

# Alcohol Seller/Server Tool Kit

HELPING TO PROTECT YOUR BUSINESS AND LIMIT YOUR LIABILITY

## HOW TO USE THIS TOOLKIT

This toolkit is designed to help on-premise and off-premise retail licensees and delivery services 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 using uniform policy and best practices.

The toolkit 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.

Before starting you should consider what best practices you will 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.

Each section of the toolkit stands on its own, however, the best use is to build upon each section. We will be exploring how you can best be a prevention partner in Westbrook. Your time is valuable, so we have written this as clearly and efficiently as possible.

It is suggested that staff attend a Maine State Certified Responsible Beverage Seller/Server (RBS) training, which is offered via Westbrook Partners for Prevention. The following are the abbreviated topics we will cover in this toolkit:

- Maine Liquor Laws: Be Aware. Protect yourself and others
- Maine Liquor Liability Act
- Minors
- Checking IDs
- Visibly Intoxicated Patrons (VIPs)
- Creating or updating your Policy
- Resources

## WHY IT'S IMPORTANT

This is a guide to help support your business in staying compliant with the Maine Liquor Laws and to assist your employees with the responsible sale and service of alcohol using uniform policy and best practices. **Our aim is to help you be a great business neighbor and reduce your chances of illegally selling to someone who is under 21 years of age or intoxicated.**

Alcohol is a drug. All drugs have short-term and long-term impacts. The number one risk people associate with alcohol is drinking and driving, but did you know that more alcohol-related injuries occur from non-motorized vehicle related situations such as falls, drowning, burns, assaults, overdose, etc.? These too are a liability to you as sellers-servers – the issue is far more complicated than just making sure people do not get behind the wheel. Over consumption can impact the well-being of the drinker, the people around them, and the broader community.

- ▶ Alcohol misuse was already a public health concern and COVID-19 may have made it worse. Initial studies and data show increased daily and risky alcohol use, increased rates in alcohol related injuries, and increased sales.
- ▶ Agent sales of spirits (e.g., hard liquor) to off premise outlets (e.g., agency liquor stores) in Maine have never been higher. Agent spirit sales in Maine increased by 10% from 2019 to 2020. (ME Bureau of Alcoholic Beverages and Lottery Operations - BABLO)
- ▶ In April 2020, shortly after COVID-19 began, the percentage of crashes related to impaired driving in Maine peaked at 6.2% compared to 4.4% in April 2019. Rates of impaired driving crashes remained consistently higher in 2020. (Maine Department of Transportation)



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Supporting a safe and healthy future for Westbrook youth

FOR MORE INFO

[www.westbrookpartnersforprevention.org](http://www.westbrookpartnersforprevention.org) | email: [partnersforprevention@westbrookschoools.org](mailto:partnersforprevention@westbrookschoools.org) | 207.854.0810 x2232

# Maine Liquor Laws: Be Aware. Protect Yourself and Others.

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## THREE CATEGORIES OF LAW TO CONSIDER WHILE WORKING AT YOUR LICENSED PREMISE

### 1. Criminal

Fine/Jail/Criminal Record (arrest)  
(OUI, Furnishing, Assault)

### 2. Civil

Fine/Community Service (no arrest or criminal record)  
(Possession of Liquor by a Minor)

### 3. Administrative

Fine for Employee (no arrest or criminal record, strict liability)  
Fine/License Suspension for Premise  
(Sale to minor, sale to VIP, all the liquor laws as they pertain to a licensee and their employee or agent)

When a liquor licensee employee, violates an administrative liquor law when carrying out the scope of their employment, both the employee and the liquor licensee can be fined for up to \$1,500 each.

## RETAIL HOURS OF SALE (TITLE 28-A SECTION 4)

Daily ..... 5 AM to 1 AM  
New Year's Eve ..... 5 AM to 2 AM\*

\*In towns that are dry on Sundays but allow sale of liquor during the week and New Year's Eve falls on Sunday, sales may be made from 9 PM to 2 AM.

For a detailed RBS Certified course on Maine Liquor Laws please contact Westbrook Partners for Prevention – email: [partnersforprevention@westbrookschoools.org](mailto:partnersforprevention@westbrookschoools.org)



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# Maine Liquor Liability Act

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## MAINE LIQUOR LIABILITY ACT Title 28-A Section 2502-2516

### Purpose:

- To prevent intoxication-related deaths, injuries, and damages.
- To encourage responsible serving practices.
- To provide a basis for obtaining compensation for damages because of intoxication-related incidents.

The **Maine Liquor Liability Act** relates to if a licensee has some negligence or recklessness in their service or delivery to a visibly intoxicated person (VIP) who is 21 or older or if they serve a minor who becomes intoxicated.

