

STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

Rulemaking Fact Sheet
(see 5 M.R.S. § 8057-A(1))

Agency: BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS

Name, 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

Chapter Number and Rule Title:

104 PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS AND CERTIFICATE OF APPROVAL

107 ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

Type of Rule: Routine Technical

Statutory Authority: 28-A M.R.S. §§ 83-B(7), 707(2), 1403-A(16)

Public Hearing(s) *(include day, date, time, and location)*: Monday December 15, 2025, 1PM, 19 Union St, 3rd Floor, Room 325, Augusta, ME 04330

Comment Deadline(s) *(include day, date, and time)*: Friday, December 26, 2025, 4PM

Principal Reason(s) or Purpose for Proposing this Rule [see 5 M.R.S. § 8057-A(1)(A)]:

The purpose of this rulemaking is to update the affected chapters to recent statutory changes in Title 28-A, remove language that has been superseded by law, and update terminology and citations for clarity. The revisions also incorporate required standards related to trade practices, draft services, and direct shipment of wine.

Is Material Incorporated by Reference into the Rule [see 5 M.R.S. § 8056(2-A)]? No

Analysis and Expected Operation of the Rule [see 5 M.R.S. § 8057-A(1)(B) & (D)]:

The rule removes superseded provisions, updates technical references, and clarifies existing requirements so the chapters reflect current law and regulatory practice. The revisions are expected to provide clearer guidance to suppliers, wholesalers, and retailers and support consistent application of the law. The rule is expected to reduce ambiguity and improve the clarity and enforceability of the affected chapters.

Brief Summary of Relevant Information Considered During Development of the Rule (including up to 3 primary sources relied upon)[see 5 M.R.S. §§ 8057-A(1)(E) & 8063-B]:

Maine Revised Statutes Title 28-A: Liquors, 27 U.S. Code Chapter 8 – Federal Alcohol Administration Act

Estimated Fiscal Impact of the Rule [see 5 M.R.S. § 8057-A(1)(C)]:

None

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

Economic Impact, Whether or Not Quantifiable in Monetary Terms [*see* 5 M.R.S. § 8057-A(2)(A)]:
Click or tap here to enter text.

Individuals, Major Interest Groups and Types of Businesses Affected and How They Will Be Affected [*see* 5 M.R.S. § 8057-A(2)(B)]:
Click or tap here to enter text.

Benefits of the Rule [*see* 5 M.R.S. § 8057-A(2)(C)]:
Click or tap here to enter text.

Note: If necessary, additional pages may be used.

STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

Notice of Agency Rulemaking Proposal

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

Type of Rule: Routine Technical

Proposal Filing Number:

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

Public Hearing *(include day, date, time, and location)*: Monday December 15, 2025, 1PM, 19 Union St, 3rd Floor, Room 325, Augusta, ME 04330

Comment Deadline *(include day, date, and time)*: Friday, December 26, 2025, 4PM

Contact Person for this Filing *(include Name; Mailing address; Telephone number; Fax number; TTY (Teletypewriter) number; and Email address)*:

Devon Cook

8 SHS, Augusta, ME 04333-0008

207-446-3857

None

711

Devon.cook@maine.gov

Contact Person for Small Business Impact Statement *(if different)*: Same

Financial Impact on Municipalities or Counties *(if any)*: None

Statutory Authority for this Rule: 28-A M.R.S. §§ 83-B(7), 707(2), 1403-A(16)

Substantive State or Federal Law Being Implemented *(if different)*: 28-A M.R.S. §§ 707(2), 1403-A(16)

Agency Website: <https://www.maine.gov/dafs/bablo/>

Email Address for Overall Agency Rulemaking Liaison: louis.luchini@maine.gov

Choose one of the following:

The summary provided above is for publication in both the newspaper and website notices.

Please approve the bottom portion of this form and assign the appropriate AdvantageME number.

Approved for Payment: _____ Date: 11/19/2025

(Authorized Signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
------	--------	-----	-----	-----	---------	------------------------	-----------------	------------------

Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.				
----------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------	--	--	--	--

ADDITIONAL INFORMATION FOR THE WEB NOTICE

Detailed Summary:

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.

**Chapter 104: PREMISES LICENSED AS 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 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 105228-A M.R.S. § 1052~~ and to holders of licenses issued under ~~28A M.R.S. § 1071section 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 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. 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.
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.

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 under this section, 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

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~~
 - c) ~~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. ~~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. ~~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 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. ~~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. ~~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