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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 Stores Selling 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—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. 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 recommended 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 retailers in complying with local, state, and federal laws—and with store policies—pertaining to the sale of age-restricted products, i.e. alcohol and tobacco. Underage drinking 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 retailers in carrying out a structured process to:

- 1) Review their current policies and practices relating to sales of age-restricted products
- 2) Identify "Best Practices" that may be absent
- 3) Assist in the adoption of effective responsible retailing practices that are not yet in use.

In addition to this guide, the Card ME Program also offers materials to assist retailers in implementing best practices.

These resources include:

- ◆ Posters and signage for the store in both the customer and employee areas which communicate state laws and store policies
- ◆ Register cards to inform customers of the business' commitment to responsible retailing of age-restricted products
- ◆ Pay stub labels for employees to act as on-going reminders of laws and policies around selling age-restricted products
- ◆ Occurrence log for employees and management to communicate with each other about illegal or questionable attempts to purchase age-restricted products.

Please consider connecting with community members and local prevention coalitions, so that you may all work together to reduce youth access to alcohol and tobacco.

# Implementing A Responsible Retailing Improvement Process

## Step 1: Assess your store's responsible retailing practices

- ◆ Complete the Card ME Off-Premise Licensee Checklist (see pages 18-21 of this guide) to gauge your store's responsible retailing practices.

## Step 2: Learn about best practices for responsible retailing which your store could implement

- ◆ Read this guide, which highlights pertinent state laws and highlights best practices and policies.
- ◆ Use the "Developing An Alcohol Sales Policy For Your Business Guide" to create your own store policy.
- ◆ Read "New Model for Responsible Retailing" (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 store which utilizes "Best Practices"

- ◆ Based on the results of the 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 you to implement them.
  - Create a detailed plan of action and get feedback from others.

## Step 4: Implement the improved responsible retailing system in your store

- ◆ Build "buy in" from all employees and make sure they understand why having the system protects them, the store, and the community.
- ◆ Continuously monitor and assess how the system is working and make modifications as necessary.
  - Periodically re-administer checklists.
  - 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 store.
  - "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
    - Free soft drink or snack during their break

# Best Practices and Recommended Policies

## Hiring and Training Staff



Maine state law does not currently require retail employees to receive training on the responsible sales of alcohol, do not assume a new employee has had previous training just because they have worked at another store in the past.



### Things to Do During The Hiring Process

- ◆ Let the applicant know that your store takes responsible retailing seriously.
- ◆ Let the applicant know about store policies and state laws related to the sale of alcohol.
- ◆ Screen the applicant for past violations of selling or supplying age-restricted products to minors; these violations should be taken into consideration in the hiring decision.
- ◆ Inform applicants that failure to comply with state laws and store policies constitutes grounds for disciplinary action up to and including discharge.
- ◆ Have the applicant examine an ID to 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 purchase, 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 the information in writing and require them to sign an acknowledgement form before they begin working.



### Training Tips for New Employees

- ◆ Make sure employees understand which products in your store are age-restricted.
- ◆ Thoroughly review laws pertaining to age-restricted products; 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 store policies pertaining to age-restricted products and stress the expectation that they be followed.
- ◆ Make sure the person understands the potential consequences for not complying with laws or policies.
- ◆ Emphasize that employees are encouraged to refuse any sale if they believe or suspect that the sale would violate a law or store 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 sales of age restricted purchase, such as:
  - Asking for an ID and as necessary explain why they need to see one
  - When and how to ask for a second ID
  - Declining to make a sale when the customer has no ID or when the ID shows the customer to be underage
  - Declining a sale because of concerns about whether the ID has been altered, is a fake, or is being misused
  - Recognizing and declining a third party sale where minors are using people of age to buy for them
  - Resisting customer pressure and handling a wide range of customer conduct and behaviors.



Training employees around the sale of age-restricted products 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 age-restricted products. These systems should also include components to increase accountability and communication of issues or incidents.



