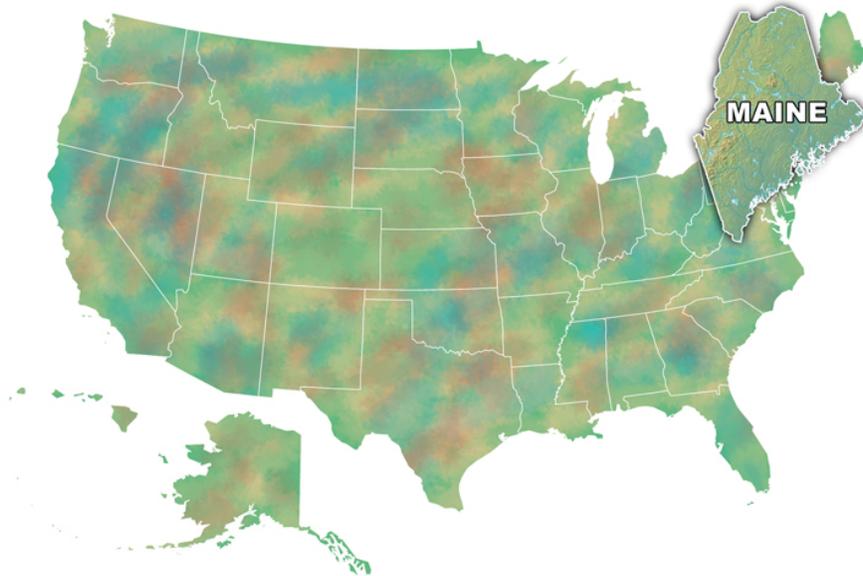


State Report

Maine

This document is excerpted from:

The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking



Maine

State Profile and Underage Drinking Facts*

State Population: 1,329,192
 Population Ages 12–20: 148,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	24.2	36,000
Past-Month Binge Alcohol Use	15.8	23,000
Ages 12–14		
Past-Month Alcohol Use	2.7	1,000
Past-Month Binge Alcohol Use	1.0	***
Ages 15–17		
Past-Month Alcohol Use	20.2	10,000
Past-Month Binge Alcohol Use	12.1	6,000
Ages 18–20		
Past-Month Alcohol Use	48.0	25,000
Past-Month Binge Alcohol Use	33.0	17,000
Alcohol-Attributable Deaths (under 21)		13
Years of Potential Life Lost (under 21)		808
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	50.0	11

* See Appendix C for data sources.

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Private residence AND
- Parent/guardian

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

- Private residence AND
- Parent/guardian

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is prohibited and there is no allowance for youth purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) targeting minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver's license suspension through a judicial procedure.

Provision(s) targeting suppliers

- It is a criminal offense to lend, transfer, or sell a false ID.

Provision(s) targeting retailers

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Retailers are permitted to seize apparently false IDs.
- No statutory affirmative defense—statutes do not provide an affirmative defense related to retailer's belief that the minor was 21 years old or older.

Note: In Maine, the Provisions Targeting Suppliers apply to acts prohibited for minors. The more general laws that address adults are not collected here as they are not, for purposes of this report, specific to the lending, transfer, sale, or production of false identification for a minor's obtaining alcoholic beverages.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.00
- Any detectable alcohol in the blood is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

No use/lose law

Graduated Driver’s License

Learner stage

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- Minimum supervised driving requirement: 35 hours, of which 5 must be at night

Intermediate stage

- Minimum age: 16
- Unsupervised night driving
 - Prohibited after: 12 a.m.
 - Primary enforcement of the night-driving rule
- Passenger restrictions exist: Immediate family members only, unless accompanied by licensed driver who is at least 20 years old
 - Primary enforcement of the passenger-restriction rule

License stage

- Minimum age to lift restrictions: 16 years, 9 months

Laws Targeting Alcohol Suppliers

Furnishing of Alcohol to Minors

Furnishing is prohibited with the following exception(s):

- Private residence AND
- Parent/guardian

Compliance Check Protocols

Age of decoy

- Minimum: 18
- Maximum: 20

Appearance requirements

- Dressed in a manner consistent with age; no sunglasses or baseball caps
- Male: No facial hair
- Female: Little or no makeup

ID possession

- Prohibited

Verbal exaggeration of age

- Prohibited

Decoy training

- Not specified

Penalty Guidelines for Sales to Minors

- Time period/conditions: Not specified
- First offense: \$200–\$400 fine
- Second offense: \$400–\$600 fine
- Third offense: \$600–\$800 fine
- Fourth offense: \$1,000–\$1,250 fine

Note: All fines come with a 20 percent surcharge and a \$100 civil legal fund fee.

