

18-553 Ch. 104

2026-072

(2026-P194)

18-553 Ch. 107

2026-073

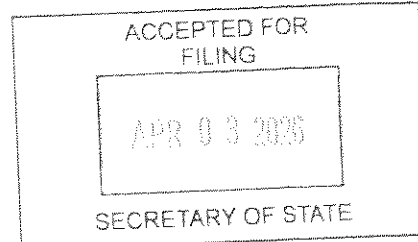
(2026-P195)

MAPA-1

OFFICE OF THE

SECRETARY OF STATE

Cover Sheet



TO:

ATTN:

Administrative Procedure Act Office
State House Station 184
Augusta, Maine 04333-184

1. Agency: BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
2. Agency Umbrella Number and Unit Number: ADM 18L 001506
3. Chapter Number and Rule Title: 104 PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS AND CERTIFICATE OF APPROVAL
107 ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS
4. Date(s)/Method(s) of Notice: Wednesday, November 26, 2025, Secretary of State Consolidated Rulemaking Notice
5. Date(s)/Location(s) of Hearing(s): Monday December 15, 2025, 1PM, 19 Union St, 3rd Floor, Room 325, Augusta, ME 04330
6. Rule Action:

Amendment of Existing Rule

Is this an emergency rule?: No

EFFECTIVE DATE:

APR 03 2026

7. Name, Mailing Address, Telephone Number, and Email Address of Agency Contact Person:
Devon Cook
8 SHS, Augusta, ME 04333-0008
207-446-3857
Devon.cook@maine.gov
8. If a major substantive rule under Title 5, c. 375, sub-c. 2-A, choose one of the following:

Choose an item.

CERTIFICATION STATEMENT

I hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by
(agency name) The Bureau of Alcoholic Beverages and Lottery Operations on (date)


I further certify that all portions of this rule are adopted in compliance with the requirements of the
Maine Administrative Procedure Act.

Signature: 
(Original signature, personally signed by the head of agency)

Printed Name and Title: Louis Michini, Director BARLO

DEPARTMENT OF THE ATTORNEY GENERAL APPROVAL AS TO FORM AND LEGALITY

Approved as to form and legality by the Department of the Attorney General on (date)

3/17/26
Signature: 
(Original signature, personally signed by Assistant Attorney General)

Printed Name: Mandy Dow
Assistant Attorney General

**Chapter 104: ~~PREMISES LICENSED ASSUPPLIERS AND WHOLESALERS,~~
~~MANUFACTURERS AND CERTIFICATE OF APPROVAL~~**

(Note: this rule chapter was formerly 16-226 Ch. 4 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)

1. ~~No holder of a Certificate of Approval shall offer to a wholesaler any brand that would by nature of its label be handled by a single licensee or a restricted group of licensees. All such brands approved for sale must be available to all retail licensees for resale to the consuming public. In instances wherein the affected~~ where a wholesaler has a brand on allocation, all retail licensees shall be allowed, on a percentage basis, to purchase the allocated brand.

2. ~~No holder of a Certificate of Approval, Brewery, Winery, or Wholesale~~ certificate of approval holder or wholesale licensee will provide any equipment pertaining to dispensing or storage of liquor except knobs on the dispensers which designate the brand on tap. After written notification to the Bureau, a Wholesale licensee may sell, give and install a keg tapping device, air hoses, beer hoses, air ducts and insulation for draft beer lines, including washers, clamps, faucets, air regulators, blowers and shanks. Towers, drain pans, refrigeration units for draft systems and other devices not specifically allowed by this rule are prohibited. The servicing and repair of the ~~draught~~ draft equipment for the purposes of cleaning ~~the beer lines~~ is allowed without written notice. A record must be maintained by all licensees for all services and equipment provided or sold.
 - A. ~~A Wholesale~~ wholesale licensee with prior written approval may loan draft equipment to holders of special catering permits issued under ~~Title 28A section 1052~~ 28-A M.R.S. § 1052 and to holders of licenses issued under ~~28A M.R.S. § 1071~~ section 1071. This equipment may be used at temporarily licensed locations only and may not be used at a license holders regularly licensed premises.
 - B. All licensees, including the retailer, will be jointly responsible for compliance with these rules.
 - ~~C. A Wholesale licensee may sell portable draft equipment to an off premise retail licensee if the value of such device does not exceed \$250. A record must be maintained for all such transactions with the off premise licensee.~~
 - C. A certificate of approval holder or wholesale licensee shall not provide draft line cleaning, maintenance, or similar services relating to draft systems for any retail licensee without offering the same services on similar terms to all other retail licensees. If a certificate of approval holder or wholesale licensee provides routine draft line cleaning or maintenance to retail licensees, such service shall not be considered a gift or thing of value under § 17(A);

