibly intoxicated persons)  |  |                 |                 |
| How to refuse service  |  |                 |                 |
| How to resist customer pressure and handling abusive conduct   |  |                 |                 |
| How to identify a third party alcohol service (when patrons are illegally providing alcohol to other patrons)  |  |                 |                 |
| How to monitor the establishment and surroundings for illegal consumption  |  |                 |                 |

**Review your answers and for each of the sections and list some practices your establishment will put in place to strengthen its responsible beverage service practices.**

*Before completing this section, you may find it helpful to read the Card ME "Guide for Bars & Restaurants Serving Alcohol" which provides more information and best practices related to responsible alcohol service.*

Section I. Managing Practices

Section II. Hiring Practices

Section III. Training Practices

Card ME On-Premise Licensee Checklist *(page 3 of 3)*

## **The Responsible Retailing Systems Project** **Validating A New Model for Responsible Retailing**

In 2001, a team of national experts composed a federal guidance document for the Center for Substance Abuse Prevention (“CSAP”)—*Report on Best Practices for Responsible Retailing (“BP Report”)*—reflecting the experiences and insights of retailers, alcohol control boards and other state regulatory and enforcement agencies (“R/E agencies”), state attorneys general, advocates and academic researchers concerning effective measures to prevent underage sales of alcohol and other age-restricted products. The principal innovations of the *BP Report* are to:

- Identify the components of a continuing system of responsible retailing (RR)
- Establish the importance of managerial supervisory practices and accountability
- Identify an integrated, 3-tier model for RR. This model replaces a *deterrence only* model (in which enforcement alone is meant to deter underage sales) with a *collaborative* model, based upon Community Policing principles, in which state R/E agencies additionally assist retailers to identify, implement and sustain effective RR systems.

Following an examination of this model at the 2003 RR Forum, the state alcohol R/E agencies in Alabama, Iowa, Missouri and New Mexico have begun a pilot demonstration of this model of an integrated RR system.

The Integrated RR System model recognizes that RR involves three distinct, interconnected levels:

### **Integrated Responsible Retailing Model**



**1. Store Level.** An effective RR system has, at its core, a) point-of-sales protocols for verifying age and refusing sales to customers who may be underage (and/or intoxicated), and b) store practices for hiring, training and supervising sales clerks. The model emphasizes the role of managers in reinforcing correct age verification / sales refusal conduct through explicit store policies, employee training and performance monitoring and their own personal conduct. In the RR Systems Project, the state R/E agency will provide participating retailers with a *Planning Tool* that is being developed as a quality improvement tool to assess current practices for age verification / sales declination at the point of sales as well as hiring, training and supervisory policies. The R/E agency and its industry partners will assist retailers to adopt community-appropriate best practices by providing licensees with any needed resources (e.g. training for clerks, point-of-sales materials, supervisory strategies for managers) and mechanisms (e.g. mystery shopper inspections) to adopt and sustain a system of responsible retailing. Through a quasi-experimental design, the project will determine the individual and synergistic effects of the *Planning Tool* and frequent mystery shopper reports.

**2. Community Level.** The 2nd tier of an integrated RR System is a community context which connects the public and private sectors in a collaborative, problem-solving approach to underage sales and use. Retailers are seen not merely as objects of enforcement who are “compliant” or “non-compliant” but rather as active partners with R/E agencies and advocates to address community-level patterns of underage acquisition and use. This model, based upon the principles of “Community Policing,” will allow stakeholders to address the actual patterns of underage access and use of alcohol within the study communities: Birmingham, AL; Des Moines, IA; Springfield, MO; Santa Fe, NM (with two more to be added), and to consider coherent strategies to reduce alcohol use and abuse by minors.

**3. Policy Level.** The 3<sup>rd</sup> tier of an integrated RR system consists of the public policies at the state (or local) level that encourage the adoption of effective RR practices. Some states mandate RR training for stores and their employees. Others create positive incentives—such as reductions in liability insurance, or mitigation for violations—for establishments which engage in approved RR activities. Two important policy issues that the project will address are: a) linking non-compliance to remedial training and b) establishing a stable funding mechanism so that training, materials and mystery shopper inspections can be sustained.

