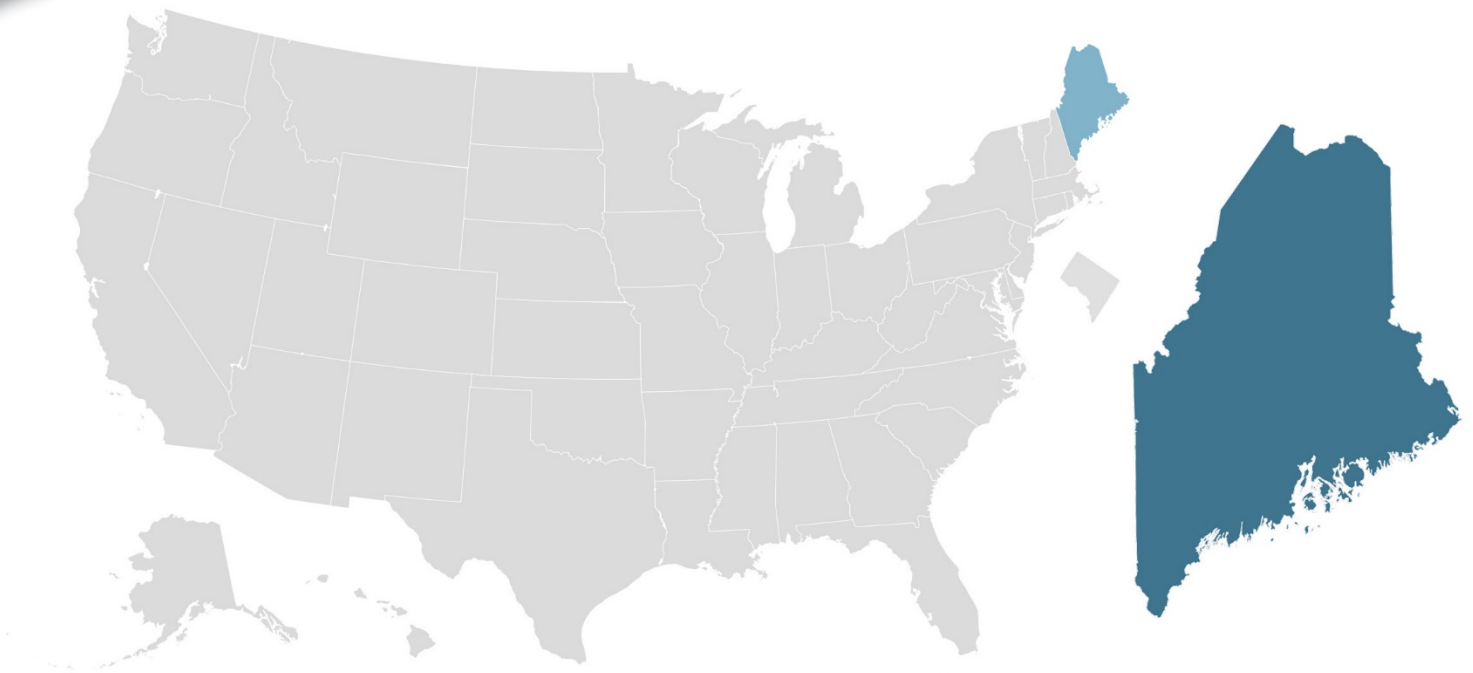




SAMHSA
Substance Abuse and Mental Health
Services Administration

Maine

2021 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the *State Reports* were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2020. Regional and state profile data were drawn from the most recently available federal survey data as of 2019. State legal data reflect the status of the law as of January 1, 2020. State survey data, collected in 2020, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2016 through 2019 National Surveys on Drug Use and Health (NSDUH), the Substance Abuse and Mental Health Services Administration’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2020). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application served as the resource for data about alcohol-attributable deaths from 2011–2015 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2019 data used to present statistics about fatalities among 15- to 20-year-old drivers.