## Establish A Responsible Retailing System in Your Store

- Utilize Card ME posters and other printed materials, such as the register cards, which explain state laws.
- Make sure that management is giving clear and consistent messages about the importance of following laws as well as store policies and procedures around age-restricted product sales.
- Establish the use of an incident log for employees to enter information about illegal and/or questionable attempts to purchase alcohol or tobacco. Have staff regularly review the log.
- Have employees regularly sign-off on an acknowledgement that they understand state laws and store policies and procedures around the sale of age-restricted products; “signing-off” serves as a reminder and also establishes a sense of 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 Off-Premise Licensee Checklist to regularly re-evaluate your store’s policies and practices.
- Implement internal compliance checks or utilize the mystery shopper program 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 this webpage:

<http://www.maine.gov/dps/liqr/Docs/CertTrain.doc>

### Online 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 Purchases



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 and steadfast practices and policies to be followed for alcohol sales.



## 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?
- ◆ Assess acquaintances – did they accompany the person inside or did they stay outside? Do they appear to be over 27 years of age? If not, ID and/or refuse sale.
- ◆ How do they react when asked for a reliable photographic identification containing their date of birth?
- ◆ Trust your instincts.



## 'No Proof - No Sale' Policy

- ◆ **Be Cautious** – it is very hard to tell a young person's age, so ensure that staff are checking even 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** – always check, even if you think you've served the customer before or you are pretty certain they are of the right age.
- ◆ **Be Clear** – use signage to inform customers that they will be checked.
- ◆ **Be Courteous** – if you refuse a sale, let the customer know you are simply following policy and that you would be happy to complete the sale when they show a valid ID.
- ◆ **Be Conscientious** – in certain circumstances 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 retail staff can often fail to challenge underage purchasers if they feel afraid of the consequences, abuse, and violence. Make sure you and your staff feel safe and confident to challenge attempts to buy.

# Identifying Fake Identifications

Fake or altered IDs are easier than ever for young people to obtain due to the 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):

- ◆ 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 not their own, that is expired or altered, or that is 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 can:

- ◆ Check the back; look for poor photocopy quality (blurred imagery) or digitized lettering. Also, look for wording that indicates it is not 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 the sale.

If you come across what you believe to be a fake ID, you are allowed 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 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 notify law enforcement immediately that you have retained the ID.
- ◆ Report the name and address of business where ID was retained.
- ◆ Record the reason the ID was retained.
- ◆ Record the date and time the ID was retained.
- ◆ Note if the picture on the ID card matched the person presenting the ID.
- ◆ Note if the ID appeared to have been altered in any way and if so, how?
- ◆ Report the name and address of the employee retaining the ID card.
- ◆ Provide any additional information or details you may have.

# Preventing Purchases by 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 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 incoherence
- ◆ "Falling-down drunk"



## Tips for Refusing Sales to Visibly Intoxicated Persons

You can refuse to serve someone who you believe is visibly intoxicated.

- ◆ Sales clerks should be continuously evaluating the sobriety of each customer they wait on. Speak to them, encourage a response, make personal contact.
- ◆ Unless they are a threat to themselves or others, allow the visibly intoxicated person to get what they want and bring it to the check out. Take control of the alcohol and place it behind the counter. Be brief, but clear that you can not lawfully make the sale.
- ◆ When refusing service to a visibly intoxicated person, double team, preferably with a member of management.
- ◆ If you refuse a sale, advise them of your concern that they may drive under the influence; attempt to get an alternative ride or call police.

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

# Protecting Your Business

## Store Set-up, Signage, and Promotions

There are some factors which may negatively impact your business. These include: theft, loitering, and loss of your reputation as a responsible business.

### Placement of Alcohol in Your Store

Where alcohol is located in your store may affect theft rates. Because it is an age-restricted product, young people who do not steal other types of items may shoplift 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.



### Take Steps to Reduce Theft of Alcohol

#### To reduce theft of alcohol:

- ◆ Place alcohol in a part of the store that employees can see clearly; if possible install mirrors and/or surveillance equipment to assist in monitoring alcohol displays/coolers.
- ◆ Don't place alcohol too close to an entrance or exit- it makes it too easy for "grab and runs".
- ◆ Make sure that temporary store displays or signs will not impede employee's view of alcohol.
- ◆ Encourage staff to make themselves visible and offer help to anyone hanging around or acting suspiciously.
- ◆ Utilize signage at doorways and alcohol displays to make it clear that you uphold liquor laws and prosecute shoplifters.



**Do not change the placement of alcohol in your store or make an alteration or repair, which changes the store's physical character unless you have received prior permission from Maine Department of Public Safety's Liquor Licensing and Compliance Division.**

## Alcohol Promotions and Advertising

Promotions on price are an important part of your business. However, you must make sure that your promotions do not encourage or promote underage or high-risk consumption. You should be aware that irresponsible promotions undermine the status of a responsible retailer. Research shows that lower prices and frequent pricing specials lead to a higher number of drinks purchased. The more drinks that are purchased, the greater the chance for alcohol-related problems to occur and the higher the risk is for your license.

