

## Stocco, Janet

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**From:** Chris Feeney <cfeeney@bernsteinshur.com>  
**Sent:** Tuesday, February 1, 2022 5:52 PM  
**To:** Stocco, Janet  
**Subject:** RE: Issue with grammar in the definition of small brewery - LD 1643

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This message originates from outside the Maine Legislature.

Hi Janet –

Thank you for bringing forward the concerns of the Maine Brewers' Guild to the committee.

The Guild appreciates and agrees with your approach to resolve the "fruit beer" issue (page 12 of your bill analysis) by changing the definition of "malt liquor" (i.e., beer), but recommend a few changes to the definition of "malt liquor" to provide more clarity as follows:

- **"Malt liquor"** means any liquor that is produced by the fermentation of malt, any substitute for malt, or any combination of malt and one or more substitutes for malt, wholly or partially, no less than 51.00% of such liquor's total percent alcohol by volume is derived from the fermentation of malt, any substitute for malt, or any combination of malt and one or more substitutes for malt, wholly or partially, and no more than 49.00% of such liquor's total percent alcohol by volume is derived from the fermentation of one or more beverage ingredients, non-beverage ingredients, or any combination thereof, that have been approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, which include, without limitation, fruit, fruit juice, fruit concentrate, herbs, spices, honey, maple syrup, and other food materials. A substitute for malt includes, but is not limited to, rice, grain of any kind, bran, glucose, sugar, or molasses. "Malt liquor" includes, but is not limited to, beer, ale, lager, porter, and stout. "Malt liquor" does not include beverages made with malt liquor and to which spirits have been added.

Additionally, the Maine Brewers' Guild recommends the following definitions for "brewer" and "small brewery" to alleviate any confusion due to unclear grammar (page 12 of your bill analysis).

- **"Brewer"** means a person who produces malt liquor, low-alcohol spirits products containing malt liquor, or both. A brewer may engage in any or all activities that are necessary or incidental to the production of malt liquor, low-alcohol spirits products containing malt liquor, or both, in accordance with this Title, which activities include, but are not limited to, brewing, fermenting, aging, packaging, transporting, and selling malt liquor, low-alcohol spirits products containing malt liquor, or both.
- **"Small Brewery"** means a person who produces no more than 30,000 barrels of malt liquor annually, low-alcohol spirits products containing malt liquor, or both. A small brewery may engage in any or all activities that are necessary or incidental to the production of malt liquor, low-alcohol spirits products containing malt liquor, or both, in accordance with this Title, which activities include, but are not limited to, brewing, fermenting, aging, packaging, transporting, and selling malt liquor, low-alcohol spirits products containing malt liquor, or both.

Please let me know if you have any questions or if there is anything I can be helpful with.