Responsible Beverage Service

Voluntary beverage service training

- The law does not specify on- or off-sale establishments.
- The law does not specify new or existing outlets.

Incentive for training

- Defense in dram shop liability lawsuits

Minimum Ages for Off-Premises Sellers

- Beer: 17
- Wine: 17
- Spirits: 17

Condition(s) that must be met in order for an underage person to sell alcoholic beverages

- Manager/supervisor is present.

Minimum Ages for On-Premises Sellers

- Beer: 17 for both servers and bartenders
- Wine: 17 for both servers and bartenders
- Spirits: 17 for both servers and bartenders

Condition(s) that must be met in order for an underage person to sell alcoholic beverages

- Manager/supervisor is present.

Distance Limitations for New Alcohol Outlets near Universities and Schools

Colleges and universities

- No distance limitation

Primary and secondary schools

- Prohibitions against outlet siting:
 - Off-premises outlets: No
 - On-premises outlets: Yes—within 300 feet
 - Alcohol products: Beer, wine, spirits

Note: Exception is downtown location.

Dram Shop Liability

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$350,000 limit for all claims per occurrence. Medical care and treatment costs excluded from limit.

Note: Maine law includes a responsible beverage service defense.

Social Host Liability Laws

Statutory liability exists subject to the following conditions:

- Limitations on damages: \$350,000 limit for all claims per occurrence. Medical care and treatment costs excluded from limit.

Host Party Laws

Social host law is not specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Possession, consumption
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence
- Exception(s): Family

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

Age verification requirements

- Common carrier must verify age of recipient.

State approval/permit requirements

- Producer/shipper must obtain state permit.
- State must approve common carrier.
- Producer must record/report purchaser's name.

Shipping label statement requirements

- Contains alcohol
- Recipient must be 21

Keg Registration

- Keg definition: At least 7.75 gallons
- Prohibited:
 - Possessing an unregistered, unlabeled keg—maximum fine/jail \$500
 - Destroying the label on a keg—maximum fine/jail \$1,000/6 months
- Purchaser information collected: Purchaser's name and address
- Warning information to purchaser: Passive—no purchaser action required
- Deposit required
- Provisions do not specifically address disposable kegs

Home Delivery

- Beer: No law
- Wine: No law
- Spirits: No law

Alcohol Pricing Policies

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.35 per gallon
- Ad valorem excise tax (on-premises retail): 7 percent
 - Sales tax does NOT apply
 - Sales tax: 5 percent
- Sales tax adjusted retail ad valorem rate: 2 percent

Wine (12 percent alcohol)

- Control state

Spirits (40 percent alcohol)

- Control state

Drink Specials

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Not prohibited
- Reduced price, specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Volume discounts: Banned
- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Control state

Spirits (40 percent alcohol)

- Control state

Maine State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
There is no statewide enforcement agency. The Bureau of Liquor Enforcement was disbanded in 2003.	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Don't know
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Not applicable
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession by state law enforcement agencies	30
Number pertains to the 12 months ending	5/30/2013
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of retail licensees in state ³	4,000
Number of licensees checked for compliance by state agencies (including random checks)	1,500
Number of licensees that failed state compliance checks	150
Numbers pertain to the 12 months ending	5/30/2013
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Off-sale establishments only
<i>State conducts random underage compliance checks/decoy operations</i>	No
Number of licensees subject to random state compliance checks/decoy operations	Not applicable
Number of licensees that failed random state compliance checks	Not applicable
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Not applicable
Number of licensees that failed local compliance checks	Not applicable
Numbers pertain to the 12 months ending	5/30/2013
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Don't know
Number of fines imposed by the state ⁴	Not applicable
Total amount in fines across all licensees	Not applicable
Smallest fine imposed	Not applicable
Largest fine imposed	Not applicable