**Project Goals:** The goals of the RR Systems Project are:

1. Validate Best Practices for retailers identified in the *BP Report* prepared for CSAP
2. Develop a model for state alcohol R/E agencies to engage retailers in RR activities
3. Identify the requirements for statewide implementation of RR systems and the potential roles of public and private stakeholders in their continuing operation.

**Project Partners.** The lead organization for the RR Systems Project is the RR Forum, which was launched by—and receives staff support from—Brandeis University and Florida State University. The dual objectives of the RR Forum are 1) to identify and promote Best Practices to prevent underage sales of alcohol, tobacco and other age-restricted products, and 2) to engage diverse stakeholders in the examination of RR practices and policies. The work of the RR Forum was cited by the Federal Trade Commission’s September 2003 *Report to Congress, Alcohol Marketing and Advertising*, which notes:

During this past year, the many stakeholders in the alcohol control process, including state alcohol agencies, state law enforcement officials, representatives of major retail outlets, and alcohol producers, wholesalers, and distributors, organized under the aegis of the RR Forum to evaluate what changes are needed to reduce minors' ability to purchase alcohol in retail outlets. Support is needed for the efforts of organizations, like the RR Forum, that can conduct rigorous field studies of the efficiency of alternative approaches to improving enforcement of minimum age purchase laws.

Other project partners are the Alabama Alcohol Beverage Control Board, the Iowa Alcoholic Beverages Division, the Missouri Division of Liquor Control and the New Mexico Alcohol and Gaming Division. Additionally, a number of national organizations and corporations who participate in the RR Forum have lent their support to the RR System project and facilitated the involvement of their affiliates in the study states.

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781 736-4839.

# **DEVELOPING AN ALCOHOL SALES POLICY FOR YOUR BUSINESS**

## **On Premise Sales**

**An electronic version of this can be found at:  
[www.maineosa.org/prevention/community/licensee/policy.htm](http://www.maineosa.org/prevention/community/licensee/policy.htm)**



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## **Purpose of Document:**

The content of this document is designed to help on-premise retail licensees develop a guide for their business to stay compliant with the Maine Liquor Laws and to assist their employees with the responsible sale of alcohol through the use of uniform policy and best practices.

This guide is not designed to be used for an operational policy, but rather to assist the licensee in developing a premise policy that will apply to their specific business needs by addressing key points and providing suggestions for consideration.

There are many types of on-premise establishments. Each are unique and have different issues that need to be address within your policy. Before starting you should consider what best practices you'll need to adopt as policy to best protect your business and its bottom line, prevent violations of the law, and control your service of liquor to ensure a safe and compliant experience for your patrons.

## **How to use this guide:**

This guide should be used to develop a policy around the sale of alcohol to be used internally with your employees. Research shows that “consistent and effective outlet policies are the key to providing a work environment in which sales personnel are able and willing to implement the knowledge and skills they acquire through responsible sales training. Policies standardize staff behavior and licensee expectation regarding alcohol sales. They provide a written reference, so that new and long-term employees are clear about what is expected of them. They can be used in current training or coaching of employees. Polices help the manager to identify those effective practices that are already in place within the organization. A well-written policy manual, signed by employees who have read it, provides an excellent, responsible business practice defense. If reasonable care is found, liability might be eliminated or mitigated.”<sup>1</sup>

Most of the components found in this guide are suggestions, **not state requirements**. *Anything that is requirement of the state or state law will be noted with a star (\*)*. The language for each component is written so you can copy and paste it into your own policy.

The guide is broken down into six sections:

- General components;
- Assessment;
- Carding practices;
- Visibly intoxicated individuals;
- Miscellaneous; and
- Resources

Each section contains a number of components to choose from. You should read through the components and decide which ones best fit your business' needs. You may use the

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<sup>1</sup> Guide to Responsible Alcohol Sales: Off Premise Clerk, Licensee, and Manager Training

check box (  ) by each component to check off the components you would like to use. Copy each component you check into a separate document to create the framework for your policy. There is no right combination of components, but the more you choose the more comprehensive and effective your policy will be.

