



**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**

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AUGUSTA, MAINE 04330-0008**

KIRSTEN LC FIGUEROA  
COMMISSIONER

JANET T. MILLS  
GOVERNOR

**MEMORANDUM**

GREGORY R. MINEO  
DIRECTOR

TO: All Industry Members  
FROM: Tim Poulin, Deputy Director  
RE: Update to definition of “beverage” from Governor Mills’ March 18<sup>th</sup> Order  
DATE: April 23, 2020

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On March 18<sup>th</sup> and then again on March 24, Governor Mills took further steps to respond to COVID-19 and protect the health and safety of Maine people by requiring all on-premises establishments licensed under Chapter 43 of Title 28-A to cease all dine-in activities. Impacted licensees include but are not limited to all types of licensed restaurants, auditoriums, hotels, motels, manufacturers’ tasting rooms, taverns, golf courses with mobile carts and auxiliary locations, qualified catering, catering, social, fraternal, and veterans’ clubs – basically anyplace that a consumer can be served alcoholic beverages to be consumed at an establishment. The Governor extended the closure until April 30, 2020.

To reiterate, the Governor’s Executive Order required the following:

“All restaurants and bars shall close their dine-in facilities. Such businesses that offer carry-out, delivery, and drive-through food and beverage service may continue to do so but eating and drinking inside restaurants and bars is temporarily prohibited.”

Additionally, as we communicated in our [memo on March 18<sup>th</sup>](#), “beverage” in the context of the Order was intended to permit the sale by bars and restaurants to include beer and wine in the original manufactures’ sealed containers. Beverages will NOT include spirits products. The sale of beverages by bars and restaurants must be accompanied by a food order. The food requirement is based upon the type of liquor license issued by the Bureau.

Effective immediately, the definition of beverage will include draft beer in “growlers to go”. The following guidelines must be followed:

1. Growlers to go must be accompanied by a food order;
2. Beer dispensed into growlers under this temporary order is **limited to solely** those kegs on hand at the licensed premises at the time of the Governor’s Executive Order of March 18<sup>th</sup>;
  - a. The intent of this temporary order is to permit on-premises licensees to reduce existing inventory of kegs on hand since the Governor’s Order on March 18<sup>th</sup>.
3. Growlers must conform to the requirements set forth in 28-A MRS §1355-A, sub-§3, ¶C, sub-¶¶ (2) to (8) which states generally:
  - a. Beer must be dispensed in growlers provided by licensees, properly sanitized and labeled with the name and ABV of the product dispensed and the name of the on-premises establishment providing the growler;

- b. Growlers must only be 32 to 64 ounces in volume;
- c. The licensees may not prefill more than 6 growlers at any one time;
- d. The licensee may charge a deposit per growler but those sold under this temporary order are not subject to the bottle redemption requirement under Title 38, chapter 33.
- e. The growler in which the beer is dispensed must be sealed by the licensee with a seal that is tamper-evident;
- f. Beer dispensed in accordance with this temporary order must be consumed off the premises;
- g. All sales of beer from the on-premises establishment for off-premises consumption must be accompanied by a sales receipt with a time stamp that indicates time of purchase.

The Bureau will continue to communicate updates on this matter as needed. If you have any further questions on this matter, please contact me directly at [Tim.Poulin@Maine.gov](mailto:Tim.Poulin@Maine.gov) or 207.287.6750.