Numbers pertain to the 12 months ending	5/30/2013
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Don't know
Number of suspensions imposed by the state ⁵	Not applicable
Total days of suspensions across all licensees	Not applicable
Shortest period of suspension imposed (in days)	Not applicable
Longest period of suspension imposed (in days)	Not applicable
Numbers pertain to the 12 months ending	5/30/2013
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Don't know
Number of license revocations imposed ⁶	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Additional Clarification	Not applicable
No data	

¹ Or having consumed or purchased per state statutes.

² Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

³ Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴ Does not include fines imposed by local agencies.

⁵ Does not include suspensions imposed by local agencies.

⁶ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
<i>Enforcing the Underage Drinking Laws Law Enforcement Mini-Grant Program</i>	
Program serves specific or general population	General population
Number of youth served	Not applicable
Number of parents served	Not applicable
Number of caregivers served	Not applicable
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	
http://www.maine.gov/dhhs/samhs/osa/prevention/lawenforcement/EUDL%20Grantees%20Web/index.htm	
Program Description: This program allocated approximately \$70,000 in state funds annually to support active enforcement of underage drinking laws. Specific types of enforcement activity include:	
<ul style="list-style-type: none"> • Call-out team (unscheduled response to incident using officers not already on duty) • Planned/scheduled overtime detail to enforce underage drinking laws • Party patrol (scheduled detail scanning for underage parties) • Deterrence detail to increase public perception of underage drinking law enforcement • Third-party surveillance (i.e., parking lot surveillance, shoulder taps looking for furnishing) • Illegal alcohol source investigation (i.e., furnishing) • Proactive response/education regarding alcohol laws • Compliance checks 	
Additional Underage Drinking Prevention Programs Operated or Funded by the State	
No data	
URL for more program information: No data	
Program description: No data	
Additional Clarification	
No data	

Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: Maine is one of three states that participates in a national demonstration project funded by OJJDP called the Assessment, Strategic Planning and Implementation Initiative, also known as “The Enforcing the Underage Drinking Laws Discretionary Grant.” The goal is to make systems improvements to the way our state addresses underage drinking. As part of this grant, we reach out to the Tribes in an effort to include them in each project we undertake. Currently, they are beginning a multijurisdictional law enforcement task force to streamline the process of enforcement, prosecution, and adjudication of underage drinking cases within their Tribal law enforcement system. We are in the early phases and look forward to seeing the outcomes of this collaboration.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Description of program: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA	Yes
Agency(ies) within your state: Office of Substance Abuse and Mental Health Services	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: No data	
Additional Clarification	
No data	

State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
No data	
<i>Agencies/organizations represented on the committee:</i>	
No data	
<i>A website or other public source exists to describe committee activities</i>	No
URL or other means of access: Not applicable	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Office of Substance Abuse and Mental Health Services	
Plan can be accessed via:	
http://www.maine.gov/dhhs/samhs/osa/pubs/prev/2012/StrategicPrevPlan.pdf	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: The Office of Substance Abuse and Mental Health Services	
Plan can be accessed via:	
http://www.maine.gov/dhhs/samhs/osa/pubs/data/2013/SEOWEpiProfile2013FINAL.pdf	

Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	05/30/2013

<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$15,000
Estimate based on the 12 months ending	5/30/2013
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$300,000
Estimate based on the 12 months ending	5/30/2013
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	5/30/2013
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included:	
Estimate of state funds expended	No data
Estimate based on the 12 months ending	5/30/2013

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	Yes
Fees	No
Other:	No
<i>Description of funding streams and how they are used:</i>	
No data	
Additional Clarification	
The survey did not ask about other types of active enforcement of underage drinking laws in terms of state dollars spent. The total amount of state dollars spent on those activities is approx. \$70,000.	