We encourage you to read and consider voluntarily adopting the Youth Empowerment and Policy (YEP) group's [Alcohol Retailer's Local Marketing Code of Conduct](#) (see page 33 of this guide).



### Guidelines for Alcohol Promotions

Take the following into consideration when planning promotions:

- ◆ Know the negative impacts on the community of setting low prices.
- ◆ Limit the number of promotions on 24 and 30 packs.
- ◆ Alcohol can NOT be given away; this includes "buy one, get one" type specials.
- ◆ Alcohol should be sold to a customer for more than the wholesaler charged you for it.
- ◆ Do not have specials or contests that require the purchase of alcohol or award alcohol.

Advertising is also an important piece of your retailing plan.



### Guidelines for Alcohol Advertising

Take the following into consideration when planning advertising:

- ◆ 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.
- ◆ 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.
- ◆ Limit or eliminate promotional displays that appeal to youth, such as blow up pools, beach balls, and other toy-like items.

## Signage



Here are some rules and regulations which affect the signage a store selling alcohol can have:

- A premise may have only one outside sign advertising liquor.
- A premise may have only one sign inside the store, which can be seen from the outside advertising liquor.
- Agency Stores may have one outside sign reading “Agency Liquor Store” with lettering no more than 18 inches high.

For a complete list of rules and regulations around signage, please refer to Maine Department of Public Safety’s Liquor Licensing and Compliance Division.

## Hours of Sale

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

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

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

## People congregating

Having people congregate or loiter outside your store may negatively impact your business by creating litter, deterring customers, and could create a nuisance or safety concerns for staff. It may also result in young people illegally gaining access to alcohol. They may stop customers on the way into the store to purchase alcohol for them (called “shoulder-tapping”). Because of the crowd, your staff may not be able to see the request to purchase being made nor the exchange of alcohol after the sale.



## Reduce Loitering or Congregating Outside Your Store

To reduce loitering:

- Assess lighting outside your store; 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 store-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.
- 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 and Compliance 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  
State House Station #11  
Augusta, ME 04333-0011  
207-287-2595  
TTY: 1-800-606-0215  
Fax: 207-287-4334  
[www.maineosa.org](http://www.maineosa.org)



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# Appendices

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

The checklist tool 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.gov/prevention/community/licensee/policy.htm](http://www.maineosa.gov/prevention/community/licensee/policy.htm)

## **4. Alcohol Retailer’s Local Marketing Code of Conduct**

This Code of Conduct is a voluntary code created by the Maine Youth Empowerment and Policy (YEP) group in partnership with a number of Maine alcohol retailers to reduce youth exposure to alcohol marketing.

## Card ME Off-Premise Licensee Checklist

Dear Maine Liquor Licensee,

This tool was designed to provide you with a way to assess your store's responsible alcohol retailing system and to identify areas for improvement. The first two pages of the tool contain a checklist where you can inventory which specific responsible retailing 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 retailing system and reduce your store's risk for illegal alcohol sales.

### 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 store 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 store's responsible retailing system.
3. Refer to the Card ME "Guide for Stores Selling Alcohol" to learn details about the policies and best practices which could improve your store's responsible retailing system and lower your risk. Review the items in the Card ME Retailer'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 store's responsible retailing system.
5. Six months after you completed the Card ME Off-Premise Licensee Checklist, complete the "In 6 Months" column of the chart on pages 1 and 2 of the tool. Assess where your store has made improvements and identify areas needing further improvement.
6. Continue re-assessing your store every six months even after you have implemented all the recommended best practices.