3. ~~All Certificate of Approval holders and Alcoholic Beverages Manufacturers~~certificate of approval holders and wholesale licensees doing business in this State will provide the Bureau with the names and addresses of all persons authorized to represent them as sales and promotional agents. The license fee for sales representatives is provided for in ~~Title 28-A, Section 1551~~28-A M.R.S. § 1551.
4. *(Not in use.)*
5. ~~All Certificate of Approval~~certificate of approval holders, when submitting copies of invoices to the Bureau for shipments to Maine wholesale licensees, where shipments include more than one purchase order, shall render separate invoices with the purchase order number entered thereon for that part of the shipment which applies to each order. ~~Prompt filing of invoices by Certificate holders means a copy of the invoice shall be sent to the Bureau no later than when the wholesaler is invoiced or when shipment is made.~~ An invoice must be rendered to the wholesaler before or at shipment.
6. There shall be no refund of excise tax for malt liquor, table, sparkling, fortified wine, or low alcohol spirits sold to government instrumentalities or foreign vessels unless they are submitted to the Bureau within 90 days of the invoice sale date. All merchandise destroyed for a refund of the excise tax shall be done only with an authorized Bureau employee.
7. No Maine wholesale licensee shall sell any product to any person who has not been issued the appropriate beer or wine license except government instrumentalities certified by the Bureau.
9. *(Repealed.)*
10. *(Repealed.)*
11. *(Repealed.)*
12. ~~No Manufacturer or Certificate of Approval holder, or Wholesaler,~~certificate of approval holder or wholesale licensee shall exact from or require by contract, understanding, or otherwise which would require any licensee to handle or sell only the products of any particular ~~Manufacturer or Certificate of Approval holder~~ certificate of approval wholesaler. A wholesale licensee may not refuse to sell to a retail licensee in ~~his~~its allotted territory.
13. A wholesale licensee or ~~his~~its representative or agent shall not handle or disturb another wholesaler's merchandise. Wholesalers and retailers are jointly liable for compliance with this rule.

- A. Certificate of approval holders and ~~Wholesalers~~ may furnish displays to retailers provided the cost does not exceed \$300 per display, including delivery and labor. Product sold for display cannot be returned for a refund.
- B. Pricing is allowed on Point-of-Sale material only.
14. No holder of a Certificate of Approval, wholesaler ~~dealer~~ certificate of approval holder, wholesale licensee or their agent shall:
- A. Clean, dust or wash shelves or self-service coolers;
- B. Construct, repair or replace shelving;
- C. Employ or allow a third party to accomplish (A) or (B) of this regulation.
15. Samples given to licensees under ~~M.R.S.A. 28-A subsection 1402-A~~ 28-A M.R.S. § 1402-A, must be in the original sealed containers and previously unopened ~~except wine samples as permitted by 28-A M.R.S. § 1402-A(3-A).~~
16. A ~~Brewery or Small Brewery~~ manufacturer licensed under 28A M.R.S. § 1355-A may charge a fee for a tour or samples offered to the public.
17. No certificate of approval holder, wholesale licensee, reselling agent, or agent of such licensees, shall directly or indirectly offer, give, lend or furnish any money, credit, cash equivalent (including gift cards), equipment, furniture, fixture, service or other thing of value to any other licensee or to any applicant for a license, except as permitted by 28-A M.R.S. § 707 or as provided in this chapter.
- A. A certificate of approval holder, wholesale licensee, or reselling agent shall not provide any licensee any combination of things of value that have an aggregate value in excess of \$750 in any calendar year to the same licensee.
- B. A certificate of approval holder, wholesale licensee, or reselling agent shall not give any permanent item for use on a retail licensee's premises (including, but not limited to, signs, mirrors, display cabinets, furniture, picnic or patio umbrellas, or similar retailer advertising specialties) unless the item bears conspicuous and permanent advertising identifying the industry member or its products and the aggregate value of all such items furnished to that retail licensee remains within the annual limit specified in paragraph A.
- C. A certificate of approval holder, wholesale licensee, or reselling agent shall not furnish any temporary consumer-use items, consumer advertising specialties, or point of sale advertising material to a retail licensee (such as coasters, napkins, cups, apparel or similar items of minimal retail value intended for use by customers or to be taken away by consumers, or temporary advertising material such as paper signage or shelf tags) unless such items bear permanently inscribed or affixed brand or industry member advertising, and are provided to the retail licensee solely for the use of or distribution to consumers on

the licensed premises. Such temporary items provided in accordance with this paragraph shall not be counted toward the annual \$750 value limit in paragraph A.

D. No licensee shall offer or give any money, credit, gift, service or other thing of value to a retail licensee with the intent to induce that retail licensee to purchase liquor from that licensee to the exclusion, in whole or in part, of liquor offered for sale by other persons.

E. No certificate of approval holder, wholesale licensee, or reselling agent shall offer a thing of value for the personal benefit of a wholesale or retail licensee or agent of any such licensee including event tickets, trips, or travel accommodations. Wholesale or retail licensees or agents of any such licensee shall not be eligible for consumer giveaways sponsored or provided by a certificate of approval holder or wholesale licensee. This rule does not prohibit a certificate of approval holder, wholesale licensee, or reselling agent from providing meals up to \$100 to a wholesale or retail licensee that is attended by both parties. Any such meals count toward the annual \$750 value limit in paragraph A.

F. All licensees, including retail licensees, are jointly responsible for compliance with the requirements of this section. Each licensee shall maintain records of any items, services or other things of value provided to or received from another licensee subject to the annual \$750 value limit in paragraph A, including the value of each, and shall produce such records to the bureau upon request.

18. Pursuant to 28-A M.R.S. § 1403-A, applicants for a wine direct shipper license or fulfillment provider registration shall apply to the Bureau along with the required license fee. Licensed direct shippers and fulfillment providers shall submit quarterly reports as required by law in the form prescribed by the Bureau. Failure to file required reports or comply with the provisions of Title 28-A may result in suspension or revocation of the license or registration.

