

**Senator Hickman's Proposed Amendment to LD 1643**

To address issues regarding brewery and small brewery definitions

| Current Definition <u>28-A M.R.S. §2</u>   | LD 1643  | Senator Hickman's Proposed Amendment  |
|--|--|---|
| <p><b>5. Brewer.</b> "Brewer" means a person who produces malt liquor by fermentation of malt, wholly or partially, or from any substitute for malt.</p>                       | <p><b>5. <del>Brewer</del> Brewery.</b> "<del>Brewer</del> Brewery" means a person <del>who produces malt liquor by fermentation of malt, wholly or partially, or from any substitute for malt;</del> <u>that engages in the activities under either paragraph A or B, or both:</u></p> <p><u>A. Brewing, lagering and kegging, bottling or packaging the person's own * malt liquor; or</u></p> <p><u>B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added.</u></p> <p><i>* Remove "the person's own," added in LD 1643, and follow current law more closely.</i></p>   | <p><b>5. <del>Brewer</del> Brewery.</b> "<del>Brewer</del> Brewery" means a person <del>who produces malt liquor by fermentation of malt, wholly or partially, or from any substitute for malt;</del> <u>that engages in the activities under either paragraph A or B, or both:</u></p> <p><u>A. Producing malt liquor by fermentation, wholly or partially, of malt or any substitute for malt; or</u></p> <p><u>B. Producing* low-alcohol spirits products consisting of malt liquor to which spirits have been added.</u></p> <p><i>*Remove "bottling" here and add bottling as an authorized activity in §1355-A(3)(A) <a href="#">bill p.68</a></i></p>  |
| <p><b>29. Small brewery.</b> "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.</p> | <p><b>29. Small brewery.</b> "Small brewery" means a <del>facility that brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed 30,000 barrels per year.</del> <u>person that engages in the activities under either paragraph A or B, or both:</u></p> <p><u>A. Brewing, lagering and kegging, bottling or packaging the person's own* malt liquor; or</u></p> <p><u>B. Producing or bottling low-alcohol spirits products consisting of malt liquor to which spirits have been added.</u></p> <p><u>"Small brewery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 30,000 barrels per year of malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added.</u></p> <p><i>* Remove "the person's own," added in LD 1643, and follow the brewery definition.</i></p> | <p><b>29. Small brewery.</b> "Small brewery" means a <del>facility that brews, lagers and kegs, bottles or packages its own malt liquor, not to exceed 30,000 barrels per year.</del> <u>person that engages in the activities under either paragraph A or B, or both:</u></p> <p><u>A. Producing malt liquor by fermentation, wholly or partially, of malt or any substitute for malt; or</u></p> <p><u>B. Producing* low-alcohol spirits products consisting of malt liquor to which spirits have been added.</u></p> <p><u>"Small brewery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 30,000 barrels per year of malt liquor and low-alcohol spirits products consisting of malt liquor to which spirits have been added.</u></p> <p><i>*Remove "bottling" here and add bottling as an authorized activity in §1355-A(3)(B) <a href="#">bill p.68</a></i></p> |

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| Current Definition <u>28-A M.R.S. §2</u>  | LD 1643   | Senator Hickman's Proposed Amendment   |
|---|---|--|
| <p><b>37. Winery.</b> "Winery" means a facility that ferments, ages and bottles wine and hard cider.</p>  | <p><b>37. Winery.</b> "Winery" means a <u>facility person</u> that ferments, ages <u>and or</u> bottles <u>the person's own</u>* wine and hard cider.</p> <p><i>* Remove "the person's own," added in LD 1643, and clarify "hard cider" is a type "wine".</i></p>   | <p><b>37. Winery.</b> "Winery" means a facility that ferments; <u>and</u> ages <u>and bottles</u>* wine <u>and</u>, including hard cider.</p> <p><i>*Remove "bottles" here and add bottling as an authorized activity in §1355-A(4)(A) <a href="#">bill p.70</a></i></p>   |
| <p><b>29-B. Small winery.</b> "Small winery" means a facility that ferments, ages and bottles:</p> <p>A. Up to 50,000 gallons per year of its own wine that is not hard cider; and</p> <p>B. Up to 3,000 barrels per year of its own wine that is hard cider.</p> | <p><b>29-B. Small winery.</b> "Small winery" means a <u>facility person</u> that ferments, ages <u>and or</u> bottles:</p> <p>A. Up to 50,000 gallons per year of <u>its the person's own</u> wine that is not hard cider; and</p> <p>B. Up to 3,000 barrels per year of <u>its the person's own</u> wine that is hard cider.</p> <p><i>Do not remove "the person's own" because similar language is in current law.</i></p>  | <p><b>29-B. Small winery.</b> "Small winery" means a <u>facility person</u> ferments; <u>and</u> ages <u>and bottles</u>*:</p> <p>A. Up to 50,000 gallons per year of <u>its the person's own</u> wine that is not hard cider; and</p> <p>B. Up to 3,000 barrels per year of <u>its the person's own</u> wine that is hard cider.</p> <p><i>*Remove "bottles" here and add bottling as an authorized activity in §1355-A(4)(B) <a href="#">bill p.70</a></i></p>   |
| <p><b>11. Distiller.</b> "Distiller" means a person who produces spirits by the process of distillation.</p>  | <p><b>11. Distillery.</b> "Distillery" means a <u>person that engages in the activities under either paragraph A or B, or both:</u></p> <p>A. Producing <u>the person's own</u>* spirits by the <u>process of distillation; or</u></p> <p>B. Producing low-alcohol spirits products.</p> <p><i>* Remove "the person's own," added in LD 1643, and follow current law more closely.</i></p>  | <p><b>11. Distillery.</b> "Distillery" means a <u>person that engages in the activities under either paragraph A or B, or both:</u></p> <p>A. Producing spirits by the <u>process of distillation; or</u></p> <p>B. Producing low-alcohol spirits products.</p> <p><i>Distillery authority to bottle spirits is already specified within §1355-A(4)(A) <a href="#">bill p.71</a></i></p>   |
| <p><b>29-A. Small distillery.</b> "Small distillery" means a distiller that produces spirits in an amount that does not exceed 50,000 gallons per year.</p>   | <p><b>29-A. Small distillery.</b> "Small distillery" means a <u>distiller that produces spirits in an amount that does not exceed 50,000 gallons per year. person that engages in the activities under either paragraph A or B, or both:</u></p> <p>A. Producing <u>the person's own</u>* spirits by the <u>process of distillation; or</u></p> <p>B. Producing low-alcohol spirits products.</p> <p><u>"Small distillery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 50,000 gallons per year of spirits and low-alcohol spirits products.</u></p> <p><i>* Remove "the person's own," added in LD 1643, and follow current law more closely.</i></p> | <p><b>29-A. Small distillery.</b> "Small distillery" means a <u>distiller that produces spirits in an amount that does not exceed 50,000 gallons per year. person that engages in the activities under either paragraph A or B, or both:</u></p> <p>A. Producing spirits by the <u>process of distillation; or</u></p> <p>B. Producing low-alcohol spirits products.</p> <p><u>"Small distillery" does not include a person that engages in the activities described in paragraph A or B that produces in total more than 50,000 gallons per year of spirits and low-alcohol spirits products.</u></p> <p><i>Small distillery authority to bottle spirits is already specified within §1355-A(5)(B) <a href="#">bill p.71</a>.</i></p> |