

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 954

S.P. 320

In Senate, February 3, 1999

An Act to Improve Alcohol Server Education Courses.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: O'BRIEN of Augusta, TUTTLE of Sanford.

Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 28-A MRSA §2515, sub-§1, ¶A**, as enacted by PL 1987, c.
4 45, Pt. A, §4, is amended to read:

6 A. The server's and server's employees attendance at a an
8 approved server education training course; and

10 **Sec. 2. 28-A MRSA §2519, sub-§2, ¶D**, as enacted by PL 1987, c.
12 45, Pt. A, §4, is amended to read:

14 D. A representative of the ~~Department--of--Human--Services~~
16 Office of Substance Abuse;

18 **Sec. 3. 28-A MRSA §2519, sub-§2, ¶E**, as amended by PL 1989, c.
20 700, Pt. A, §117, is further amended to read:

22 E. A representative of the ~~Department---of---Education~~
24 education community;

26 **Sec. 4. 28-A MRSA §2519, sub-§3, ¶C**, as enacted by PL 1987, c.
28 45, Pt. A, §4, is amended to read:

30 C. Participants are evaluated before taking the course and
32 after completion of the course. After review of a course,
34 the advisory committee may exempt participants from being
36 evaluated before taking the course.

38 **Sec. 5. 28-A MRSA §2519, sub-§5**, as amended by PL 1997, c.
40 373, §167, is further amended to read:

42 5. **Fee.** The fee for enrollment in a bureau alcohol server
44 education course is ~~\$28~~ \$10 per participant. The fees collected
46 must be retained by the bureau to cover the costs related to
48 alcohol server education training.

Sec. 6. 28-A MRSA §2519, sub-§6, as amended by PL 1997, c.
38 373, §168, is further amended to read:

40 6. **Instructor training.** Each instructor providing
42 instruction in an approved alcohol server education course shall
44 biennially attend a seminar on the liquor laws of the State
46 provided by an employee officer of the bureau. The instructor
48 shall attend the seminar prior to teaching an approved alcohol
server education course in this State. If the instructor meets
the requirements of subsection 6-A, the instructor must receive
an alcohol server instructor's certificate. There is a \$5 ~~\$10~~
fee for the seminar to offset expenses incurred in carrying out
this subsection. ~~The--instructor--of--each--course--provided--shall~~

2 ~~supply the bureau with the name, address and telephone number of~~
3 ~~each attendant.~~

4 **Sec. 7. 28-A MRSA §2519, sub-§§6-A and 6-B** are enacted to read:

6 6-A. Instructor qualifications. In order to qualify for an
7 alcohol server instructor's certificate, an instructor shall:

8 A. Attend a seminar biennially as provided in subsection 6;

10 B. Apply for a certificate for each approved course to be
12 instructed; and

14 C. Provide a letter from an officer of the bureau
16 acknowledging that the instructor is in good standing with
17 the approved course; and

18 In addition to the requirements of paragraphs A to C, an
19 instructor seeking recertification shall conduct a minimum of 4
20 courses during the previous certification term for the course for
21 which the instructor is seeking recertification.

22 6-B. Suspension of certificate. The commissioner may
23 suspend or revoke an alcohol server instructor's certificate upon
24 the recommendation of the advisory committee. The following are
25 grounds for an action to suspend or revoke a certificate:

28 A. Repeated instances of failure to provide timely,
29 accurate or legible information required by subsection 7;

30 B. Repeated instances of failure to follow the course
31 outline or cover the course criteria that were used to gain
32 approval; or

33 C. Receipt of a request to suspend or revoke a certificate
34 from the officer of the bureau administering the course for
35 which the instructor is certified to teach.

38 **Sec. 8. 28-A MRSA §2519, sub-§7**, as amended by PL 1997, c.
39 373, §168, is further amended to read:

42 **7. Course accountability.** The chief may appoint an
43 employee officer of the bureau to monitor each alcohol server
44 education course to ensure that the course presents proper
45 training and meets the approved criteria. The bureau shall
46 maintain a record of the participants who have completed an
47 alcohol server training course. Each instructor of an approved
48 course shall provide the chief with the names, addresses, dates
of birth and the driver's license numbers, state identification

2 card numbers or social security numbers of students who complete
the course and the date of completion. The instructors shall
forward \$3 ~~of the enrollment fee~~ to the bureau for every name
4 submitted. The amounts collected must be retained by the bureau
to cover costs ~~incurred in carrying out this subsection~~ related
6 to alcohol server education training.

8

SUMMARY

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The bill amends the alcohol server education course as
12 follows.

14 1. It allows for the admissibility of evidence that serving
practices were not negligent or reckless for servers who attend
16 alcohol server education courses recommended by the Server
Education Advisory Committee and approved by the Commissioner of
18 Public Safety.

20 2. It adjusts the membership of the Server Education
Advisory Committee to reflect current attendance.

22

24 3. It allows the Server Education Advisory Committee to
relax the preevaluation process for certain alcohol server
courses.

26

28 4. It reduces the fee for attending an alcohol server
education course sponsored by the Bureau of Liquor Enforcement
from \$28 to \$10 and dedicates the fee to maintaining alcohol
30 server education training.

32

5. It creates a certification process for alcohol server
course instructors.