EFFECTIVE DATE:

December 1, 1977 (filed November 14, 1978)

AMENDED:

October 31, 1979

April 9, 1984

March 28, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

AMENDED:

April 7, 2001

August 10, 2002

NON-SUBSTANTIVE CORRECTIONS:

December 31, 2002

AMENDED:

March 9, 2013 – Section 4.16, filing 2013-050

RELOCATED June 26, 2013 by the provisions of P.L. 2013 ch. 368 Part V:
formerly Ch.4 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit

WORD VERSION CONVERSION AND ACCESSIBILITY CHECK: July 8, 2025

AMENDED

April 8, 2026

Chapter 104: SUPPLIERS AND WHOLESALERS

(Note: this rule chapter was formerly 16-226 Ch. 4 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)

1. All brands approved for sale must be available to all retail licensees for resale to the consuming public. In instances where a wholesaler has a brand on allocation, all retail licensees shall be allowed, on a percentage basis, to purchase the allocated brand.

2. No certificate of approval holder or wholesale licensee will provide any equipment pertaining to dispensing or storage of liquor except knobs on the dispensers which designate the brand on tap. After written notification to the Bureau, a Wholesale licensee may sell, give and install a keg tapping device, air hoses, beer hoses, air ducts and insulation for draft beer lines, including washers, clamps, faucets, air regulators, blowers and shanks. Towers, drain pans, refrigeration units for draft systems and other devices not specifically allowed by this rule are prohibited. The servicing and repair of the draft equipment for the purposes of cleaning lines is allowed without written notice. A record must be maintained by all licensees for all services and equipment provided or sold.
 - A. A wholesale licensee with prior written approval may loan draft equipment to holders of special catering permits issued under 28-A M.R.S. § 1052 and to holders of licenses issued under 28A M.R.S. § 1071. This equipment may be used at temporarily licensed locations only and may not be used at a license holders regularly licensed premises.

 - B. All licensees, including the retailer, will be jointly responsible for compliance with these rules.

 - C. A certificate of approval holder or wholesale licensee shall not provide draft line cleaning, maintenance, or similar services relating to draft systems for any retail licensee without offering the same services on similar terms to all other retail licensees. If a certificate of approval holder or wholesale licensee provides routine draft line cleaning or maintenance to retail licensees, such service shall not be considered a gift or thing of value under § 17(A);

3. All certificate of approval holders and wholesale licensees doing business in this State will provide the Bureau with the names and addresses of all persons authorized to represent them as sales and promotional agents. The license fee for sales representatives is provided for in 28-A M.R.S. § 1551.

4. *(Not in use.)*

5. All certificate of approval holders, when submitting copies of invoices to the Bureau for shipments to Maine wholesale licensees, where shipments include more than one purchase order, shall render separate invoices with the purchase order number entered thereon for that part of the shipment which applies to each order. An invoice must be rendered to the wholesaler before or at shipment.
6. There shall be no refund of excise tax for malt liquor, table, sparkling, fortified wine, or low alcohol spirits sold to government instrumentalities or foreign vessels unless they are submitted to the Bureau within 90 days of the invoice sale date. All merchandise destroyed for a refund of the excise tax shall be done only with an authorized Bureau employee.
7. No Maine wholesale licensee shall sell any product to any person who has not been issued the appropriate beer or wine license except government instrumentalities certified by the Bureau.
9. *(Repealed.)*
10. *(Repealed.)*
11. *(Repealed.)*
12. No certificate of approval holder or wholesale licensee shall exact from or require by contract, understanding, or otherwise which would require any licensee to handle or sell only the products of any particular certificate of approval wholesaler. A wholesale licensee may not refuse to sell to a retail licensee in its allotted territory.
13. A wholesale licensee or its representative or agent shall not handle or disturb another wholesaler's merchandise. Wholesalers and retailers are jointly liable for compliance with this rule.
 - A. Certificate of approval holders and wholesalers may furnish displays to retailers provided the cost does not exceed \$300 per display, including delivery and labor. Product sold for display cannot be returned for a refund.
 - B. Pricing is allowed on Point-of-Sale material only.
14. No certificate of approval holder, wholesale licensee or their agent shall:
 - A. Clean, dust or wash shelves or self-service coolers;
 - B. Construct, repair or replace shelving;
 - C. Employ or allow a third party to accomplish (A) or (B) of this regulation.