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Maine

State Population: 1,344,212

Population Ages 12–20: 141,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	31,000 (22%)
Past-Month Binge Alcohol Use – Number (Percentage)	21,000 (14.9%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	1,000 (2.2%)
Past-Month Binge Alcohol Use – Number (Percentage)	1,000 (1.2%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	8,000 (16.9%)
Past-Month Binge Alcohol Use – Number (Percentage)	4,000 (9.4%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	23,000 (43.7%)
Past-Month Binge Alcohol Use – Number (Percentage)	16,000 (31.6%)
Adults Ages 18 +	
Past-Month Alcohol Use – (Percentage)	(59.5%)
Past-Month Binge Alcohol Use – (Percentage)	(23.4%)
Age of Initiation of Alcohol Use	
Average Age of Initiation	16.5
Alcohol-Related Deaths	
Alcohol-Attributable Deaths (under 21)	10
Years of Potential Life Lost (under 21)	623
Fatal Crashes Involving a 15- to 20-Year-Old Driver with Blood Alcohol Concentration (BAC) > 0.01%¹	
Number of Fatalities Involving 15- to 20-Year-Old Driver with BAC > 0.01%	4
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	(33%)

¹ Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number, however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health System Overview⁷

Overview and Organizational Structure of the Public Behavioral Health System in Maine

Maine's behavioral health system is under the purview of the Maine Department of Health and Human Services. It currently consists of the following offices: Office of Substance Abuse and Mental Health Services (SAMHS), Office of Child and Family Services, Office of Aging and Disability Services, Office of Family Independence, the Maine Centers for Disease Control and Prevention (Maine CDC), and the Office of Maine Care Services.

SAMHS provides statewide leadership in defining, measuring, and improving the quality of services and supports to individuals in need of substance abuse services across the continuum of care: intervention, treatment, and recovery. In September 2012, the Office of Substance Abuse and the Office of Adult Mental Health Services were merged to form one state agency: SAMHS. The rationale for this change was to bring the various behavioral health agencies in the state together to further integrate and provide a more holistic milieu of services and support to the people of Maine. The new organization consists of the office of the director and associate directors, treatment and recovery staff, quality and data team, special projects, and financial and administrative personnel.

SAMHS and Maine CDC are centralized in the capital of the state and contract with providers statewide to administer necessary services. Through these contracts, SAMHS and Maine CDC contribute resources at the public health district level, though unlike other offices, they do not have staff located at the public health district level. SAMHS staff is responsible for contract monitoring, providing technical assistance, and site visits to ensure quality of services being provided.

Substance Abuse Prevention Program

For several years, the state's substance abuse prevention program was housed under the single state authority, which was SAMHS in Augusta, Maine. In February 2016, the prevention program was moved from SAMHS to the Maine CDC, to be merged with the tobacco prevention and control program. As a result of this merger, a new program has emerged and is named the Tobacco and Substance Use Prevention and Control Program (TSUPC). While the new program is still responsible for implementing the 20 percent set aside of the Substance Abuse Prevention and Treatment Block Grant (SABG), they are also responsible for implementing the state's tobacco prevention and control program. This has provided increased visibility of substance use prevention as a public health issue and has provided increased opportunities to collaborate with other public health programs. The new TSUPC program has four teams that work together with the common goal to reduce substance and tobacco use in Maine and eliminate the consequences of such use. These four teams include the Prevention Team, Clinical Interventions and Data Team, Policy and Communications Team, and Adolescent Health and Injury Prevention Team. In total, there are 12 staff in this program.

⁷ Extracted from fiscal year (FY) 2020/2021 – (Maine) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), Center for Substance Abuse Prevention (CSAP), Division of State Programs, Center for Substance Abuse Treatment (CSAT), Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

Prevention Services

Maine has a somewhat newly created (three years old) structure for the implementation of prevention services in the state. This system, called Maine Prevention Services (MPS), includes five domains (Domain 1: Substance Use Prevention, Domain 2: Tobacco Use and Exposure Prevention, Domain 3: Youth Engagement, Domain 4: Mass Reach Health Communications, and Domain 5: Obesity). The state of Maine contracts with five vendors to provide statewide services under each domain. Each domain (with the exception of Domain 4) has sub-recipients who provide these services to local communities across Maine.

Statewide substance use prevention services are being implemented through a Maine CDC contract with the University of New England (Domain 1 of MPS), which has 21 sub-recipients across Maine that are implementing prevention by using the Strategic Prevention Framework Model. They are required to complete an assessment of their communities utilizing data from the State Epidemiological Outcomes Work Group, local-level data, and environmental scanning and then determine capacity to implement prevention services. Sub-recipients then develop a work plan based on those assessments after they are provided with a pre-approved list of interventions and activities that they can implement. The sub-recipients implement the interventions, report on these monthly, and go through a process to evaluate the effectiveness of that intervention for their community.

