

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

JANET T. MILLS  
GOVERNOR

**8 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04330-0008**

KIRSTEN LC FIGUEROA  
COMMISSIONER

GREGORY R. MINEO  
DIRECTOR

MEMORANDUM

TO: All Industry Members  
FROM: Tim Poulin, Deputy Director  
RE: Update to definition of “beverage” from Governor Mills’ March 18<sup>th</sup> Order;  
cocktails to go  
DATE: April 27, 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 spirits-based “cocktails to go”. The following guidelines must be followed:

1. Cocktails must be accompanied by a food order and a sales receipt with a time stamp that indicates the time of purchase;
2. Cocktails must be batched for immediate use or created individually as needed to fill a customer order;
3. A container of cocktails must not exceed 4½ ounces of spirits;
4. Cocktails must be in a tamper evident container provided by the licensees using one of the following processes, for example: **ORPTE LOCATED AT 10 WATER STREET, HALLOWELL, MAINE 04347**

- a. Crown capped glass bottles;
- b. Screw tops like a water bottle cap that break apart when opened; or
- c. Vacuum and heat-sealed pouches

5. The container must have a label affixed that contains the following:
  - a. Name of establishment with date and time of production; and
  - b. The contents of cocktail including the proof the spirits used to create.
6. Licensees must only create “cocktails to go” for their own establishment.
7. Licensee opting to add cocktails to go must send an email to [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov) and to the licensee’s assigned liquor licensing inspector (see below for contact info) to provide notification that the licensee is conducting “cocktails to go” activities. The email must contain the following information:
  - a. The name and license number of the participating licensee;
  - b. Name, telephone and email address of a person requesting permission; and
  - c. The type of tamper-proof container that the licensee will be using to create “cocktails to go”.

The Bureau will continue to communicate updates on this Executive Order 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.

**Liquor Licensing Inspector Contact Information:**

<u>Inspector’s Email Address</u>	<u>Territory</u>
Anthony.R.Austin@Maine.gov	Cumberland County (east of turnpike), York County (east of turnpike)
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