15. Samples given to licensees under 28-A M.R.S. § 1402-A, must be in the original sealed containers and previously unopened except wine samples as permitted by 28-A M.R.S. § 1402-A(3-A).
16. A manufacturer licensed under 28A M.R.S. § 1355-A may charge a fee for a tour or samples offered to the public.
17. No certificate of approval holder, wholesale licensee, reselling agent, or agent of such licensees, shall directly or indirectly offer, give, lend or furnish any money, credit, cash equivalent (including gift cards), equipment, furniture, fixture, service or other thing of value to any other licensee or to any applicant for a license, except as permitted by 28-A M.R.S. § 707 or as provided in this chapter.
 - A. A certificate of approval holder, wholesale licensee, or reselling agent shall not provide any licensee any combination of things of value that have an aggregate value in excess of \$750 in any calendar year to the same licensee.
 - B. A certificate of approval holder, wholesale licensee, or reselling agent shall not give any permanent item for use on a retail licensee's premises (including, but not limited to, signs, mirrors, display cabinets, furniture, picnic or patio umbrellas, or similar retailer advertising specialties) unless the item bears conspicuous and permanent advertising identifying the industry member or its products and the aggregate value of all such items furnished to that retail licensee remains within the annual limit specified in paragraph A.
 - C. A certificate of approval holder, wholesale licensee, or reselling agent shall not furnish any temporary consumer-use items, consumer advertising specialties, or point of sale advertising material to a retail licensee (such as coasters, napkins, cups, apparel or similar items of minimal retail value intended for use by customers or to be taken away by consumers, or temporary advertising material such as paper signage or shelf tags) unless such items bear permanently inscribed or affixed brand or industry member advertising, and are provided to the retail licensee solely for the use of or distribution to consumers on the licensed premises. Such temporary items provided in accordance with this paragraph shall not be counted toward the annual \$750 value limit in paragraph A.
 - D. No licensee shall offer or give any money, credit, gift, service or other thing of value to a retail licensee with the intent to induce that retail licensee to purchase liquor from that licensee to the exclusion, in whole or in part, of liquor offered for sale by other persons.
 - E. No certificate of approval holder, wholesale licensee, or reselling agent shall offer a thing of value for the personal benefit of a wholesale or retail licensee or agent of any such licensee including event tickets, trips, or travel accommodations. Wholesale or retail licensees or agents of any such licensee shall not be eligible for consumer giveaways sponsored or provided by a certificate of approval holder or wholesale licensee. This rule does not prohibit a certificate of approval holder, wholesale licensee, or reselling agent from providing meals up to \$100 to a wholesale or retail licensee that is attended by both parties. Any such meals count toward the annual \$750 value limit in paragraph A.
 - F. All licensees, including retail licensees, are jointly responsible for compliance with the requirements of this section. Each licensee shall maintain records of any items, services

or other things of value provided to or received from another licensee subject to the annual \$750 value limit in paragraph A, including the value of each, and shall produce such records to the bureau upon request.

18. Pursuant to 28-A M.R.S. § 1403-A, applicants for a wine direct shipper license or fulfillment provider registration shall apply to the Bureau along with the required license fee. Licensed direct shippers and fulfillment providers shall submit quarterly reports as required by law in the form prescribed by the Bureau. Failure to file required reports or comply with the provisions of Title 28-A may result in suspension or revocation of the license or registration.
-

EFFECTIVE DATE:

December 1, 1977 (filed November 14, 1978)

AMENDED:

October 31, 1979

April 9, 1984

March 28, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

AMENDED:

April 7, 2001

August 10, 2002

NON-SUBSTANTIVE CORRECTIONS:

December 31, 2002

AMENDED:

March 9, 2013 – Section 4.16, filing 2013-050

RELOCATED June 26, 2013 by the provisions of P.L. 2013 ch. 368 Part V:

formerly Ch.4 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit

WORD VERSION CONVERSION AND ACCESSIBILITY CHECK: July 8, 2025

AMENDED

April 8, 2026

**18-553 Ch. 104
2026-072
(2026-P194)**

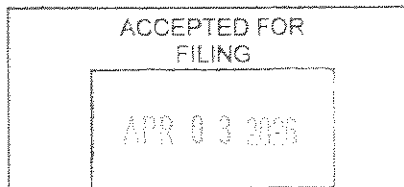
MAPA-1

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE

**18-553 Ch. 107
2026-073
(2026-P195)**

Requesting Cover Sheet

State



**ATTN: Administrative Procedure Act Office
State House Station 184
Augusta, Maine 04333-184**

- Agency:** BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
- Agency Umbrella Number and Unit Number:** ADM 18L 001506
- Chapter Number and Rule Title:** 104 PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS AND CERTIFICATE OF APPROVAL
107 ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS
- Date(s)/Method(s) of Notice:** Wednesday, November 26, 2025, Secretary of State Consolidated Rulemaking Notice
- Date(s)/Location(s) of Hearing(s):** Monday December 15, 2025, 1PM, 19 Union St, 3rd Floor, Room 325, Augusta, ME 04330
- Rule Action:**

EFFECTIVE DATE:

Amendment of Existing Rule

APR 08 2026

Is this an emergency rule?: No

- Name, Mailing Address, Telephone Number, and Email Address of Agency Contact Person:**
Devon Cook
8 SHS, Augusta, ME 04333-0008
207-446-3857
Devon.cook@maine.gov
- If a major substantive rule under Title 5, c. 375, sub-c. 2-A, choose one of the following:**


Choose an item.

CERTIFICATION STATEMENT

I hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by
(agency name) The Bureau of Alcoholic Beverages and Lottery Operations on (date)

I further certify that all portions of this rule are adopted in compliance with the requirements of the
Maine Administrative Procedure Act.