Expenditures for Substance Abuse Prevention and Treatment

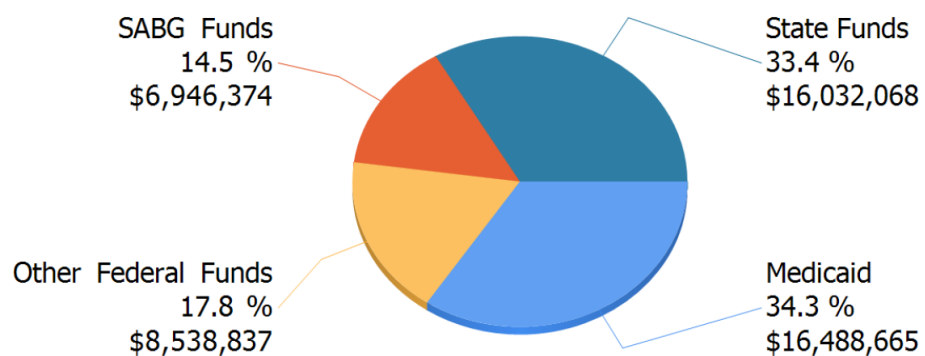
All states receive federal funds for substance abuse prevention through the SABG, administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Maine used for expenditures on substance abuse prevention and treatment in 2020. As indicated, Medicaid funds and state funds account for the largest sources (34.3 percent and 33.4 percent, respectively).⁸

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2020–2021, Maine designated reduction of alcohol and other drugs use among youth and young adults as priority number one for use of SABG funds.⁹

⁸ WebBGAS State Profile, 2020 SABG and MHBG Reports – Maine 2020.

⁹ FY 2020/2021 – (Maine) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, CSAT, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

Exhibit 1: Sources of Maine's 2020 Expenditures for Substance Abuse Prevention and Treatment



State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Maine's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

The following sections address these measures:

State Laws and Policies: These underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:

1. Underage possession or purchase of alcohol.
2. Underage drinking and driving.
3. Alcohol availability.
4. Sales and delivery to consumers at home.
5. Alcohol pricing.
6. Enforcement policies.

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

1. Enforcement programs to promote compliance with underage drinking laws and regulations.
2. Programs targeted to youth, parents, and caregivers to deter underage drinking.
3. State interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns.
4. State expenditures on the prevention of underage drinking.

Underage Possession or Purchase of Alcohol

Underage Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships? <ul style="list-style-type: none"> Is possession allowed if parent or guardian is present or consents? Is possession allowed if spouse is present or consents? 	Yes, in specified locations – see below No
Is there an exception based on location?	Yes, in a private residence if parent/guardian is present or consents

Underage Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships? <ul style="list-style-type: none"> Is consumption allowed if parent or guardian is present or consents? Is consumption allowed if spouse is present or consents? 	Yes, in specified locations – see below No
Is there an exception based on location?	Yes, in a private residence if parent/guardian is present or consents

Underage Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships? <ul style="list-style-type: none"> Is internal possession allowed if parent or guardian is present or consents? Is internal possession allowed if spouse is present or consents? 	N/A N/A
Is there an exception based on location?	N/A

Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Underage False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	

Is the lending or transferring or selling of a false ID prohibited?	Yes
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Are state driver's licenses for persons under 21 easily distinguishable from licenses for persons 21 and over?	Yes
May the retailer seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	Yes
Does an affirmative defense exist for the retailer?	No
• Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?	N/A
• Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?	N/A
Does the retailer have the right to sue the minor for use of a false ID?	No
May the retailer detain a minor who used a false ID?	No
Notes: In Maine, the Provisions Targeting Suppliers apply to acts prohibited by minors. The more general laws that address adults are not collected here as they are not specific to the lending, transfer, sale, or production of false identification for a minor's obtaining alcoholic beverages.	

Underage Drinking and Driving

Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	0
What is the maximum age to which the limit applies?	21

Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	No
What types of violation lead to license suspension or revocation?	

