

**System for COVID-19 Related Activity of the
Health Inspection Program and Bureau of Alcoholic Beverages and Lottery Operations**

May 6, 2020

From the start of the COVID-19 pandemic, licensed restaurants in Maine have been permitted to continue to sell food and beverages, including alcoholic beverages, through carry-out, delivery, and drive-through operations. Eating and drinking inside restaurants and bars are temporarily prohibited under the “Order to Protect the Public Health,” Executive Order 14 FY19/20.

The Plan for Restarting Maine’s Economy, released on April 29, 2020, indicates that restaurants may reopen for sit-down service starting in June, and bars in July, if they follow COVID-19 Prevention Checklist recommendations. While progression through the stages is planned month-by-month, decisions will be determined by public health metrics. Progress may also change, based on virus trends, testing or treatment breakthroughs, or identification of new, safe ways of doing business. This guidance comes under the “Order to Stay Safer at Home,” [Executive Order 49 FY 19/20](#).

Any establishment operating in a non-compliant manner will subject their health and liquor licenses to review and potential suspension and revocation. Specifically, because the current prohibition on dine-in service is essential to protect the public health during this stage of the COVID-19 epidemic, the Health Inspection Program (HIP) will issue an Imminent Health Hazard (IHH) finding to the establishment for creating a public health threat by allowing patrons to congregate in close proximity, which creates a substantial risk of further spread of COVID-19 and has been prohibited by the abovementioned executive orders. The IHH finding would be issued in accordance with HIP’s Rule at 10-144 CMR Ch. 201, §6(F). If the establishment refuses to comply by continuing to operate in a way that threatens public health, HIP will issue an emergency license suspension pursuant to 5 MRS §10003, as such activity increases the risk of spreading COVID-19 during this extreme public health emergency. HIP will lift the suspension if and when the establishment agrees to discontinue dine-in service.

The Bureau of Alcoholic Beverages and Lottery Operations (BABLO) will also issue a citation if an establishment conducts activities not consistent with, or in violation of, Executive Order 14 FY 19/20 or Executive Order 49 FY 19/20, regardless of whether a sale of alcoholic beverages occurs. Such conduct is illegal and in violation of the liquor license. Any activity that violates State law or administrative rule adopted by the Bureau or another state agency impacts the liquor license and may result in action up to and including suspension or revocation of the liquor license.

Individuals who wish to report evidence of an establishment out of compliance can email that evidence (e.g., a Facebook post, picture of activity that may be impermissible) to HIP@Maine.gov. Upon receipt of such a complaint, HIP inspectors will call or visit the establishment, based on a review of such evidence. The HIP inspectors may issue the notice of an IHH finding followed by temporary suspension of a license if the establishment does not comply with the IHH. If HIP issues an IHH finding or temporarily suspends the eating establishment license, it will notify BABLO, if that eating establishment also serves liquor and holds a liquor license. Such actions may be communicated to the non-compliant licensee initially by telephone or video conference and then in writing, issued by email or fax, in the interest of urgency. HIP would also mail any enforcement documents. Establishment licensees with suspended licenses as a result of the failure to comply with the IHH may contact HIP at any time to engage in restoring their licenses. Restoration of the licenses may also be granted verbally by phone or video conference, and would then be memorialized in writing by HIP, through an email or fax and mailed document.