Signature:


(Original signature, personally signed by the head of agency)

Printed Name and Title:


Louis Luchini, Director BARSO

DEPARTMENT OF THE ATTORNEY GENERAL APPROVAL AS TO FORM AND LEGALITY

Approved as to form and legality by the Department of the Attorney General on (date)

3/17/26

Signature:


(Original signature, personally signed by Assistant Attorney General)

Printed Name:

Brady Dow
Assistant Attorney General



Chapter 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

(Note: this rule chapter was formerly 16-226 Ch. 7 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)

1. All liquor advertising, or any claims for liquor advertised, shall conform with the standards set forth in regulations under the provisions of the Federal Alcohol Administration Act as well as the Maine State Liquor Laws and ~~the Commission Rules and Regulations~~ Bureau rules.
2. No descriptive matter in liquor advertising shall be inconsistent with the description of the contents as listed on the labels of such liquor.
3. Advertisements of liquor shall not contain any statement, design, device, or representation which is obscene. ~~Obscene means that which, including portrayals of sexual content or bodily functions in an offensive or shocking manner~~
 - a) ~~To the average individual, applying contemporary community standards, considered as a whole, appeals to the prurient interest;~~
 - b) ~~Depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and~~
 - e) ~~Considered as a whole, lacks serious literary, artistic, political or scientific value.~~
4. No advertisement of liquor shall contain either subject matter or illustrations inducing minors or immature persons to drink, nor shall depict any person in the act of drinking liquor.
5. No liquor advertising shall suggest any beneficial or tonic effect from drinking thereof.
6. ~~(Repealed.) The use of radio or loud speaker equipment in or on any licensed premises for the purpose of attracting attention to the interior of the said premises is forbidden, except radio programs originating from the licensed premise.~~
7. ~~(Repealed.)~~

8. *(APA Office Note: information received indicates that the provisions of Section 7.8 have been repealed and replaced by statute, Title 28-A Section 710.)*
 9. No advertising of liquor shall contain any subject matter relating to contests or prizes that require the purchase of or the awarding of any alcoholic beverage.
 10. ~~*(Repealed.)* Signs, posters, placards, or other items bearing advertising matter for use inside a retail premise may be furnished, given, rented, loaned or sold to a licensee if they have no value to the licensee except as advertisements, and if the total value of all such materials furnished by any manufacturer or wholesaler and in use at any one time in any licensed premises does not exceed \$1,500.00; provided, that the manufacturer or wholesaler does not directly or indirectly pay a licensee for displaying such materials or for any expense due to their operation. The value of such materials shall include all expenses incurred directly or indirectly by the manufacturer or wholesaler in connection with the purchase, manufacture, transportation, assembly and installation of such materials and all additions thereto, and further provided that any manufacturer or wholesaler may furnish, give, rent, loan, or sell one malt and one vinous inside electric sign to each licensee which shall not be included in the \$1,500.00 maximum for all materials furnished in this rule.~~
 11. No licensee, except wholesalers, manufacturers licensed under 28-A M.R.S. § 1355-A exercising their right to self-distribute, or reselling agents, shall have malt or vinous liquor advertisements or signs on or attached to delivery vehicles owned or controlled by them which advertise by brand name.
 12. No licensee, except a certificate of approval holder or wholesale licensee, shall advertise liquor by any lighted sign visible from the exterior of a licensed premise during the hours that liquor is prohibited for sale. All outside and window signs bearing advertising must be approved for use by the bureau. Signs not approved must be removed within 60 days of notification by the bureau.
 13. ~~*(Repealed.)* Consumer specialties such as ash trays and corkscrew and other merchandise bearing advertising may be given or sold as long as a retail licensee is not paid to distribute such material.~~
 14. ~~*(Repealed.)* Advertising specialties such as trays, coasters, menu cards, wine list, meal checks, napkins, bar mats, tap markers, thermometers, clocks may be furnished given or sold as long as the cost of such items does not exceed \$300 annually.~~
-

EFFECTIVE DATE:

December 1, 1977 (filed November 14, 1978)

AMENDED:

October 31, 1979

March 28, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

NON-SUBSTANTIVE CORRECTIONS:

March 17, 2004

AMENDED:

June 4, 2007 – filing 2007-230 affecting Section 3

March 9, 2013 – filing 2013-052 affecting Sections 7.8 and 7.10

RELOCATED June 26, 2013 by the provisions of P.L. 2013 ch. 368 Part V:

formerly Ch. 7 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit

WORD VERSION CONVERSION AND ACCESSIBILITY CHECK: July 8, 2025

AMENDED:

April 8, 2026

Chapter 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

(Note: this rule chapter was formerly 16-226 Ch. 7 of the Department of Public Safety, Liquor Licensing and Inspections Unit.)

1. All liquor advertising, or any claims for liquor advertised, shall conform with the standards set forth in regulations under the provisions of the Federal Alcohol Administration Act as well as the Maine State Liquor Laws and Bureau rules.
2. No descriptive matter in liquor advertising shall be inconsistent with the description of the contents as listed on the labels of such liquor.
3. Advertisements of liquor shall not contain any statement, design, device, or representation which is obscene, including portrayals of sexual content or bodily functions in an offensive or shocking manner
4. No advertisement of liquor shall contain either subject matter or illustrations inducing minors or immature persons to drink, nor shall depict any person in the act of drinking liquor.
5. No liquor advertising shall suggest any beneficial or tonic effect from drinking thereof.
6. *(Repealed.)*
7. *(Repealed.)*
8. *(APA Office Note: information received indicates that the provisions of Section 7.8 have been repealed and replaced by statute, Title 28-A Section 710.)*
9. No advertising of liquor shall contain any subject matter relating to contests or prizes that require the purchase of or the awarding of any alcoholic beverage.
10. *(Repealed.)*

