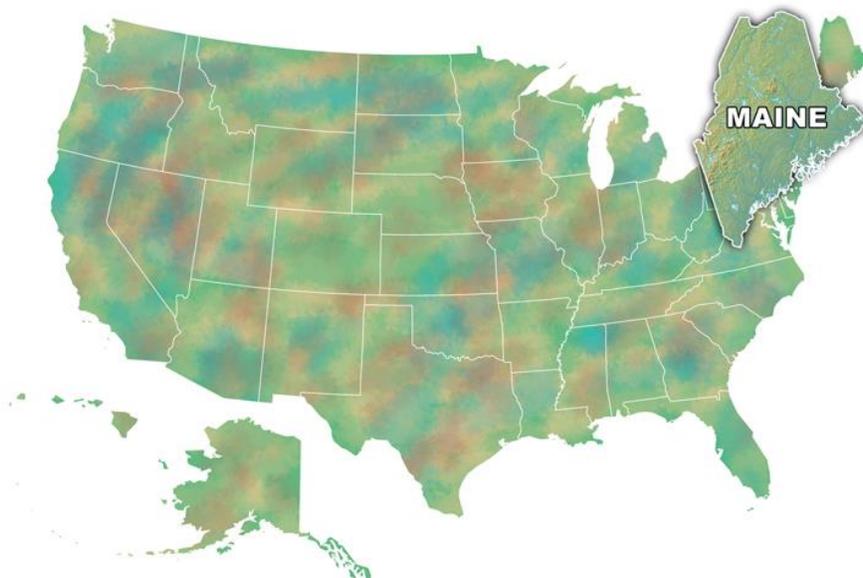


State Report

Maine

This document is excerpted from:

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



Maine

State Profile and Underage Drinking Facts*

State Population: 1,328,302
 Population Ages 12–20: 150,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	24.7	37,000
Past-Month Binge Alcohol Use	15.4	23,000
Ages 12–14		
Past-Month Alcohol Use	2.5	1,000
Past-Month Binge Alcohol Use	0.8	0
Ages 15–17		
Past-Month Alcohol Use	20.0	9,000
Past-Month Binge Alcohol Use	11.6	5,000
Ages 18–20		
Past-Month Alcohol Use	48.5	26,000
Past-Month Binge Alcohol Use	31.8	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	33	4

* 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: Age 16, \$1,500 fine and/or 14-day suspension; age 17, \$1,200 fine and/or 7-day suspension; age 18, \$750 fine; age 19, \$600 fine; age 20, \$450 fine.

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): 8 percent
 - Sales tax does not apply
 - Sales tax: 5.5 percent
- Sales tax adjusted retail ad valorem rate: 2.5 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>	
No one state agency has primary responsibility. The Maine Department of Public Safety's State Police, as well as county and local law enforcement agencies, are responsible for civil and criminal law violations (i.e., illegal possession, illegal transportation, social host, furnishing). The Bureau of Alcoholic Beverages and Lottery Operations' Liquor Licensing Division enforces administrative violations at liquor licensees (sales/service).	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<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>	
	No
Primary state agency responsible for enforcing laws addressing direct sales/shipments 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	Not readily available
Number pertains to the 12 months ending	No data
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)	No data
Number of licensees that failed state compliance checks	No data
Numbers pertain to the 12 months ending	6/30/2013
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts random underage compliance checks/decoy operations</i>	
	Yes
Number of licensees subject to random state compliance checks/decoy operations	1,586
Number of licensees that failed random state compliance checks	167
<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	Yes
Number of licensees checked for compliance by local agencies	145
Number of licensees that failed local compliance checks	16
Numbers pertain to the 12 months ending	6/30/2013

Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ⁴	Not readily available
Total amount in fines across all licensees	Not readily available
Smallest fine imposed	Not readily available
Largest fine imposed	Not readily available
Numbers pertain to the 12 months ending	No data
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	Not readily available
Total days of suspensions across all licensees	Not readily available
Shortest period of suspension imposed (in days)	Not readily available
Longest period of suspension imposed (in days)	Not readily available
Numbers pertain to the 12 months ending	No data
<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	
No data	

¹Or having consumed or purchased per state statutes.

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

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

⁴Does not include fines imposed by local agencies.

⁵Does not include suspensions imposed by local agencies.