**Disclaimer: All operational policies must be reviewed by your insurance underwriter and your legal counsel to ensure content accuracy, effectiveness and compliance with the law. The Office of Substance Abuse is not liable for any legal action taken against the licensee.**

## **Liquor Policy Mission Statement**

Each licensee's policy should have a mission statement. The purpose of the mission statement is to state the philosophy, scope, and responsibility of the licensee so security/wait staff will be clear on your expectations. Below is an example of a mission statement:

“Blue’s Restaurant & Lounge” recognizes that it is a privilege to buy and sell alcoholic beverages in the State of Maine and with that privilege, realizes that it is our legal and social responsibility to comply with all Maine laws, rules and regulations and follow best practices as they pertain to the service of alcoholic beverages. We are committed to the safe and responsible sale of all alcoholic beverages to only those patrons who are 21 years of age or older and to refuse service of alcoholic beverages to those individuals that are visibly intoxicated or, in those cases where we deem it necessary, to prevent a person from becoming visibly intoxicated. In order to achieve these goals, we have adopted the following policies.”

## **Guidelines for Policy Components:**

### **1. General:**

- A. All new employees will review, with a member of management, the laws, rules and regulations and best practices as described in the mission statement prior to making any sale of liquor or imitation liquor. Once trained, all employees will regularly review those laws, regulations and best practices with a member of management, asking for clarification on topics they don't understand and upon completion of the review, sign off that they understand and will comply with all of the premise policies governing the sale of liquor or imitation liquor.
- B. Employees shall comply with all the Maine Liquor Laws and Rules and Regulations governing the sale of alcoholic beverages.

## 2. Assessment:

- A. When initially greeting patrons, all staff will make visual and verbal contact with them to convey greetings and to assess sobriety.
- B. All wait staff will make verbal and visual contact with each customer purchasing liquor or imitation liquor and will repeat the process every time subsequent service of liquor is made.
  - When making visual contact, employees will make eye contact with the patron, paying special attention to the facial characteristics, as well as noting trendy clothing, behavior and young acquaintances that might indicate the purchaser is underage. The employee should make note of bloodshot or drooping eyes, disheveled clothing and any other signs that might indicate the patron is visibly intoxicated or there is a likelihood they will become intoxicated with the purchase of alcohol and should not be served.
  - When making verbal contact, ask the patron a question that would invoke a response such as, “How are you?”, “May I answer any questions you might have about the menu?”, “How is the weather?” “May I interest you in an appetizer?” or any small talk about sporting events, local entertainment, etc. Note any odor of liquor on the patron’s breath and any signs of slurring.
- C. When an employee is carding an individual they will always observe the patron retrieving their ID from the wallet noting fine motor skills.
- D. A manager or their designee will make regular rounds, interacting with patrons assessing sobriety and when appropriate, re-check identification of youthful patrons possessing or consuming alcohol.

## 3. Carding Practices:

- A. Maine law requires a licensee or licensee’s employee or agent may not sell, furnish, give or deliver liquor or imitation liquor to a person under 27 years of age unless the licensee or licensee’s employee or agent verifies the person is not a minor by means of reliable photographic identification containing that person’s date of birth\* (Title 28A-sec 706-2).
- B. Security/wait staff must ask for a reliable identification from anyone under 27 (30, 40, 45 or all patrons, etc.) years of age *every time* they enter the establishment to purchase liquor or imitation liquor.
- C. Our policy is to card anyone that orders liquor or imitation liquor and appears to be under the age of \_\_\_\_\_in order to comply with Maine law. (**Age appropriate policy should be set by the licensee based on median age of patrons, employees and type of business. Remember it is state law that you must card anyone under the age of 27.**)

- D. The security/wait staff will ask for a current, reliable and verifiable pictured identification containing the patron's date of birth (acceptable forms of ID are state driver's license, state non-driver identification card or a Passport issued by a state or federal government agency).
  - All out of state driver's licenses or identification cards will be verified with the Driver's License Guide.
  - If the patron appears to be under 21 years of age, the employee will ask for a secondary form of identification, such as a military ID, passport, credit/debit card, etc.
  