• Purchase of alcohol	N/A
• Possession of alcohol	N/A
• Consumption of alcohol	N/A
The law applies to people under what age?	N/A
Is suspension or revocation mandatory or discretionary?	N/A
What is the length of suspension/revocation?	
Minimum number of days	N/A
Maximum number of days	N/A

Graduated Driver's Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians, or other adults (other than instructors)?	15
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians, or adults before advancing to intermediate stage?	70 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	16
For night driving, when does adult supervision requirement begin?	12:00 AM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes
Are there restrictions on passengers?	Yes; immediate family members only, unless accompanied by licensed driver who is at least 20 years old
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes
License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	16 years, 9 months

Alcohol Availability

Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes, in specified locations
	No

<ul style="list-style-type: none"> Is furnishing allowed if the spouse supplies the alcohol? 	
Is there an exception based on location?	Yes, in a private residence, if parent/guardian/spouse supplies alcohol
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

Responsible Beverage Service (RBS)	
Is there a state law pertaining to Beverage Service Training?	Yes, voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
<ul style="list-style-type: none"> Defense in dram shop liability lawsuits 	Yes
<ul style="list-style-type: none"> Discounts in dram shop liability insurance, license fees, or other 	No
<ul style="list-style-type: none"> Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons 	No
<ul style="list-style-type: none"> Protection against license revocation for sales to minors or sales to intoxicated persons 	No
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Unspecified
Does the RBS law apply to new or existing licensees?	Unspecified

Minimum Age for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	17
Wine	17
Spirits	17
Does a manager or supervisor have to be present when an underage person is selling beverages?	Yes

Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	17
Wine	17
Spirits	17

What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	17
Wine	17
Spirits	17
Does a manager or supervisor have to be present when an underage person is selling beverages?	Yes

Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools

Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 300 feet
To which alcohol products does requirement apply?	Beer, wine, spirits
Notes: Exception is downtown location.	

Dram Shop Liability

Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	Yes (\$350,000 limit for all claims per occurrence. Medical care and treatment costs excluded from limit.)
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No
Notes: Me. Rev. Stat. Ann. tit. 28-A, § 2515 includes a responsible beverage service defense.	

Social Host Liability

Does a statute create social host liability?	Yes
Does the statute limit damages that may be recovered?	Yes (\$350,000 limit for all claims per occurrence. Medical care and treatment costs excluded from limit.)
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law social host liability exist?	No

Notes: Me. Rev. Stat. Ann. tit. 28-A, § 2515 includes a responsible beverage service defense.

Prohibitions Against Hosting Underage Drinking Parties

Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	General
What action by underage guest triggers a violation?	Possession/consumption
Property type covered by the law?	Residential/outdoor/other
What level of knowledge by the host is required?	Knowledge (Host must have actual knowledge of party)
Does host's preventive action protect him/her from being held liable?	No
Are there any exceptions for underage guests?	Yes, family members

Keg Registration

How is a keg defined (in gallons)?	Equal to or more than 5.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	Yes (maximum fine \$500)
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	Yes (maximum fine/jail, \$1,000/6 months)
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	No
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Passive (requires no action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No

High-Proof Grain Alcohol Beverages

Are there restrictions on the sale of high-proof grain alcohol beverages?	No; however, this state is a control state, and control states may impose additional restrictions on the sale of products that are not reflected in statute or regulation.
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Sales and Delivery to Consumers at Home

Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	No
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes

Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No Law
Wine	No Law
Spirits	No Law

Alcohol Pricing

Alcohol Taxes	
Beer	
Control system for beer?	No

Specific excise tax per gallon for 5% alcohol beer	\$0.35
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	8.00%
If retail tax rate applies, is there an exemption from general sales tax?	Yes
• General sales tax rate	5.50%
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	2.50%
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
• General sales tax rate	Not relevant
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Wine	
Control system for wine?	Yes
Specific excise tax per gallon for 12% alcohol wine	
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
• General sales tax rate	
• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)	
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
• General sales tax rate	

<ul style="list-style-type: none"> Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	Yes
Specific excise tax per gallon for 40% alcohol spirits	
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
<ul style="list-style-type: none"> General sales tax rate 	
<ul style="list-style-type: none"> Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	
<ul style="list-style-type: none"> General sales tax rate 	
<ul style="list-style-type: none"> Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Additional taxes for 15 – 50% alcohol spirits if applicable	

Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	Yes
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	Yes
Increased volume without increase in price	No

Wholesaler Pricing Restrictions	
Beer	

Are volume discounts to retailers allowed?	Banned
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post and hold (30 days)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
Wine	Control System
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A
Spirits	Control System
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A

Enforcement Policies

Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	18
What is the maximum age a decoy may be to participate in a compliance check?	20
Are there appearance requirements for the decoy?	Yes, dressed in a manner consistent with age. No sunglasses or baseball caps. Male: No facial hair. Female: Little or no makeup.
Does decoy carry ID during compliance check?	Prohibited
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Not specified

Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third and subsequent offenses?	N/A
What is the penalty for the first offense?	16 year old: \$1,500 fine and/or 14-day suspension 17 year old: \$1,200 fine and/or 7-day suspension 18 year old: \$750 fine 19 year old: \$600 fine 20 year old: \$450 fine
What is the penalty for the second offense?	N/A
What is the penalty for the third offense?	N/A
What is the penalty for the fourth offense?	N/A

Maine State Survey Responses

State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

The Bureau of Alcoholic Beverages and Lottery Operations (BABLO)

Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes

State has a program to investigate and enforce direct sales/shipment laws

Yes

Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors

BABLO

Such laws are also enforced by local law enforcement agencies

Yes

Enforcement Statistics

State collects data on the number of minors found in possession

Yes

Number of minors found in possession¹ by state law enforcement agencies

99

Number pertains to the 12 months ending

12/31/2019

Data include arrests/citations issued by local law enforcement agencies

Yes

State conducts underage compliance checks/decoy operations² to determine whether alcohol retailers are complying with laws prohibiting sales to minors

Yes

Data are collected on these activities

Yes

Number of retail licensees in state³

4,800

Number of licensees checked for compliance by state agencies (including random checks)

1,767

Number of licensees that failed state compliance checks

115

Numbers pertain to the 12 months ending

12/31/2019

Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments

Both on- and off-sale establishments

*State conducts **random** underage compliance checks/decoy operations*

Yes

Number of licensees subject to **random** state compliance checks/decoy operations

1,767

Number of licensees that failed **random** state compliance checks

115

Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors

Yes

Data are collected on these activities

Yes

Number of licensees checked for compliance by local agencies

9

Number of licensees that failed local compliance checks

0

Numbers pertain to the 12 months ending

12/31/2019

Sanctions

State collects data on fines imposed on retail establishments that furnish to minors

Yes

Number of fines imposed by the state⁴

81

Total amount in fines across all licensees

\$47,609

Smallest fine imposed	\$265
Largest fine imposed	\$1,475
Numbers pertain to the 12 months ending	12/31/2019
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state ⁵	0
Total days of suspensions across all licensees	0
Shortest period of suspension imposed (in days)	0
Longest period of suspension imposed (in days)	0
Numbers pertain to the 12 months ending	12/31/2019
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	12/31/2019

Additional Clarification

In regards to whether the data provided for minors in possession arrests includes arrests/citations issued by local law enforcement agencies, the entity Dirigo Safety, which provided this data to the Maine Centers for Disease Control and Prevention (CDC), had this clarification to add:

"This data does, but it is not all inclusive. It only includes the data from the 25 departments under contract with Dirigo for the MHHS CDC EUDL Grant. For a complete picture of state statistics, you'd need to get the statistics from BABLO and/or Maine Crimes. However, you should be careful not to duplicate the data. I think what we report is also simultaneously reported to BABLO and maybe Maine Crimes?"

I requested this information from BABLO and Maine Crimes as advised, and they did not have numbers available to report.

So, in short, the full answer to Number 8 is, "Yes, but not every 2019 instance."

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

Maine Substance Use Prevention Services

Number of youth served	Exact data is unavailable as youth counts from each program become duplicative. This results in total youth reached count per our CY19 data that exceeds the actual population size in Maine (over 1.5 million)
Number of parents served	Numbers are only tracked at the youth level
Number of caregivers served	Numbers are only tracked at the youth level
Program has been evaluated	Yes

Evaluation report is available
 URL for evaluation report
 URL for more program information

No
 Not applicable
<https://substanceuseprevention.org/>

Program Description: Maine Department of Health and Human Services (DHHS), through various grants such as the Federal Block Grant and Partnerships for Success, provides funding to the University of New England, Maine Substance Use Prevention Services. Maine Substance Use Prevention Services contracts with 20 sub-recipients throughout the state that engage in substance use prevention, including a major focus on underage drinking prevention and high-risk alcohol use reduction in 18-25 year olds. Through these services, the following Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) interventions aimed at underage drinking prevention were implemented:

1. Information Dissemination—material and message dissemination around underage drinking prevention information (increasing awareness of risks and harms, tips for talking with young people about alcohol, limiting access to alcohol, parental monitoring tips);
2. Education—substance abuse/misuse education sessions for groups on a variety of issues (a Teen Center Group and a Move More Kids Day);
3. Environmental—training for people selling/serving alcohol; social hosting; establishing/reviewing/changing policies; prevention and underage drinking enforcement patrols; Parents Who Host, Lose the Most; underage drinking tip solicitation initiatives;
4. Community-Based Processes—multijurisdictional/multiorganizational coordination and planning of underage drinking prevention and enforcement efforts; and
5. Problem Identification and Referral—promotion of alcoholscreening.org tool. The program and strategies serve a variety of individuals, including youth, parents, caregivers, retailers, law enforcement, and the general population.

