



STATE OF MAINE
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008

So You want to be a Brewery in Maine

To become a brewery in Maine, there are several steps that you must follow and documentation that you must obtain to be licensed as a brewery or a small brewery by this Bureau. To assist you in the licensing process, we are providing the following information to help you navigate the regulations in Maine and at the Federal government level to become a manufacturer of beer. Under Maine law, a brewer is defined as a person that produces malt liquor by fermentation of malt, wholly or partially or from any substitute for malt.

1. Apply for and obtain a Brewers Notice from the U.S. Department of the Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB). Visit the TTB's website at www.ttb.gov/beer/qualify.shtml to obtain a paper form or to use their online application system.
2. Apply for and obtain an Occupancy or Victualer's license from the municipality where your brewery will be in Maine.
3. Apply for and obtain a Sales and Use Tax Certification from Maine Revenue Services. See their website at www.Maine.gov/revenue.
4. Apply for and obtain a license for food handling from the Maine Department of Agriculture, Conservation and Forestry's Quality Assurance and Regulations. See their website at www.maine.gov/agriculture/qar.
5. Apply for a license for a brewery or a small brewery from the Bureau.
 - A. There are two kinds of brewery licenses in Maine as follows:
 - i. Brewery license: A holder of a brewery license may produce more than 50,000 gallons of malt liquor (beer) per year. See Title 28-A, Section 1355-A, subsection 3, paragraph A at www.mainelegislature.org/legis/statutes/28-A/title28-Asec1355-A.html.
 - ii. Small brewery license: A holder of a small brewery license may produce not more than 50,000 gallons of malt liquor (beer) per year. See Title 28-A, Section 1355-A, subsection 3, paragraph B at www.mainelegislature.org/legis/statutes/28-A/title28-Asec1355-A.html.
 - B. The applications for a brewery and small brewery are available on the Bureau's website at <https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>. Go to Section 11.
 - i. For a brewery, use form number 1 (Word document) or 2 (pdf document).
 - ii. For a small brewery use form number 5 (Word) or 6 (pdf).
 - C. The fees:
 - i. Brewery license - \$1,000 for the brewery plus \$10 filing fee.
 - ii. Small brewery license - \$50 plus a \$10 filing fee.

- D. When you submit your application to the Bureau, the following items must be included:
- i. Copy of your lease or proof of ownership of the property in which the brewery or small brewery will be located;
 - ii. Copy of any required municipal licenses;
 - iii. Copy of Sales and Use Tax Certificate from Maine Revenue Service; and
 - iv. Copy of Maine Department of Agriculture food handling license.

Once you are licensed and are producing beer, there are other matters to handle depending on the type of brewery license that you hold.

- A. For both a brewery and a small brewery licensee, the following apply to both licenses:
- i. You must register your brands and their labels with the Bureau prior to selling them in Maine. You can register using a web-based filing system by clicking on the link for Label Registration at <https://www.maine.gov/dafs/bablo/liquor-licensing>. To view the administrative rule on brand and label registrations, please see <https://www.maine.gov/dafs/bablo/liquor-lottery-rules-statutes> and look for Rule Chapter 105 under State Liquor Rules heading.
 - ii. You must file monthly excise tax reports to Bureau by the 15th of each month. These reports contain the gallonage of product sold in Maine either through your wholesaler (for a brewery) or self-distributed (for a small brewery) for the preceding month and determine the amount of excise tax to be paid to the Bureau. This excise tax paid to the Bureau is separate from any taxes paid to the TTB. The form for reporting your sales and remitting the excise tax is found on our website at <https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>. See Section 10, form #2. To view the law, please see www.mainelegislature.org/legis/statutes/28-A/title28-Asec1652.html.
 - iii. You must post the prices for which you will be selling your product. As part of your brand and label registration, our web-based system includes the price posting process too so there is no need to complete any other forms to notify our office of your pricing. To view the law, please see www.mainelegislature.org/legis/statutes/28-A/title28-Asec1408.html.
- B. For a brewery, you are required to name a Maine licensed wholesaler to distribute your products to the on and off premise trade in assigned geographical areas within Maine. You cannot self-distribute. Again, as part of your brand and label registration, our web-based system includes the territory assignment process so there is no need to complete any other forms to notify us of your territory assignments. To view the law on this subject, please see www.legislature.maine.gov/legis/statutes/28-A/title28-Asec1406.html.
- C. For a small brewery, you are allowed to self-distribute your products in an assigned geographical area, the entire state or you may choose to name a Maine licensed wholesaler to distribute your products in an assigned geographical area. In the case of assigning to a wholesaler, you can retain certain selling areas to self-distribute if you so desire. Again, as part of your brand and label registration, our web-based system includes the territory assignment process so if you wish to exercise this option (to use a wholesaler) there is no need to complete any other forms to notify us of your territory assignments.

Breweries and small breweries licensed in Maine enjoy many other options that are contained under one section of Maine law. Title 28-A Section 1355-A lists a variety of these options for you to consider. See www.mainelegislature.org/legis/statutes/28-A/title28-Asec1355-A.html for all licensing options available to breweries and small breweries in Maine.

The following is a brief non-inclusive list of these options:

- Sampling of your beer by employees, wholesalers and the public – [see Section 2, paragraph A](#)
- Complimentary samples of your beer to the public – [see Section 2, paragraph B](#)
- Sell your beer for on and off premise consumption – [See Section 2, paragraphs G and K; Section 3, paragraph C](#)
- Hold a license for a chapter 43 establishment (some sort of restaurant) under certain conditions. This license gives you along with selling your own product the ability to purchase and sell beer, wine and spirits of other suppliers/manufacturers under certain rules for on premise consumption. [See Section 2, paragraph I](#)

Ownership:

The production, distribution and sale of alcoholic beverages is controlled. To some degree, each U.S. state controls it differently, but the basic premise after the repeal of Prohibition in 1933 was that the control would be through a three-tiered system. The tiers consist of the manufacturer, distributor and retailer. The laws created to support this system are designed to prevent the influence of one tier over the others.

As you decide how to set up your business and the ownership of it, you need to remember that this three-tier system is in place. One of the most common ownership issues involves parents and spouses. Except for a very narrow exception outlined in [Section 1355-A](#) for a manufacturer, a manufacturer you cannot have a direct or indirect interest in another license that sells, serves or distributes beer, wine or spirits or a vice versa (non-manufacturing licensee (e.g. off premise retailer of beer or wine) cannot have a direct or indirect interest in manufacturing license).

Please refer to 28-A section 707, subsections 3, 4 and 5. (www.mainelegislature.org/legis/statutes/28-A/title28-Asec707.html) for more details about the prohibition of interest in other types of licenses that sell, serve or distribute beer, wine or spirits. Often, these relationships can be confusing when it comes to direct and indirect interest so please contact our office with specific questions.