- E. The security/wait staff will request that the patron remove their ID from their wallet and take physical control of the identification, checking the back, then the front for signs of forgery such as:
  - Poor photo copy quality, blurred imagery or digitized lettering.
  - Disclaimers like "non-government ID" or "non transferable ID card".
  - Statements of authenticity such as "Genuine", "Authentic", "Secure", etc. (if it has to tell you it's "Genuine", it's not).
  - Unusual thickness or unevenly cut edges or corners and bumpy surfaces indicate the card has been hand cut or the picture has been replaced.
  
- F. The security/wait staff will verify that the information and picture on the identification match the person presenting it, paying special attention to the date of birth in order to confirm that the individual is old enough to purchase and that the DOB has not been altered (are the numbers the same size, color, evenly spaced and level with one another?).
  
- G. No employee will accept an expired identification card.
  
- H. The safe and responsible service of alcohol is the responsibility of all wait staff; when receiving an order for liquor or imitation liquor all staff should re-card any patron that appears to be underage and not assume that security or another wait staff has carded the individual.
  
- I. In the event any patron fails to show proper identification or if there is doubt by the security/wait staff of the validity of an ID, the sale will be refused. All refusals for failure to meet the requirements of the identification policy are final. Please note that restaurants will refuse alcohol service and any on-premise licensees that do not serve food will require the patron to leave.

**Retaining Identification (Only choose one):**

- J. Option #1.** When a patron displays an identification card that is obviously false, the security/wait staff will refuse entrance/sale of liquor or imitation liquor and report it to a manager who will explain to the patron that they are going to **retain the identification for the purpose of verifying their age**. A premise representative will **IMMEDIATELY** call the police and surrender the identification to the authorities for that purpose. (Authority to retain Title 28-A

Section 2516-2). Please note, licensee must advise individual why the ID is being retained.

- K. Option #2.** When a patron displays an identification card that is obviously false, the security/wait staff will refuse sale of liquor or imitation liquor and report it to a manager and/or the police.

#### **4. Visibly Intoxicated Individuals:**

- A. When a patron attempting to enter the premise appears to be visibly intoxicated, the security/wait staff shall explain to the patron that Maine law, Title 28-A Rule 1.8 and policy prevents them from entering the establishment. If the patron is operating a motor vehicle, the security/wait staff will express concern about them driving and offer to call alternative transportation. If they insist on operating, the police will be notified immediately and given a description of the visibly intoxicated person, their vehicle and direction of travel.
- B. All staff will continuously appraise the sobriety of patrons within the premise, repeating the process of verbal and visual contact when a patron orders another drink or when serving subsequent drinks.
- C. No licensee shall permit or allow visibly intoxicated persons to remain on the licensed premises\* (Title 28-A -Rule 1.8).
  - o When wait staff discovers a visibly intoxicated individual in the premise, they will notify the manager/security staff/person in charge immediately. The manager will attempt to invite the patron to the side and explain that because of Maine law and policy, they can no longer allow the individual to possess or consume alcohol. In any event the liquor will be removed from the person immediately.
- D. Once a visibly intoxicated person has been identified and alcohol removed, the manager/wait staff will express concern to the patron about driving and offer alternative transportation. If the patron insists on driving, the manger/wait staff will notify the police immediately, giving them a description of the visibly intoxicated individual, their vehicle and direction of travel.
- E. In the event alternative transportation for a visibly intoxicated person cannot be arraigned, wait staff will accompany them to a secure area of the bar/restaurant where the visibly intoxicated person cannot take possession or control of any alcoholic beverages. They will be offered food, non alcoholic beverages and afforded time to sober up. The visibly intoxicated individual will be monitored at all times.
- F. If a visibly intoxicated person becomes argumentative, assaultive, disorderly or in anyway threatens the safety or well being of the patrons, staff or the community, the manager will immediately call the police.

- G. All incidents involving intoxicated patrons will be written down in a premise log, noting the date, the time, names of employees involved and brief statement of facts regarding the incident. It will be the responsibility of the manager or supervising security/wait staff to log these incidents.
- H. All sale refusals due to a patron's visible intoxication are final with the exception of a patron advising the security/wait staff that their appearance is due to a disability as defined under the Americans with Disability Act (ADA) (for compliance, refer to your attorney or human resource officer).