Prevention for ME site

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	https://preventionforme.org/

Program Description: Maine DHHS, CDC, Tobacco and Substance Use Prevention and Control, manages the Prevention for ME site (<https://preventionforme.org/>), which includes youth- and alcohol-specific information, an internal policy-building tool for liquor licensees, and more. The site also contains the Maine Prevention Store and catalogs available alcohol resources. The Tobacco and Substance Use Prevention and Control Program supports the implementation of Prime For Life® through its various sources of funding. Prime For Life® is an evidence-based motivational prevention, intervention, and pretreatment program designed by the Prevention Research Institute (PRI). Prime For Life® is implemented as an educational tool and strategic approach to preventing high-risk substance use choices by youth, young adults, and adults. The Tobacco and Substance Use Prevention Program also created and facilitates a monthly Alcohol Stakeholder Prevention Work Group made up of partners from various sectors from across the state that have a vested interest in alcohol use prevention (partners listed in “State Interagency Collaboration” section).

Additional Underage Drinking Prevention Programs Operated or Funded by the State

No data

Additional Clarification

Community prevention programs aimed at underage drinking prevention are funded through a variety of federal grant opportunities—not with state funding.

Additional Information Related to Underage Drinking Prevention Programs

<i>State collaborates with federally recognized tribal governments in the prevention of underage drinking</i>	Yes
<p>Description of collaboration: The tribal communities have an agreement with a public health organization to ensure the availability, coordination, and cultural appropriateness of public health services for all the federally recognized tribal governments with lands dispersed throughout the State of Maine. This organization receives funding from the State of Maine to be a sub-recipient of Maine Substance Use Prevention Services and as such, collaborates with the State and other underage drinking prevention stakeholders to plan and implement efforts to reduce youth and young adult use of alcohol.</p> <p>Maine's Substance Use Prevention Program works with the state's Tribal Public Health District—Wabanaki Public Health—to implement underage drinking and alcohol use prevention strategies in the communities it serves. Wabanaki Public Health serves four tribes located in five communities: the Houlton Band of Maliseet Indians; the Aroostook Band of Micmac Indians; the Passamaquoddy at Indian Township and Pleasant Point; and the Penobscot Nation members, on- and off-reservation.</p>	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
<p>Description of program: Maine has implemented the CardME program to restrict youth access to alcohol at the point of sale. It includes guidelines for the pricing and promotion of alcohol. CardME can be found at http://www.maine.gov/dhhs/mecdc/population-health/prevention/community/licensee/cardme/index.htm</p> <p>Maine also uses its pricing and promotion program to limit the number of alcohol advertisements that target youth. More information can be found here: http://www.maine.gov/dhhs/mecdc/population-health/prevention/community/licensee/pricepromo.htm</p>	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns: Talk, They Hear You; Re-Thinking Drinking	Yes
Regional and local media campaigns: Find Out More. Do More; + Influence; Be a Hero; You Are Prevention	Yes
Local school district efforts: Various print, electronic, paid media campaigns implemented in schools designed and/or implemented in partnership with Maine Substance Use Prevention Services sub-recipients such as Parents Who Host, Lose the Most, social norms marketing campaigns, and variety of other local, state, national campaigns	Yes
Other:	No
<i>State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You." (TTHY)</i>	Yes
State officially endorses TTHY efforts	No
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other: Our sub-recipient coalitions that receive funding from us implement this locally.	Yes
<i>State procures funding for TTHY</i>	Yes
Pro bono	No
Donated air time	No
Earned media	No
Other: Federal grant awards	Yes
<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): Office of Juvenile Justice and Delinquency Prevention (OJJDP) Yes

Agency(ies) within your state: BABLO; Maine Department of Public Safety Yes

Nongovernmental agency(ies): No

Other: No

Best practice standards description: Maine developed a list of approved strategies that may be utilized by the Enforcing Underage Drinking Laws (EUDL) programs it funds. This was developed through federal grants from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and state-level task forces involving state and local law enforcement and prevention professionals. The Maine Department of Public Safety has a model underage drinking policy for law enforcement agencies through the Maine Chiefs of Police. BABLO maintains policies and agreements for the best practices and protocol of compliance checks. All funding provided by Maine DHHS for underage drinking and alcohol use prevention must adhere to the standards developed through the process described above.