## Card ME Off-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> Check Y if you have the items below, check N if you do not	1st time		2nd time	
	Date		Date	
	Y	N	Y	N
A copy of state and local liquor laws is easily found in the store				
A written store policy about the sale of alcohol in the store				
Signs are posted in clear view that say:				
your store will not sell or provide alcohol to people under the age of 21				
anyone who appears younger than 27 will be asked for an ID				
shoplifters will be prosecuted				
no loitering outside your store				
Clerks have a reasonably clear view of the outside of the store				
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>	1st time		2nd time	
1 = Never	Date		Date	
2 = Sometimes	Y	N	Y	N
3 = Often				
4 = Almost always				
5 = Always				
U= Unsure/Unknown				
When setting up in-store promotions, do you consider the age of the people who might be most influenced by the displays? (E.g. do the displays use inflatable products that might be viewed as toys or does the display use things that appeal to people under the age of 21?)				
Do employees record sale of alcohol refusals 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>		1st time	2nd time
Rate how consistently the following occur in your establishment using the scale below:		Date	Date
1 = Never	4 = Almost always	Y N	Y N
2 = Sometimes	5 = Always		
3 = Often	U= Unsure/Unknown		
<b><i>Before</i></b> hiring a new employee does management do the following with applicants:			
Review state and local liquor laws and store policies regarding alcohol sales?			
Talk about the importance of following laws related to not selling alcohol to people under the age of 21?			
Talk about the consequences under state/local laws for clerks who sell alcohol to minors, including the store policy about continued employment?			
Ask them if they have ever been cited for selling or supplying alcohol to anyone under the age of 21?			
Ask them to read and sign your store's policy on alcohol sales to underage people?			

<b>Section III. Training Practices</b>		1st time	2nd time
Rate how consistently the following occur in your establishment using the scale below:		Date	Date
1 = Never	4 = Almost always	Y N	Y N
2 = Sometimes	5 = Always		
3 = Often	U= Unsure/Unknown		
<i>Before</i> the new employee begins work, does management ask new hires if they understand state and local liquor laws and the store's policy regarding alcohol sales 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			
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 a sale (including visibly intoxicated persons)			
How to refuse a sale			
How to resist customer pressure and handling abusive conduct			
How to identify a third party sale			
How to monitor the store's surroundings			

**Review your answers and for each of the sections and list some practices your store 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 Stores Selling Alcohol" which provides more information and best practices related to responsible alcohol retailing.*

Section I. Managing Practices

Section II. Hiring Practices

Section III. Training Practices

Card ME Off-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.

**Contact:** Brad Krevor, Ph.D, RR Forum Project Director [Krevor@brandeis.edu](mailto:Krevor@brandeis.edu) , 781 736-4839.

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# **A GUIDE TO ASSIST YOU IN DEVELOPING YOUR BUSINESS' ALCOHOL SALES POLICY**

## **Off 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 off 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.

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. Policies 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

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

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 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.**

## **Sample Liquor Policy Mission Statement**

The "Speedy Mart" 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. Cashiers will make verbal and visual contact with all customers purchasing liquor or imitation liquor.
- B. 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.

- C. When making verbal contact, employees will ask the patron a question that would invoke a response such as, “How are you?”, “Did you find everything?”, “How is the weather?” Note any odor of liquor on the patron’s breath and any signs of slurring.

### **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. Cashier must ask for a reliable identification from anyone under 27 years of age **every time** they enter the store 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. No employee will accept an expired identification card.
- E. The cashier will ask for a current, reliable and verifiable pictured identification containing the patron’s date of birth (acceptable are state driver’s license, state non-driver identification card or a Passport). 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 27 years of age, the employee will ask for a secondary form of identification, such as a military ID, passport, credit/debit card, etc.
- F. The cashier 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.

- G. The cashier 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?)
- H. In the event any patron fails to show proper identification or if there is doubt by the cashier 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.

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

- I. **Option #1.** When a patron displays an identification card that is obviously false, the cashier will refuse 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.
- J. **Option #2.** When a patron displays an identification card that is obviously false, the cashier 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 person appears to be visibly intoxicated the cashier will allow the individual to bring the alcohol to the checkout. The clerk will place the alcoholic beverage behind the register and, when possible, the clerk will double team with a member from management explaining to the patron in brief, but clear terms that Maine law and store policy prohibit them from making the sale. Clerks will not argue with a visibly intoxicated person.
- B. The cashier or management team member will attempt to invite the patron to the side and advise them of their concern for their safety and offer to call alternative transportation.
- C. If a patron who is visibly intoxicated chooses to drive, the clerk or management team member will call the police immediately and give them a description of the person, their vehicle and direction of travel.
- D. All store staff will continuously appraise the sobriety of patrons within the store who appear to be purchasing alcoholic beverages and when observations of visible intoxication are made, bring them to the attention of management or sales clerks.