11. No licensee, except wholesalers, manufacturers licensed under 28-A M.R.S. § 1355-A exercising their right to self-distribute, or reselling agents, shall have malt or vinous liquor advertisements or signs on or attached to delivery vehicles owned or controlled by them which advertise by brand name.
 12. No licensee, except a certificate of approval holder or wholesale licensee, shall advertise liquor by any lighted sign visible from the exterior of a licensed premise during the hours that liquor is prohibited for sale.
 13. *(Repealed.)*
 14. *(Repealed.)*
-

EFFECTIVE DATE:

December 1, 1977 (filed November 14, 1978)

AMENDED:

October 31, 1979

March 28, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

NON-SUBSTANTIVE CORRECTIONS:

March 17, 2004

AMENDED:

June 4, 2007 – filing 2007-230 affecting Section 3

March 9, 2013 – filing 2013-052 affecting Sections 7.8 and 7.10

RELOCATED June 26, 2013 by the provisions of P.L. 2013 ch. 368 Part V:

formerly Ch. 7 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit

WORD VERSION CONVERSION AND ACCESSIBILITY CHECK: July 8, 2025

AMENDED:

April 8, 2026

SUMMARY OF PUBLIC COMMENTS AND AGENCY RESPONSES

Regarding Proposed Amendments to

CHAPTER 104: PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS, AND
CERTIFICATE OF APPROVAL HOLDERS

and

CHAPTER 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

March 30, 2026

CONTENTS

1	Introduction and Basis Statement	1
2	Comments	1
2.1	Ron's Market	2
2.2	Oak Hill Beverage.....	2
2.3	DISCUS	2
2.4	Hospitality Maine.....	3
2.5	Maine Beverage Distributors Association (MBDA).....	4
2.6	Maine Grocers & Food Producers Association (MGFPA).....	4
2.7	Sazerac Company.....	5
3	Summary of Comments and Revisions.....	5

1 INTRODUCTION AND BASIS STATEMENT

This rulemaking updates the name of Chapter 104 to SUPPLIERS AND WHOLESALERS. Makes general technical corrections, including fixing citations, removing gendered language, and updating department names. Removes labeling requirements superseded by PL 2023, c. 219, §1 and eliminates the cap on the value of draft equipment sold superseded by PL 2025, c. 230, Pt. C, §2. Clarifies the conditions under which draft services may be provided without constituting a thing of value under 28-A M.R.S. § 707(2). Removes the requirement to file invoices before submitting the monthly report required by 28-A M.R.S. § 1364(2).

Implements the trade practice rules required by 28-A M.R.S. § 707, defining what counts toward the \$750 annual limit on things of value within the constraints of the FAA Act. Establishes rules for direct wine shipment as required by 28-A M.R.S. § 1403-A(16). Updates the obscenity provision by removing the Miller Test elements and the list of obscene acts. Eliminates the prohibition on advertising through radio or loudspeakers. Removes caps on things of value superseded by PL 2025, c. 230, Pt. C, §1. Authorizes self-distributing manufacturers and reselling agents to display brand advertising on delivery vehicles.

Timeline of events:

Date	Step
November 26, 2025	Notice of proposed rulemaking published in newspapers, Secretary of State website, and BABLO website. Notice was forwarded to interested parties and all license holders via email.
December 15, 2025	Public hearing held
December 26, 2025	End of comment period

2 COMMENTS

The Bureau reviewed and considered all written and oral comments received during the public comment period. The comments are summarized below, along with the Bureau's responses.

Name	Organization
James Beane	Ron's Market
Robert Denton	Oak Hill Beverage
Andy Deloney	DISCUS
Nate Cloutier	Hospitality Maine
Cheryl Timberlake	Maine Beverage Distributors Association
Christine Cummings	Maine Grocers & Food Producers Association
Winn Atkins	Sazerac Company

2.1 RON'S MARKET

Ron's market supports the rulemaking effort but made the following requests:

1. Clarify how dollar value will be determined for things of value and require distributors to provide a declared value for items given.
2. Require distributors to provide draft maintenance equitably on a publicly available schedule and offered at an equal rate to all retailers.
3. Prohibit stocking, shelving, resetting, or merchandising or require distributors to provide the services equally to all retailers.

Response:

1. The Bureau interprets the value of items provided as the total cost to the industry member who initially purchased the item. Persons providing things of value are responsible for providing records to retailers to demonstrate compliance with the annual cap. The Bureau will clarify this in the rule.
2. The Bureau does not find statutory authority to require wholesalers or suppliers to maintain a publicly available schedule for draft maintenance services. The amended rule is intended to prevent preferential treatment or inducements and will be applied accordingly.
3. Title 28-A prohibits providing things of value in excess of the annual cap or with the intent to induce purchasing decisions. Labor provided by industry members may constitute a thing of value depending on the facts and circumstances. The Bureau will assess compliance on a case-by-case basis.

2.2 OAK HILL BEVERAGE

Oak Hill Beverage asks whether free labor provided by distributors when merchandising for retailers counts as a thing of value and points the Bureau to rules implemented by the Texas ABC.

Response: Title 28-A prohibits providing things of value in excess of the annual cap or with the intent to induce purchasing decisions. Labor provided by industry members may constitute a thing of value depending on the facts and circumstances. The Bureau will assess compliance on a case-by-case basis.

