

From: Chris Feeney <cfeeney@bernsteinshur.com>
Sent: Thursday, January 13, 2022 3:28 PM
To: Stocco, Janet <Janet.Stocco@legislature.maine.gov>
Cc: Kate Knox <kknnox@bernsteinshur.com>
Subject: Issue with grammar in the definition of small brewery - LD 1643

This message originates from outside the Maine Legislature.

Hi Janet-

I am reaching out on behalf of the Maine Brewers' Guild regarding everyone's favorite bill, LD 1643 "**An Act To Correct Errors, Inconsistencies and Conflicts in and To Revise the State's Liquor Laws**". One of our members spotted an issue with the definition of Small Brewery in LD 1643 that could be problematic due to unclear grammar.

29. Small brewery. "Small brewery" means a facility that brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed 30,000 barrels per year. person that engages in the activities under either paragraph A or B, or both:

- A. **Brewing, lagering and kegging, bottling or packaging** the person's own malt liquor;
- B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added.

There's an "and" conjunction between two things that are not similar processes (lagering and kegging), and then an "or" conjunction between two things that are similar processes. It's not clear from the grammar whether someone would be required to perform only one of the actions in A or whether they need to do two of them or five of them? Kegging and bottling are subsets of packaging. Lagering is a kind of fermenting (but not a particularly ubiquitous one). And it's not totally clear whether "brewing" involves making wort (i.e. creating the sugar water from malt) or whether it means fermenting the beer (which would be similar to the term lagering).

This matters a lot for breweries that don't perform all of these actions at all of their locations (e.g. brew pubs with multiple locations). We feel this line could be problematic down the road without further clarification. Let us know if there is anything we can do on our end to try and get this fixed.

Thanks,
Chris

Chris Feeney
Project Manager
207 629-6203 direct
207 774-1200 main
207 774-1127 fax
[LinkedIn](#) | [Twitter](#)

BERNSTEINSHUR

[Augusta, ME](#) | [Portland, ME](#) | [Manchester, NH](#) | [bernsteinshur.com](#)

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