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Yes

Committee contact information:

Name: Ellen Blake

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Address: 286 Water St., Augusta, Maine 04333

Phone: (207) 287-5762

Agencies/organizations represented on the committee:

AAA Northern New England

Adcare Educational Institute of Maine

American Liver Foundation

BABLO

Dirigo Safety, LLC

Maine Alliance for Addiction and Mental Health Services

Maine Bureau of Highway Safety

Maine Centers for Disease Control and Prevention

Maine Criminal Justice Academy

Maine Department of Corrections

Maine Department of Education

Maine Department of Public Safety

Maine Department of Transportation

Maine Sheriffs Association

Maine Youth Action Network

Public Consulting Group, Inc.

Rinck Advertising

University of New England

A website or other public source exists to describe committee activities No

URL or other means of access: Not applicable

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last three years Yes

Prepared by: Hornby Zellar Associates (Now Public Consulting Group, or PCG), Maine CDC, and the Maine State Epidemiology Outcomes Workgroup (SEOW) prepared Maine's Substance Use Prevention Strategic Plan.

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 three years</i>	Yes
Prepared by: SEOW	
Report can be accessed via:	
https://www.maine-seow.com/Documents/2018/SEOW%20EpiProfile%202018%20with%20sub%20state%20data%2011302018.pdf	

Additional Clarification

No data

State Expenditures for the Prevention of Underage Drinking*Compliance checks in retail outlets:*

Estimate of state funds expended	\$77,319.83
Estimate based on the 12 months ending	12/31/2019

Checkpoints and saturation patrols:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Community-based programs to prevent underage drinking:

Estimate of state funds expended	\$471,508.51
Estimate based on the 12 months ending	12/31/2019

K–12 school-based programs to prevent underage drinking:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Programs targeted to institutes of higher learning:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Programs that target youth in the juvenile justice system:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Programs that target youth in the child welfare system:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Other programs:

Programs or strategies included:	Data not available
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Funds Dedicated to Underage Drinking*State derives funds dedicated to underage drinking from the following revenue streams:*

Taxes	No data
Fines	No data
Fees	No data
Other: Premiums	Yes

Description of funding streams and how they are used:

Per Maine statute, premiums are applied to certain liquor products sold within the state. These premiums are collected by BABLO and appropriated from the state general fund to Maine DHHS (MRSA, Title 28-A, section 1703; <http://legislature.maine.gov/legis/statutes/28-A/title28-Asec1703.html>): "The amount of funds appropriated from the General Fund to the Department of Health and Human Services for substance abuse prevention and treatment may not be less than the dollar amount collected or received by the bureau under this section."

Additional Clarification

Since 2017 a contracted vendor has been administering the EUDL program and continues to provide compliance inspections, party patrols, underage drinking details, cops in shops, shoulder tap operations, and surveillance. The total amount of state dollars administered through EUDL for these combined efforts in 2019 was \$77,319.83.

There also are some community organizations that complement the work of the EUDL program and enforcement activities of BABLO by providing funds to their local departments to execute approved EUDL strategies.

The estimation of 2019 community-based funding for underage drinking prevention includes federal grant funds disbursed from Maine DHHS through the University of New England, Maine Prevention Services, to community coalitions supporting underage drinking prevention activities, such as community education, information dissemination, and environmental strategies. The amount estimated to be spent on underage drinking prevention initiatives by community prevention providers between January 1, 2019, and December 31, 2019, is \$394,188.68. Together, these efforts equal a total expenditure of \$471,508.51.



**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

Benjamin Zaremba
Cannabis Unlimited
LD 94

Hello,

I am testifying AGAINST L.D. 94. This bill not only hurts sick patients, it is also a direct stab at thousands of already struggling small businesses in the medical program. This bill is proposed to limit the sale cannabis to minors, which is illegal and already has rules and repercussions, yet there is no mention of Adult Use stores having to change how they operate.

Medical caregivers must record the patients medical card that they have to purchase yearly, as well as a valid I.D., while Adult use stores only record an I.D. This means that for a person to buy cannabis it is more simple to go to an Adult Use store. Based off of this common sense, if we are going to focus on sales to minors we should worry about Adult Use stores. Instead of a program that is was created to help sick people and requires more identification/doctors recommendation already. We should stop pestering the people who are trying to help others. If worried about minors we should focus on the easier route for minors, which would be an Adult use stores.