⁶Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State	
Enforcing the Underage Drinking Laws (EUDL) Program	
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	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information: http://www.maine.gov/dhhs/samhs/osa/prevention/lawenforcement/EUDL%20Grantees%20Web/SUDS.htm	
Program Description: This program supports the active enforcement of underage drinking laws in communities through training, technical assistance (TA), resource development, and minigrants. Specific types of enforcement activity include:	
<ul style="list-style-type: none"> • Callout 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 	

<p>Maine’s Enforcing the Underage Drinking Laws Prosecutorial District Multijurisdictional Enforcement Taskforce</p>	
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:	
<p>http://www.maine.gov/dhhs/samhs/osa/prevention/lawenforcement/EUDL%20Grantees%20Web/ASPII%20Grant.htm</p>	
<p>Program Description: The purpose of the project is to reduce underage drinking and alcohol-related unintentional injuries and car crashes in Maine among persons under 21 years old. The program aims to do this by:</p> <ul style="list-style-type: none"> • Improving Maine’s system for analyzing underage drinking data to guide strategic planning • Strengthening a statewide Underage Drinking Enforcement Task Force • Systematically increasing the effective and visible enforcement of underage drinking laws through enhanced research-based prevention and intervention programming <p>By implementing these efforts statewide and within Maine’s eight Public Health Districts, this project impacts youths’, adults’, communities’, and public systems’ knowledge, attitudes, behaviors, and perceptions around underage drinking and related laws.</p> <p>The project also improves Maine’s EUDL program by improving its capacity and readiness for:</p> <ul style="list-style-type: none"> • Conducting assessments of both state and local underage drinking needs • Developing a long-range strategic plan based on a recommendation from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) • Improving access to training for law enforcement • Increasing compliance checks and utilization of immediate, effective, and/or consistent consequences for underage drinking violations 	
<p>Maine’s College Drinking Prevention Statewide Initiative: The Higher Education Alcohol Prevention Partnership (HEAPP)</p>	
Program serves specific or general population	No data
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	
<p>http://www.maine.gov/dhhs/samhs/osa/prevention/schoolcollege/heapp/index.htm</p>	
<p>Program Description: Begun in 2003, HEAPP is a program collaboratively developed between the Maine Office of Substance Abuse and Mental Health Services and many of Maine’s colleges and universities to bring about long-term, systemic change in how high-risk drinking and other substance abuse issues among Maine college/university students are addressed at both state and local levels. To address these multiple levels of the environment, HEAPP’s program plan includes strategies and tactics that occur at both the local and the state level. Strategies and activities of the statewide initiative aim to engage all colleges and universities in Maine that are interested in addressing high-risk student drinking so that non-campus-specific environmental factors and capacity for evidence-based prevention may be improved. The Partnership’s part-time staff person coordinates statewide trainings, provides technical assistance, and disseminates information and materials for college students, parents, faculty/staff, and local law enforcement statewide. Some Maine colleges and universities self-select to participate in HEAPP’s minigrant program and use the funding to implement evidence-based strategies such as:</p> <ul style="list-style-type: none"> • Developing/enhancing a campus-community coalition focused on high-risk drinking 	

- Identifying and addressing aspects of the campus and community environment that encourage high-risk drinking such as alcohol availability and advertising
- Implementing social norms marketing campaign to correct exaggerated misperceptions of student drinking patterns
- Visibly enforcing campus policies and state laws related to underage drinking and furnishing of alcohol to underage students
- Addressing problematic student drinking using online screening and intervention tools

Healthy Maine Partnerships' Underage Drinking Prevention Strategies	
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	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	
http://www.healthymainepartnerships.org/Local_Partnerships.aspx	

Program Description: A total of 27 Healthy Maine Partnerships cover the state and utilize state funding and supporting TA and resources to implement strategies to prevent underage drinking through education, community awareness and norm changing, environmental management strategies, and enforcement. Strategies are implemented at all levels of the socioecological framework.

Maine Youth Action Network (MYAN)	
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.myan.org	

Program Description: MYAN is a statewide program of the Opportunity Alliance that engages youth in efforts to create change, which makes their communities healthier and safer, including efforts to reduce underage drinking. In 2011, PROP (People's Regional Opportunity Program) and Youth Alternatives Ingraham joined to form the Opportunity Alliance. This new organization serves children, youth, adults, and seniors, individuals, families, and communities throughout Maine. The Opportunity Alliance works with people to build better lives and stronger communities. It provides advocacy, leadership, and support to identify the goals and address the needs of individuals, families, and communities.