2.3 DISCUS

DISCUS supports efforts to modernize trade practice rules and requests the following modifications:

1. Allow traditional advertising specialties such as trays, coasters, menu cards, etc. under 18-553 C.M.R. ch. 104 § 17.
2. Revise 18-553 C.M.R. ch. 104 § 13(A) to allow suppliers to provide displays to retailers.
3. Modify 18-553 C.M.R. ch. 104 § 17(E) to allow the furnishing of certain entertainment. The commenter references the rules of several states which allow this activity with different conditions including Virginia, New Hampshire, New York, and California.
4. Revise 18-553 C.M.R. ch. 107 § 12 to allow manufacturers to advertise by lighted signs visible from the exterior while the sale of liquor is prohibited and remove the prior approval requirement.
5. Remove the requirement to provide draft line cleaning, maintenance, and other related services on equal terms to all retailers.

Response:

1. The proposed rule explicitly permits consumer advertising specialties of minimal value under 18-553 C.M.R. ch. 104 § 17(C). No change is required.
2. The Bureau agrees that clarification is appropriate and will revise the rule to reflect that suppliers may provide displays consistent with state and federal law.
3. The Bureau has reviewed the rules of other states and consulted with trade practice experts and agrees to modify the rule to allow for industry members to purchase meals of a value limited to \$100 that they attend with the wholesaler or retailer.
4. The Bureau agrees and will revise the rule to allow exterior lighted advertising by manufacturers and to remove the prior approval requirement.
5. The Bureau declines to remove the equal-terms provision. The rule is intended to clarify when draft line cleaning and related services do not constitute a thing of value under 28-A M.R.S. § 707 to avoid prohibiting the activity or having it fall under the annual cap.

2.4 HOSPITALITY MAINE

Hospitality Maine provided oral testimony at the hearing and followed up with written testimony. They support excluding temporary items from the \$750 annual cap on things of value and requiring draft line cleaning and maintenance to be provided on an equal basis to all retailers. They raised concerns regarding whether certain permanent items, such as umbrellas and signs, should count toward the \$750 annual cap given their limited durability in Maine's climate and express support for the cap being raised in the future in coordination with other stakeholders. They made the following requests:

1. Accompany the final rule with guidance for stakeholders with additional real-world examples.
2. Clarify which items given need to have records kept under 18-553 C.M.R. ch. 104 § 17(F) while not requiring recordkeeping for items that do not count toward the cap.

Response:

1. The Bureau will issue guidance when the final rule is published.
2. The Bureau agrees that clarification is appropriate and will revise the rule to clarify that recordkeeping requirements apply to items subject to the statutory annual cap.

2.5 MAINE BEVERAGE DISTRIBUTORS ASSOCIATION (MBDA)

MBDA provided oral testimony at the hearing and followed up with written testimony. They made the following requests:

1. Clarify what “similar services” applies to under 18-553 C.M.R. ch. 104 § 2(C).
2. Provide an alternate method for suppliers and wholesalers to report sales representatives.
3. Modify 18-553 C.M.R. ch. 104 § 15 to allow for partial-bottle wine samples already permitted by 28-A M.R.S § 1402-A(3-A).

Response:

1. The Bureau agrees that clarification is appropriate and will revise the rule to clarify the scope of “similar services” and that it only applies to draft line servicing.
2. The reporting of sales representatives is an administrative and system-related matter and is outside the scope of this rulemaking. No change is made.
3. The Bureau agrees and will revise the rule to ensure consistency with statute.

2.6 MAINE GROCERS & FOOD PRODUCERS ASSOCIATION (MGFPA)

MGFPA supports modernizing the rules and the increase in the annual cap. They made the following requests:

1. Add more clarity on what distinguishes temporary vs. permanent items. People supplying things of value should communicate to retailers whether the items fall under the cap and what their values are.

2. Do not require retailers to maintain records of things of value and instead leave the recordkeeping burden with the person supplying the items.
3. Clarify expectations regarding trade practice violations with explicit enforcement guidance.

Response:

1. The Bureau recognizes the need for clarity in distinguishing temporary and permanent items. The rule establishes general categories but the Bureau does not intend to create an exhaustive list of allowable items. The Bureau will revise the rule to clarify recordkeeping responsibilities as appropriate.
2. The Bureau declines to eliminate recordkeeping requirements for retailers. Requiring both parties to maintain records supports compliance and provides an audit trail necessary to administer the statute. No change is made.
3. The Bureau will issue guidance when the final rule is published to help set expectations for all parties.

2.7 SAZERAC COMPANY

Sazerac is generally supportive of the goals of the rulemaking and aligning state regulations with federal standards. They made the following requests:

1. Clarify that 18-553 C.M.R. ch. 104 § 2 is meant to apply to draft systems and not retail refrigeration units which would be covered under § 17(B).
2. Revise 18-553 C.M.R. ch. 104 § 17(F) to clarify that recordkeeping is intended to apply to things of value subject to the \$750 cap.

Response:

1. The Bureau agrees that clarification is appropriate and will revise the rule to clarify the scope of § 2.
2. The Bureau agrees and will revise the rule to clarify that recordkeeping requirements apply to items subject to the statutory annual cap.

