

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/ Liquor and Lottery Commission
Name, Address, Telephone Number, and Email Address of Agency Contact Person:

Tracy Willett

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Chapter Number and Rule Title: NEW Chapter 5 Reconsideration of Spirits Retail Price Decision

Type of Rule: Routine Technical

Statutory Authority: 28-A M.R.S. §81 (5)

Public Hearing(s): None

Comment Deadline(s): Friday, April 24, 2026, 5:00pm, SpiritsPricing.BABLO@maine.gov

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

Chapter 5 is a new rule creating a process for spirits suppliers to appeal the retail price of spirits products as established by the Liquor and Lottery Commission, as required by PL 2021 c. 622, §1.

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)]:

Chapter 5 establishes the process for an affected supplier to appeal to the Liquor and Lottery Commission for reconsideration of the retail price of a spirits product.

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]:

28-A M.R.S. §§1651 (1) and 81 (5); 5 M.R.S. Chapter 375, subchapters 2-A, 4 and 7

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)]:

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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: NEW 5 Reconsideration of Spirits Retail Price Decision

TYPE OF RULE: Routine Technical

PROPOSAL FILING NUMBER: [Will be Assigned by the Department of the Secretary of State]

BRIEF SUMMARY: Chapter 5 creates an appeal process for reconsideration of a spirits product retail price as established by the Liquor and Lottery Commission.

PUBLIC HEARING: None

COMMENT DEADLINE: Friday, April 24, 2026, 5:00pm, SpiritsPricing.BABLO@maine.gov

CONTACT PERSON FOR THIS FILING:

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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-C and 81 (5)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: As above

AGENCY WEBSITE: <https://www.maine.gov/dafs/bablo/>

EMAIL ADDRESS FOR OVERALL AGENCY RULEMAKING LIAISON:

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ADDITIONAL INFORMATION FOR THE WEB NOTICE

DETAILED SUMMARY:

Chapter 5 is proposed pursuant to PL 2021 c. 622, §1, which creates an appeals process for an affected spirits supplier to request reconsideration of a retail price established by the Liquor and Lottery Commission.

18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
553 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
Chapter 5: RECONSIDERATION OF SPIRITS RETAIL PRICE DECISION

SUMMARY: This rule establishes an appeals process that may be used to appeal a pricing decision made by the Commission.

I. Definitions

- a. **Affected Spirits Supplier.** Affected Spirits Supplier means a spirits supplier that supplies a spirits product that is the subject of a retail price determination of the State.

II. Reconsideration of a Retail Price Decision

- a. After the Commission establishes the retail price of a spirits product, the Affected Spirits Supplier may request reconsideration of the retail price determination at an adjudicatory hearing conducted by the Commission.
- b. The Affected Spirit Supplier's request for an adjudicatory hearing must be made in writing to the Bureau within 30 calendar days of the Commission's decision.
- c. The Commission shall conduct the adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4.
- d. The decision of the Commission after an adjudicatory hearing is final agency action for the purpose of judicial review under Title 5, chapter 375, subchapter 7.

STATUTORY AUTHORITY: 28-A MRS §81(5)