### Limits on Awards:

- For damages = \$350,000.
- For medical expenses = no cap.
- The intoxicated individual and any server are severally liable, not jointly liable for damages awarded by the court or jury.
- Severally liable means that each person named in the lawsuit can be made to pay for the portion of the damages and medical expenses which the court/jury says is their proportional obligation.

The **Maine Liquor Liability Act** can also apply to people who do not have a liquor license too – such as a homeowner who hosts a party and provides alcoholic drinks to people. Additionally, third party delivery providers, such as those working for 2DineIn, CarHop, Drizzly, Instacart, GrubHub, Uber Eats, etc., may also be liable. Acquiring proper identification for alcohol take out and delivery is very important.

### FYI:

You can refuse to serve someone who fails to show proper identification of age, reasonably appears to be a minor or to prevent someone from becoming visibly intoxicated.

For more information on the Maine Liquor Liability Act and Social Hosting laws contact Westbrook Partners for Prevention – email: [partnersforprevention@westbrookschoools.org](mailto:partnersforprevention@westbrookschoools.org)



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# Minors as a Seller Server or Delivery Service Challenge

## HELPING TO PROTECT YOUR BUSINESS AND LIMIT YOUR LIABILITY

Serving illegally presents legal, liability, and reputation issues for servers and businesses and risks the safety and success of young people and communities.

A minor is a person who has not attained their 21st birthday. In the alcohol law world, a minor is someone under the age of 21 (they call someone under 18 a juvenile).

By law you are supposed to card on every service of people under 27 – even if you know them or carded them the last time they came in.

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.

Reliable photographic ID must have date of birth and be from a government entity and be something the licensee feels is reliable. More information on identification of the patron is available in the next section of this toolkit and in much more detail in the RBS training for seller/servers.

### SUMMARY OF TEMPORARY GOVERNOR'S ORDER (4/27/20) ADDRESSING 'COCKTAILS TO GO'

**Effective immediately, the definition of beverage will include spirits-based "cocktails to go". The following guidelines must be followed:**

1. Cocktails must be accompanied by a food order and a sales receipt with a time stamp that indicates the time of purchase
2. Cocktails must be batched for immediate use or created individually as needed to fill a customer order
3. A container of cocktails must not exceed 4½ ounces of spirits
4. Cocktails must be in a tamper evident container provided by the licensees using one of the following processes, for example:
  - a. Crown capped glass bottles
  - b. Screw tops like a water bottle cap that break apart when opened
  - c. Vacuum and heat-sealed pouches
5. The container must have a label affixed that contains the following:
  - a. Name of establishment with date and time of production
  - b. The contents of cocktail including the proof the spirits used to create
6. Licensees must only create "cocktails to go" for their own establishment
7. Licensee opting to add cocktails to go must send an email to [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov) and to the licensee's assigned liquor licensing inspector (see below for contact info) to provide notification that the licensee is conducting "cocktails to go" activities. The email must contain the following information:
  - a. The name and license number of the participating licensee
  - b. Name, telephone, and email address of a person requesting permission
  - c. The type of tamper-proof container that the licensee will be using to create "cocktails to go"

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# Checking IDs

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## Three Basic Types of False IDs:

1. Novelty
2. Altered or Forged Identification
3. Fictitiously Obtained or Use of Another's ID

## Here are some common things to look for – and do – when trying to assess someone's ID for reliability:

- Proper lighting – Use a UV/LED combo flashlight
- Maintain proper equipment (i.e., a small magnifying glass)
- Have an ID Guide available (Contact WFPF)
- A working set of eyes, ears and mouth powered by an alert brain! (The most important tool!)
- Check the eyes/nose/mouth “T” on the face compared to who is in front of you; this is not likely to change too much even if someone has aged or gained weight or changed their appearance
- Expired or duplicate IDs are the ones minors may be given from an older family member or friend
- You can always ask for a second form of ID and compare that to what was presented for name match, etc.
- Ask other teammates or managers for assistance or a second review of the ID – again watching for the non-verbals when you tell them you need someone else to look at this ID as well

The vast majority of fake IDs used by youth will be legitimate identification belonging to another individual.

## REMEMBER - THE ONLY ID THAT YOU'RE PROTECTED BY IS A LEGITIMATE MAINE LICENSE OR ADULT IDENTIFICATION CARD ISSUED BY THE SECRETARY OF STATE

### Altered or Forged Identification:

- Check for thickness, evenly 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 on the front of the ID card
- Use the ID Checking Guide
- **TRUST YOUR INSTINCTS!**



For more detailed information on checking IDs and/or attending a Maine state certified Responsible Beverage Training offered via Westbrook Partners for Prevention, email: [partnersforprevention@westbrookschoools.org](mailto:partnersforprevention@westbrookschoools.org).

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# Visibly Intoxicated Patrons (VIPs)

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A VIP leaving your premise is the biggest threat for tragedy, violations and civil suit under the Maine Liquor Liability Act and policy should reflect that.