3 SUMMARY OF COMMENTS AND REVISIONS

The Bureau received comments both supporting and opposing various aspects of the proposed amendments to Chapters 104 and 107. The comments addressed the following topics:

- Recordkeeping requirements under Chapter 104 § 17(F) (3 commenters)
Requests to clarify the scope of recordkeeping obligations and whether they apply only to items subject to the \$750 annual cap.
- Draft line cleaning and maintenance services (3 commenters)
Two commenters supported requiring such services to be offered on equal terms to all retailers, while one commenter opposed the equal-terms requirement.
- Merchandising, stocking, and distributor-provided labor (2 commenters)
Requests to clarify whether distributor-provided merchandising or stocking labor constitutes a prohibited thing of value or must be offered equally.
- Valuation and documentation of things of value (2 commenters)
Requests for clarity regarding how the dollar value of items is determined and communicated to retailers.
- Classification of permanent versus temporary promotional items (2 commenters)
Requests for additional clarity distinguishing items that count toward the \$750 annual cap from those that do not.
- Advertising specialties, displays, and signage allowances (2 commenters)
Requests to allow or clarify the provision of advertising specialties, displays, and certain exterior signage.
- Equal treatment of suppliers and wholesalers (1 commenter)
Requests to revise provisions that limit certain advertising or display activities to wholesalers.
- Business entertainment and hospitality provisions (1 commenter)
Requests to allow certain entertainment or hospitality activities under defined conditions.
- Clarification of “similar services” in Chapter 104 § 2(C) (1 commenter)
Requests to clarify the scope of services covered by the draft service provision.
- Sales representative reporting methods (1 commenter)
Requests to allow alternative or streamlined reporting methods.
- Wine sample provisions (1 commenter)
Requests to clarify that existing statutory practices for wine sampling may continue.
- Scope of Chapter 104 § 2 (draft systems versus refrigeration) (1 commenter)
Requests to clarify that the section applies to draft systems and not retail refrigeration units

The following revisions were made:

1. 18-553 C.M.R. ch. 104 § 2 was revised to clarify that refrigeration units and “similar services” apply to draft systems.
2. 18-553 C.M.R. ch. 104 § 13 was revised to allow certificate of approval holders to provide displays to retailers.
3. 18-553 C.M.R. ch. 104 § 15 was revised to clarify partial wine samples are permitted by statute.
4. 18-553 C.M.R. ch. 104 § 17(E) was revised to allow industry members to provide meals to wholesalers or retailers.
5. 18-553 C.M.R. ch. 104 § 17(F) was revised to only require records for things of value subject to the annual cap.

6. 18-553 C.M.R. ch. 107 §12 was revised to allow suppliers to advertise liquor by lighted signs during prohibited hours and the prior authorization requirement was eliminated.

**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

Maine Administrative Procedure Act Checklist

Agency: BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
Chapter Number and Rule Title: 104 PREMISES LICENSED AS WHOLESALERS,
MANUFACTURERS AND CERTIFICATE OF APPROVAL
107 ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

Proposed Rule

- | | | |
|----|---|-------------------|
| 1. | Was this rule listed on the most recent regulatory agenda? | Yes |
| 2. | Date of notification of: | |
| | A. Anyone on mailing list | November 26, 2025 |
| | B. Any trade, industry or professional group | November 26, 2025 |
| | C. Any trade publications | None |
| 3. | Date Notice of Rulemaking Proposal (MAPA-3) sent to Secretary of State: | November 20, 2025 |
| 4. | Date Rulemaking Fact Sheet sent to Executive Director of Legislative Council: | November 26, 2025 |
| 5. | Date of publication in Secretary of State's rulemaking ad.: | November 26, 2025 |
| 6. | Date(s) of hearing(s): | December 15, 2025 |
| 7. | Comment deadline(s): | December 26, 2025 |

Adopted Rule

- | | | |
|-----|--|-----|
| 8. | Was the comment deadline extended or the comment period reopened? | No |
| | A. If yes, date of second notice publication in Secretary of State's rulemaking ad.: | N/A |
| 9. | Is adopted rule consistent with what was proposed? | Yes |
| | (If not, please address the changes in the comments and responses section of your filing.) | |
| 10. | Is the person signing the Certification Statement (<i>see</i> MAPA-1) authorized to do so as stated in your statutes or in 5 M.R.S., c. 71? | Yes |
| 11. | Was the rule adopted within 120 days after the comment deadline? | Yes |
| 12. | Was the rule approved and signed by the Office of the Attorney General within 150 days after the comment deadline? | Yes |
| 13. | Is a Basis Statement included? | Yes |
| | Is a copy of the Fact Sheet included? | Yes |

Revised 11/4/2025

Are comments, with names and organizations, and your responses included?
Yes

**18-553 Ch. 104
2026-072
(2026-P194)**

EC
HI
R

**18-553 Ch. 107
2026-073
(2026-P195)**

**Agency: BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
Chapter Number and Rule Title: 104 PREMISES LICENSED AS WHOLESALERS,
MANUFACTURERS AND CERTIFICATE OF APPROVAL
107 ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS
Adoption Filing Number: [Leave Blank - Assigned by the Department of the Secretary of State]**

Concise Summary:

Implementing new statutes regarding alcohol industry trade practices and general cleanup.

Effective Date: [Leave Blank -- To Be Filled in by the Department of the Secretary of State] APR 03 2026

Agency Contact Person: Devon Cook
Agency Name: Bureau of Alcoholic Beverages and Lottery Operations
Mailing Address: 8 SHS, Augusta, ME 04333-0008
Telephone Number: 207-446-3857
Email Address: Devon.cook@maine.gov