**5. Miscellaneous:**

- A. Employees will always be professional, friendly and polite with all patrons when complying with Maine law or policy, explaining that when service is declined, it is because of Maine law and premise policy.
- B. No licensee shall permit or allow visibly intoxicated persons to remain on the licensed premises. No licensee shall show effects of, nor allow any of his employees, agents, or entertainers to consume or to show any effect of liquor while on duty or performing on the licensed premises\* (Title 28-A, Rule 1.8).
- C. All employees will report for work sober and will not have consumed any alcoholic beverage prior to arriving, or consume any alcohol while on duty.
- D. All questionable incidents involving patrons will be written down in a premise log, noting the date, time, names of employees involved and brief statement of facts regarding the incident. It will be the responsibility of the manager or supervising security/wait staff to log these incidents.
- E. Any staff whose responsibilities include the sale, handling or marketing of alcoholic beverages will attend a seller/server training approved by the Commissioner of the Department of Public Safety and Liquor Licensing as soon as possible upon employment. See the following website for a list of approved trainings: <http://www.maine.gov/dps/liqr/contact.html#training>
- F. A licensee for the sale of liquor to be consumed on licensed premises may not employ a person under 17 years of age in the serving or selling of liquor on the premises where the liquor is sold\* (Title 28-A, Section 704)
- G. An employee who is at least 17 years of age but less than 21 years of age may serve or sell liquor only in the presence of an employee who is at least 21 years of age and is in a supervisory capacity\* (Title 28-A, Section 704)
- H. No on-premise licensee shall permit the direct handling of liquor on the licensed premises by any person under the age of 15 years. Persons who are at least 15 years old may stock coolers or bus tables, but may not sell, serve, or mix liquor\* (Title 28-A rule 2.3).

- I. The service and consumption of liquor must be limited to areas that are clearly defined and approved in the application process by the bureau as appropriate for the consumption of liquor. Outside areas must be controlled by barriers and by signs prohibiting consumption beyond the barriers\* (Title 28-A, section 1051).
- J. All staff should use due diligence in watching for patrons or activities that are not consistent with this policy or Maine Law and should report a breach of either to management immediately.

**6. Other Considerations:**

- A. You should decide what disciplinary action will be taken for non-compliance by staff, i.e., dismissal, retraining, progressive discipline, etc.
- B. All policies should be regularly reviewed. Some details to consider include:
  - How often should the policies be reviewed?
  - Who should review the policies?
  - Who will oversee the review process and enforce compliance?
  - Will you use an acknowledgment form?
  - Should you use a testing procedure to ensure staff understands the policy and laws?

**Disclaimer: All operational policies must be reviewed by your insurance underwriter and your legal counsel to ensure content accuracy, effectiveness and compliance with the law. The Office of Substance Abuse is not liable for any legal action taken against the licensee.**



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## **Resource Materials:**

For a full list of liquor laws, please refer to Liquor Licensing and Compliance:  
<http://www.maine.gov/dps/liqr/index.html>

**Americans with Disabilities Act** – U.S. Department of Justice ADA home page  
<http://www.ada.gov/>

**United States Court of Appeals First District - David Dudley v. Hannaford Bros. Co.**  
<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=1st&navby=docket&no=021382>

**Clarke Associates Insurance - Portland Maine**  
<http://www.clarkinsurance.com/>

**Pacific Institute for Research and Evaluation Responsible Sales Guide**  
[http://www.pire.org/documents/responsible\\_sales.pdf](http://www.pire.org/documents/responsible_sales.pdf)

**Liquor Licensing and Compliance Division**  
<http://www.maine.gov/dps/liqr/index.html>

**For an electronic copy of this guide, please go to:**  
[www.maineosa.org/prevention/community/licensee.htm](http://www.maineosa.org/prevention/community/licensee.htm)

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*John E. Baldacci, Governor*

*Brenda M. Harvey, Commissioner*

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