**18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

**553 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS**

**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 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 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 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 licensee with prior written approval may loan draft equipment to holders of special catering permits issued under Title 28A section 1052 and to holders of licenses issued under section 1071. This equipment may be used at temporarily licensed locations only and may not be used at a license holders regularly licensed premise.

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.

3. All Certificate of Approval holders and Alcoholic Beverages Manufacturers 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.

4. *(Not in use.)*

5. All 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, 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. A wholesale licensee may not refuse to sell to a retail licensee in his allotted territory.

13. A wholesale licensee or his 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 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, must be in the original sealed containers and previously unopened.

16. A Brewery or Small Brewery may charge a fee for a tour or samples offered to the public.

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formerly Ch.4 under 16-226 - Department of Public Safety, Liquor Licensing and Inspections Unit

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