- Mission: MYAN partners with youth to create change in their communities. This is accomplished through trainings, networking, and leadership development for youth and adults.
- Vision: MYAN's vision is that youth feel valued, empowered, and prepared to engage in and improve their communities.
- Values: MYAN strongly believes in the power of youth and adult partnerships and the capacity we all have to change the world we live in.
- Approach: MYAN's work is grounded in the models and philosophies of positive youth development. It aims to recognize each individual's strengths, help people branch out from these strengths to build new confidence and competences, and then support them as they create positive new connections and contribute to their communities.

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: State EUDL and Substance Abuse Prevention management and staff have provided information, collaboration, training, and TA around evidence-based underage drinking prevention and enforcement strategies. These efforts have resulted in establishment of a Tribal Multijurisdictional Underage Drinking Enforcement Taskforce and inclusion of underage drinking prevention and enforcement strategies into Tribal public health planning and practices.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: 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): OJJDP, Substance Abuse and Mental Health Services Administration (SAMHSA), Surgeon General, Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), collegedrinkingprevention.gov, U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Prevention (prior to its elimination)	Yes
Agency(ies) within your state: Maine State Underage Drinking Enforcement Taskforce, Attorney General's Office, State Office of Substance Abuse and Mental Health Services	Yes
Nongovernmental agency(ies): Institute of Medicine report on underage drinking, National Liquor Law Enforcement Association (NLLEA)	Yes
Other:	No
Best practice standards description:	
<ul style="list-style-type: none"> • SAMHSA's Strategic Prevention Framework State Incentive Grant (SPF SIG) model; NREPP programs and/or standards for evidence-based practice • OJJDP's Underage Drinking Enforcement Center's evidence-based underage drinking prevention and enforcement practices and procedures for planning, implementation, and evaluation • Nationally recognized and/or promoted Reports and Calls-to-Action that summarize the research and literature around best practices for underage and college drinking prevention • Training and Technical Assistance from well-regarded national sources on best practices, including: data-driven decisions, strategically planned efforts, implementation using a comprehensive web of evidence-based strategies, ongoing evaluation to continually improve efforts, and a conscious attention to sustainability and cultural competence. 	

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
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Committee contact information:

Name: Rebecca Ireland
E-mail: Rebecca.Ireland@maine.gov
Address: 41 Anthony Avenue, SHS #11, Augusta, ME 04333
Phone: 207-287-6479

Agencies/organizations represented on the committee:

Office of Substance Abuse and Mental Health Services
Bureau of Highway Safety
Maine Sheriffs Association
Maine Chiefs of Police Association

Liquor Licensing and Compliance Division Department of Education Bureau of Motor Vehicles Juvenile Justice Advisory Group (JJAG) Department of Corrections Office of Minority Health Maine Criminal Justice Academy Hancock County Sheriff's Office Sagadahoc County Sheriff's Office B.C. Consultants Catholic Charities of Maine Healthy Communities of the Capital Area Westbrook Police Department Brunswick Police Department Maine Grocers Association Maine Beer and Wine Distributors Association Maine Restaurant Association Maine Alliance to Prevent Substance Abuse AdCare Educational Girl Scouts of Maine Maine Beverage Company Youth Empowerment and Policy Project Hart Public Policy Rite Aid of Maine Pine State Trading Company Higher Education Alcohol Prevention Partnership	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://www.maine.gov/dhhs/samhs/osa/prevention/lawenforcement/EUDL%20Grantees%20Web/UADETF.htm	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Maine State Underage Drinking Enforcement Taskforce with input from over 50 state and local partners and based on the recommendations of OJJDP's Enforcing the Underage Drinking Laws Assessment, Strategic Planning, and Implementation Initiative's appointed Assessment Team of national EUDL experts Plan can be accessed via: http://www.maine.gov/dhhs/samhs/osa/prevention/lawenforcement/EUDL%20Grantees%20Web/ASPII%20Grant.htm	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Maine State Underage Drinking Enforcement Taskforce with input from over 50 state and local partners and based on the recommendations of OJJDP's Enforcing the Underage Drinking Laws Assessment, Strategic Planning, and Implementation Initiative's appointed Assessment Team of national EUDL experts Plan can be accessed via: http://www.maine.gov/dhhs/samhs/osa/prevention/lawenforcement/EUDL%20Grantees%20Web/ASPII%20Grant.htm	

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	6/30/2013
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$60,000
Estimate based on the 12 months ending	6/30/2013
<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	Data not available
Estimate based on the 12 months ending	Data not available

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No data
Fines	No data
Fees	No data
Other: Fund for Healthy Maine	Yes
<i>Description of funding streams and how they are used:</i>	
The Fund for Healthy Maine is a tobacco-settlement–funded source that supports programs that aim to protect the health of Maine citizens.	
Additional Clarification	
No data	