

Know the Law!

Minor in Possession

It is a *civil violation* for a minor (anyone under age 21) to possess liquor or imitation liquor except within the scope of their employment or in the home/presence of their parent. Possession by consumption applies if there is any alcohol in the minor's bloodstream. A minor can be considered in possession if alcohol is within arm's reach.

Fines of \$100-\$500 plus court fees.

Disorderly Conduct

Includes fighting in public, goading someone to fight in public or in private, or making disturbing noise (including music, yelling, shouting, hooting, whistling, etc.). Noise levels are limited to 55-60 Db after 10pm (equivalent to the level of conversational speech, as measured at the property line.)

Fines of \$100-\$500 plus court fees.

Maine Liquor Liability Law

In addition to any criminal charges, anyone who serves alcohol to a minor or visibly intoxicated person can be held liable for damages, injury and loss to a person or property in a civil action.

Damages up to \$350,000 per person, plus victim's unlimited lifetime medical expenses.

Providing Alcohol to Minors (Furnishing) or Providing a Place for Minors to Consume

It is a *criminal offense* for any person, adult or minor, to furnish liquor or imitation liquor to a minor, or allow a minor under that person's control, or in any place under that person's control, to possess or consume liquor or imitation liquor.

Fines of \$500 - \$2,000, and/or a jail sentence of 6-12 months.

If injury or death occurs due to the actions of guests, the person responsible for furnishing the alcohol may be charged with a felony.

Disorderly Houses Ordinance

A building may be designated a Disorderly House if the police have visited the building a minimum number of times in any 30 day period, ranging from 3 to 5 times depending on the number of units. Calls are in response to disturbances created by the owner, tenants, or guest. The owner of a Disorderly House is required to meet with police to develop and implement a plan to improve the situation, and may be held responsible for the cost of future police calls.

Repeated designations as a Disorderly House may result in the building being condemned and some or all tenants being required to vacate.

Protecting Your Investment: A Guide for Landlords

Tips to Prevent High-Risk Drinking from Impacting Your Rental Property



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The information contained in this brochure was developed by Maine's Higher Education Alcohol Prevention Partnership, in collaboration with the Maine Office of Substance Abuse and Maine's Colleges and Universities to Reduce High-Risk Drinking and Related Problems.

Why should you address high-risk drinking on your property?

Because high-risk drinking can . . .



- ... **Negatively impact your investment.**
 - Higher maintenance costs and management time requirements
 - Potential decrease in property value and public perception
 - Damages may exceed security deposits
- ... **Increase your legal and liability issues.**
 - Claims for accidents and injuries
 - Not addressing problem behavior could lead to liability for negligence

... Lead to property management nightmares.

- Damages
- Littering/waste
- Grievances
- Vandalism
- Parking issues
- Noise/nuisance

... Negatively impact your community.

- Decreased sense of public safety
- Visible damage to public & private property
- Noise, especially at night
- Displays of public intoxication
- Drain on public resources
- A negative example for neighborhood youth



Resources exist which can support you in addressing this issue with tenants:

- On a college campus, contact the Dean of Student Affairs Office, Campus Security, or the Student Conduct Office.
- In your community, contact the police or the Southern Maine Landlords Assoc.

For more information on Underage, College and High-Risk Drinking:

- **Office of Substance Abuse's Information and Resource Center**
<http://www.maineosa.org/irc> • 1-800-499-0027 • TTY: 1-800-215-7604
- **Higher Education Ctr for Alcohol and Other Drug Prevention** • www.edc.org/hec
- **Nat'l Institute on Alcohol Abuse and Alcoholism - College Drinking Task Force**
www.collegedrinkingprevention.gov

Preventing and Avoiding Alcohol-Related Problems at Your Rental Properties

Attract and rent to respectful tenants.

- Maintain the property** inside and out.
- Ask tenants or contacts you hold in high regard** to spread the word about vacancies.
- When advertising, **describe the kind of behavior** you expect of tenants.
- Throughout the application process, **express the pride** you take in your property and **talk about behavioral expectations** you have for tenants.

Have tenants sign a comprehensive lease outlining responsibilities/expectations.

- Include an "illegal activities clause"** stating that tenants are expected to obey all federal, state, and local laws and ordinances, including those relating to alcohol/drugs. Consider stating that the suspicion of illegal behavior will be reported to the authorities.
- Address tenants' responsibility for their guests' behavior**; set a maximum number of guests per unit.
- Designate parking areas** and give suggestions for guest parking.
- Define acceptable noise levels** and relevant codes.
- Detail acceptable and unacceptable uses of yards and porches**, including hours of use.
- Designate where trash should be deposited** and what items are not allowed in the yard (such as couches).

Be visible and monitor the property.

- Drive by and walk around the property**, especially on Thursday, Friday, or Saturday nights after 10 PM when gatherings typically occur.
- Check the noise level** outside the property and in common areas such as hallways.
- Address parking issues.** This is a good way to let the tenants know you are paying attention.
- Be seen taking care of the property** and talking with neighbors – this will send the message that you care about the property and the neighborhood.

Open the lines of communication.

- Encourage tenants and neighbors who have minor complaints to address them** directly with the source of the problem and to describe how the behavior affects their quality of life.
- When there are more severe or re-occurring complaints, **address them promptly, directly and clearly.** Focus on the behavior – not the person – to reduce the likelihood of tenants feeling defensive.
- Discuss with both parties** measures which can be taken to avoid future problems.