- E. All sale refusals because of a patron's visible intoxication are final with the exception of a patron advising the clerk 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. 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>
- B Employees will always be professional, friendly and polite with all patrons when complying with Maine law and/or store policy, explaining that when service is declined, it is because of Maine law and/or store policy.
- C. A person may not consume liquor on the property of an off-premise licensee licensed under chapter 50 except as provided in section 1205.\* (Title 28-A, section 1206).
- D. 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).
- E. 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.
- F. All questionable incidents involving patrons will be written down in a store log, noting the date, time, name of employees involved and brief statement of facts of the incident. It will be the responsibility of the store manager or duty clerk to log these incidents. **(A sample log sheet can be found in the Card ME Program materials.)**
- G. No employee under 17 years of age may accept payment for the sale of malt liquor or wine at the checkout counter of an off-premise retail licensee's establishment\* (Title 28-A, Section 1202).
- H. An employee who is at least 17 years of age but less than 21 years of age may accept payment 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 1202).
- I. 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).
- J. No wholesale or retail licensee shall permit the direct handling of liquor on his licensed premises by any person under the age of 15 years\* (Title 28-A rule 3.4).

- K. 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. An establishment may wish to make the carding policy the same for tobacco and liquor where the two are very similar in statutory requirements. (Review Title 28-A, Section 706 & Title 22, Section 155-B)

B. If you have considered incorporating programs such as “No Butts” or “Card Me” into your responsible service plan, it may be beneficial to review the program with a “No Butts” or “Card Me” sponsor prior to drafting your alcohol and tobacco policy.

- For more information on No Butts, contact: Partnership for Tobacco-Free Maine, 207-287-5762.
- For more information on the Card ME Program, contact: The Office of Substance Abuse, 207-287-2595.

C. The licensee should decide what disciplinary action will be taken for non-compliance of the policy, i.e., dismissal, retraining, progressive discipline, etc.

D. 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)



## Alcohol Retailer's Local Marketing Code of Conduct

Youth Empowerment and Policy (YEP) group, a statewide youth advocacy group consisting of high school and college students created this first in the nation Alcohol Retailer's Local Marketing Code of Conduct. YEP members developed the Code in partnership with local alcohol retailers. In 2005, YEP conducted a survey of 500 Maine students that demonstrated that young people are exposed to a significant amount of alcohol marketing and that young people were attracted to and influenced by this marketing. "We are concerned and upset by the negative impact underage drinking has on our friends, schools and communities," said Vanessa Ouellette, YEP member, "and we are determined to do something about it." YEP members determined that they wanted to reduce youth exposure to alcohol marketing and looked at local point of sale marketing as something they might be able to influence.

*1. It is the responsibility of every retail manager to be aware of how alcohol marketing in their stores may affect underage individuals and to minimize the impact of alcohol advertising on youth to the best of their ability.*

*2. To the greatest extent possible, given store size and other limitations, placement of alcohol products and displays should be in areas less frequented by children. An effort should be made to keep alcohol products and displays away from areas that display candy and toys.*

*3. Alcohol signage should be placed above children's eye level and should not be located in areas frequented by children, i.e. Store entrances, checkout areas, candy, and toy areas.*

*4. Displays featuring sports figures, blow-up items, and appeals to sex symbols should be minimized. As the retailers stated "price should sell the product".*

*5. Outside signage should comply with state law.*

*6. Local retailers need to regularly and consistently ask their distributors and vendors to comply with this code and provide materials that comply with this code.*

For more information about the Youth Empowerment and Policy Project:



AdCare Educational Institute  
75 Stone Street  
Augusta, ME 04330  
Telephone: 207-626-3615  
TTY: 207-623-0830  
Fax: 207-621-2550

On the Web: <http://www.neias.org/YEP/>

**Maine Office of Substance Abuse  
41 Anthony Avenue  
#11 State House Station  
Augusta, ME 04333-0011  
Ph: 207-287-2595  
TTY: 1-800-606-0215  
Email: [osa.ircosa@maine.gov](mailto:osa.ircosa@maine.gov)  
Web: [www.maineosa.org](http://www.maineosa.org)**

**Printed March 2010**

*This project was supported by Grant No. 2007-AH-FX-0007 awarded by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice with support from the Fund for Healthy Maine and administered through The Maine Office of Substance Abuse.*



*John E. Baldacci, Governor*

*Brenda M. Harvey, Commissioner*

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