

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1919

S.P. 717

In Senate, December 17, 2001

An Act to Allow Approval of Internet-based Alcohol Server Education Courses.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Received by the Secretary of the Senate on December 17, 2001. Referred to the Committee on Legal and Veterans Affairs and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in black ink that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative LABRECQUE of Gorham and
Senator WOODCOCK of Franklin, Representative: TUTTLE of Sanford.

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

2 **Sec. 1. 28-A MRSA §2519, sub-§1**, as amended by PL 1997, c.
4 373, §166, is further amended to read:

6 **1. Approval of alcohol server education courses.** The
8 commissioner or the commissioner's designee shall approve alcohol
10 server education courses for a period of 2 years that meet the
12 criteria developed under this section. The commissioner may
14 renew approval provided the course meets the criteria applicable
16 at the time of renewal.

18 Course providers may request renewal by submitting current course
20 material at least 60 days prior to the date of expiration.

22 **Sec. 2. 28-A MRSA §2519, sub-§3**, as enacted by PL 1987, c. 45,
24 Pt. A, §4, is amended to read:

26 **3. Advisory committee; course criteria.** The advisory
28 committee shall determine specific criteria ~~which~~ that an alcohol
30 server education course must contain to receive approval. The
32 specific criteria ~~shall~~ must be based on and include the
34 following.

36 A. The instructors of the program or the advisor pursuant
38 to subsection 9 possess the relevant skills to provide
40 instruction.

42 B. The course provides instruction and the development of
44 skills in the following subject matters:

46 (1) Identification of intoxicated individuals and
48 minors;

50 (2) Intervention to prevent excessive consumption of
alcohol by such methods as serving food and encouraging
the consumption of nonalcoholic beverages;

(3) Making consumers aware of their condition and
their responsibility for driving in an intoxicated
condition and providing alternate transportation when
available;

(4) Knowledge of state laws relating to the sale and
distribution of alcohol and the legal responsibilities
of servers and consumers;

(5) Knowledge of the effect of alcohol by volume and
timing of intake in relation to an individual's weight;

- 2 (6) Examination of proof of age identification and
methods of detecting false or altered age
4 identification documents;
- 6 (7) Policies and practices to prevent the sale or
service of alcohol to minors and visibly intoxicated
8 individuals; and
- 10 (8) The effects of alcohol on the human body,
including the disease concept of alcoholism.

12 C. Participants are evaluated before taking the course and
after completion of the course.

14 D. Participants who successfully complete the course and
16 the final evaluation are awarded certificates recognizing
that they have successfully completed an approved alcohol
18 server education course.

20 **Sec. 3. 28-A MRSA §2519, sub-§6-A**, as enacted by PL 1999, c.
519, §7, is amended to read:

22 **6-A. Instructor qualifications.** In order to qualify for an
24 alcohol server instructor's certificate, an instructor shall:

- 26 A. Attend a seminar biennially as provided in subsection 6;
- 28 B. Apply for a certificate for each approved course to be
instructed; and
- 30 C. Provide a letter from the administrator of the course
32 approved by the advisory committee to train instructors
acknowledging that the instructor is in good standing with
34 the approved course; ~~and.~~

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

40 **Sec. 4. 28-A MRSA §2519, sub-§6-B**, as enacted by PL 1999, c.
42 519, §7, is amended to read:

44 **6-B. Suspension of certificate.** The commissioner or the
46 commissioner's designee may suspend or revoke an alcohol server
instructor's or advisor's certificate upon the recommendation of
the advisory committee. The following are grounds for an action
48 to suspend or revoke a certificate:

- 2 A. Repeated instances of failure to provide timely,
accurate or legible information required by subsection 7;
- 4 B. Repeated instances of failure to follow the course
outline or cover the course criteria that were used to gain
6 approval; or
- 8 C. Receipt of a request to suspend or revoke a certificate
from the administrator of the course approved by the
10 advisory committee to train instructors.

12 **Sec. 5. 28-A MRSA §2519, sub-§§6-C and 6-D** are enacted to read:

14 **6-C. Advisor training.** Each advisor, pursuant to
subsection 9, must be certified under subsection 6-D prior to
16 providing advisory assistance in an approved Internet-based
alcohol server education course and shall biennially attend a
18 seminar on the liquor laws of the State provided by an officer of
the bureau. The fee for the seminar is the same as in subsection
20 6.

22 **6-D. Advisor qualifications.** In order to qualify for an
alcohol server advisor's certificate an advisor shall:

- 24 A. Attend a seminar biennially as provided in subsection 6;
- 26 B. Apply for a certificate for each approved course that
28 the advisor offers services for; and
- 30 C. Provide a letter from the administrator of the course
approved by the advisory committee to train advisors
32 acknowledging that the advisor is in good standing with the
approved course.

34 **Sec. 6. 28-A MRSA §2519, sub-§8,** as amended by PL 1997, c.
36 373, §169 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is
further amended to read:

38 **8. Alcohol server education courses; approval; suspension;
40 revocation.** The commissioner or the commissioner's designee may
refuse to issue or renew approval for an alcohol server education
42 course. The commissioner or the commissioner's designee may
suspend or revoke approval for an alcohol server education course
44 upon the recommendation of the advisory committee after reviewing
the report of the monitor. The following are grounds for an
46 action to refuse to issue or renew approval or to suspend or
revoke approval.

48

2 A. The advisory committee finds that an alcohol server
education course does not meet the criteria listed in
4 subsection 3 or specific criteria determined by the
committee.

6 B. The course, when presented, does not follow specific
criteria determined by the advisory committee before
8 issuance of approval.

10 C. The instructor of the course does not provide
information or access to the monitor as required by
12 subsection 7.

14 D. Fraud or deceit is used to obtain course approval or in
16 providing the course or issuing certificates.

A person aggrieved by a decision of the commissioner or the
18 commissioner's designee to refuse to issue or renew approval or
to suspend or revoke approval for an alcohol server education
20 course may, within 30 days of receipt of that decision, appeal
the decision to the District Court.

22 **Sec. 7. 28-A MRSA §2519, sub-§9** is enacted to read:
24

9. Approval of Internet-based alcohol server education
26 **courses.** The commissioner or the commissioner's designee may
approve an Internet-based alcohol server education course if the
28 course meets the criteria developed under this section. An
approved Internet-based alcohol server education course must have
30 an advisor, certified under subsection 6-D, available to answer
questions for persons using the Internet-based alcohol server
32 education course.

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SUMMARY

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This bill allows the Commissioner of Public Safety or the
38 commissioner's designee to approve Internet-based alcohol server
education courses.