I have attached a survey done by the state of Maine and The Interagency Coordinating Committee on the Prevention of Underage drinking, found on stopalcoholabuse.gov. This survey shows that even though alcohol is illegal to anyone under the age of 21, in one month of 2020 alone about 141,000 minors between 12-20 abused/consumed alcohol in Maine. In a state of 1,344,212 people, this means over 10% of Maines population are minors finding and consuming alcohol. Maine's alcohol licensing program is very extensive, much more established than any cannabis program. The government has been working for decades to regulate and stop minors, yet 141,000 minors over 10% of our population found a way around this. Statistically, alcohol causes far more harm and in 2020 alone caused 10 underage deaths in Maine. I do not want to compare alcohol, which causes harm and deaths, to cannabis. The point to be taken from this data is that very regulated and long established industries have failed time and time again to stop underage consumption. This being said, it is not logical to focus resources on a small helpful medical program than a large, profit driven, easier accessible adult use program.

This bill proposes that Caregivers can no longer help people searching for relief with a medical card from another state. There are thousands of patients who rely on caregivers to have a normal quality of life. These patients who take the time to travel to our beautiful state for help, also in turn are paying taxes on their purchases and stimulating Maine's economy. In such a tough economic time, it would not make sense that the state would want to reduce their income and also hurt thousands of small businesses at the same time.

Without question, protecting minors and keeping them safe should always be the top priority. This bill seems to care more about a few kids who tried to buy cannabis, more than the countless amount of patients who rely and would not have quality of life without. These patients shouldn't be punished for the wrongdoing of a few bad apples that may or may not exist. If preventative measures should be taken, it should be with the easier accessible adult use stores.

If this bill is to stop minors from accessing cannabis illegally, it would be intelligent to focus on Adult Use stores who have much higher traffic and only need one form of I.D. to purchase. It doesn't matter if the human is 12 or 85 years old, humans take the path of least resistance, in cannabis the easiest path is adult use stores and not medical caregivers. Being 21 years old has never stopped minors from drinking recreational alcohol, we shouldn't expect anything different from Adult Use recreational cannabis as directly shown in the attached data.

This bill also proposes that medical patients with a valid out of state card should not be able to get help from a caregiver in Maine. This is sad and a cruel that anyone would want to limit the wellbeing of another human. This is directly hurting sick

people who have proudly supported maine caregivers that are known to be the most helpful medical providers in the East Coast. People travel from far and plan trips to come to Maine, just to receive help because it is the best they can get. As a state, we should be extremely proud of the positive impact this does to our world. Patients cannot receive the same quality cannabis from Adult use stores. Patients will not come here for recreational cannabis they can buy almost anywhere now. Adult use cannabis is not the same as medical cannabis. Adult use is grown for pure profit while medical is grown with the intention to be the highest grade possible even if the profit margin is lower. Stopping out of state patients while allowing anyone from out of state to buy from adult use stores only makes sense if people care about money over human well-being. Does the state of Maine care about money more than human life and health? From what I have witnessed in my life, here in Maine we put human life first.

Caregivers are well informed on who benefits and profits from the harmful agenda of L.D 94. It is abundantly clear that patients, caregivers, and many family owned small businesses are under attack from the large corporations and people who have a vested interest. The amount of bills proposed in the last 6 months alone that would suppress the medical system and benefit adult use is not only absurd, but a waste of taxpayers money. Every other state in the country besides Maine has had their small business medical system destroyed by large corporations who lobby for their own profit and agendas. It is clear that this agenda benefits Adult use stores, and harms medical caregivers. Maine has allowed for these small businesses to flourish and now it is partially their duty to protect and preserve patients rights and small business caregivers livelihoods by not supporting silly bill such as L.D 94.

L.D 94 has a good intention to stop minors from buying cannabis. But the fact is that this is already highly illegal and also a rare occurrence. Medical caregivers are not a risk to minors, adult use cannabis promotes the recreational use far more and sends a message that it is for fun, and not to health. Minors are consuming for recreational uses and not medical, or they would have a medical card. This bill would harm thousands of people who are trying their best to find relieve and to help others find relief. L.D. 94 causes far more harm to patients than it ever could protect minors, therefore I am strongly against this bill.

Thank you for your time.