## POLICY. TRAINING. TEAMWORK.

Dealing with VIPs and refusing service can be more challenging than when dealing with minors – in part because they may be people you know or repeat customers.

Because of this, all employees need to work together and back each other up.

Logs to document situations can help answer law enforcement questions should a situation arise. They can also be shown in courts, if needed, to demonstrate that you take sale/service/delivery of alcohol seriously and you do not go about this role recklessly – you care enough to get training and to put some responsible practices, such as keeping a log, in place.

**Have a policy in place that encourages service of food or non-alcoholic beverages.**

- Wait staff should be continuously appraising the sobriety of each patron they serve. Speak to them, encourage them to stand, make personal contact.
- Communicate and have each other's backs!

**Be prepared! Together we can keep Westbrook healthy and safe!**

Use a log to document all situations where you must refuse sale/service because of intoxication or conduct, as well as if you arrange for a ride or responsible sober person to help a patron when they leave your premise when visibly intoxicated.

For more information on how we can help your business keep your employees and patrons safe contact:  
[partnersforprevention@westbrookschoools.org](mailto:partnersforprevention@westbrookschoools.org)



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# Creating or Updating Your Establishment's Seller/Server Alcohol Policy

## HELPING TO PROTECT YOUR BUSINESS AND LIMIT YOUR LIABILITY

Before starting you should consider what best practices you will 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. We recommend that you revisit and revise your policy annually.

**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.

Here are some excerpts from a sample Policy available at the Westbrook Partners for Prevention and the Maine State Bureau of Alcohol and Lottery Operations (BABLO):

### 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.

- "We recognize that it is a privilege to buy and sell alcoholic beverages in the State of Maine and with that privilege, realize 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 appear to be 27 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."
- 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.
- Upon completion of a policy review with a member of management, the employee will sign off that they understand and will comply with all the premise/delivery policies governing the sale of liquor or imitation liquor.
- Employees will attend a Maine State Certified Responsible Beverage Server training.
- Employees shall comply with all the Maine Liquor Laws and Rules and Regulations governing the sale of alcoholic beverages.
- When initially greeting patrons, all staff will make visual and verbal contact with them to convey greetings and to assess sobriety.
- 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 an employee is carding an individual, they will always observe the patron retrieving their ID from the wallet noting fine motor skills.
- 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.

### CARDING PRACTICES

- 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).
- Our policy is to card anyone that orders liquor or imitation liquor and appears to be under the age of 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.)
- Many establishments choose to card everyone to protect themselves.
- 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.
- 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.
- No employee will accept an expired identification card.

## Creating or Updating Your Establishment's Seller/Server Alcohol Policy, cont.

### RETAINING IDENTIFICATION

- 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.
- 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.
- Option 3:** I do not wish to include a policy about retaining a customer's ID

### VISIBLY INTOXICATED INDIVIDUALS

- No licensee shall permit or allow visibly intoxicated persons to remain on the licensed premises\* (Title 28-A -Rule 1.8).
- 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.
- 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.
- 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.
- All sale refusals due to a patron's visible intoxication are final except for 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).

### OTHER CONSIDERATIONS

- 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.
- 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).
- 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).
- 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).

I have read and understand the above policy. I hereby agree to the terms outlined above. I understand that there could be consequences for violating this policy

\_\_\_\_\_/\_\_\_\_\_  
Signature of Employee / Date

\_\_\_\_\_/\_\_\_\_\_  
Signature of Supervisor / Date





# Resources

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## WESTBROOK PARTNERS FOR PREVENTION

Supporting a safe and healthy future for Westbrook youth

Westbrook Partners for Prevention (WPP) is a community coalition whose mission is to prevent youth substance use. We provide adults with information and tools to support young people in making healthy choices while empowering youth to get involved in prevention activities.

Westbrook Partners for Prevention  
c/o Westbrook School Department  
125 Stroudwater Street  
Westbrook, ME 04092

**Program Director:** Janet Dosseva, MPH, PS-C | Email: [dossevaj@westbrookschoools.org](mailto:dossevaj@westbrookschoools.org)

**Program Coordinator:** Michael Russell | Email: [russellm@westbrookschoools.org](mailto:russellm@westbrookschoools.org)

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## RESPONSIBLE BEVERAGE SELLER SERVER TRAINING

For more information on Responsible Beverage Seller Server (RBS) training and our other programs, please contact us by Email at [partnersforprevention@westbrookschoools.org](mailto:partnersforprevention@westbrookschoools.org).

Supported by the Westbrook School Department and the Drug-Free Communities Support Program

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## MAINE BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS (B.A.B.L.O.)

Bureau of Alcoholic Beverages & Lottery Operations  
8 State House Station  
Augusta, ME 04333-0008

Westbrook Partners for Prevention thanks BABLO and their staff for the supporting documentation used in this toolkit.



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