

MEMORANDUM

From: Spencer Shagoury

To: Sean Kealy

Date: December 22, 2021

Re: Reflection Memorandum – Legislative History Project – A Bill Relative to Craft Brewers

Dear Sean,

I have completed my research on “An Act Relative to Craft Brewers” (Bill S2841, 191st (2019-2020)) and shared the results with you on Google Drive. Below, please find my reflection on the process. I divided my reflection into four parts: (1) the steps I took to compile the legislative history; (2) a discussion on the aspects of the project that were relatively easy; (3) a discussion on the aspects of the project that were relatively hard; and (4) concluding remarks.

I. Steps to Compiling Legislative History

My first step was to go to the Massachusetts legislature’s website and look up the bill number. The legislative history the state website provides has links to other forms of the bill. Using the embedded links, I created an excel sheet to keep track of how the various forms of the bill fit together on a single timeline. The earlier forms of the bill were S.104 and S.2829, though the Senate passed S.2841 with an amendment proposed by the House. I learned that there was a hearing on the bill, but the website did not include an archived version of the hearing. Finally, I noticed that the senate passed the bill relatively early in the session, while the House stalled and ultimately acted at 3:00 am on the final day of the session.

Based on the ‘similar legislation’ tab, I could see that legislators had proposed variations of this bill dating back several sessions. I later discovered news articles that confirmed the dispute between distributors and small craft brewers was very bitter and had been going on for about a decade, but legislators had failed to reach a compromise between the interested parties.

Next, I went to MassTrac. There, I was able to locate written testimony and the positions of various interest groups. Incidentally, MassTrac also provided me with a record on floor votes.

Wanting to learn more about what occurred in the legislature itself, I reached out the sergeant-at-arms to see if she could provide me with the recording of the hearing. The sergeant-at-arms' contact information is not available online, but after some sleuthing (I ended up speaking with the state government's HR department to get the information) I learned that Karen Reaney-Johnson can be reached at karen.reaney-johnson@malegislature.gov. Unfortunately, Ms. Reaney Johnson never responded to my request.

I also reached out to each of the relevant committees (Consumer Protection & Licensure and Ways & Means) to see if they had any documents that could be useful to me. I heard back from the Consumer Protection and Licensure Committee in mid-November, who said they would process my request. I reached out again in early December, but they said they were still working on the request. Not wanting to annoy them, I decided to not reach out again. Ultimately, I primarily relied upon House and Senate Journals from the days each body acted on the bill.

My last attempt to learn a little bit more about why the legislature behaved the way it did was to go to State House News Service (SNHS). Though not very detailed, I did find several resources that, in narrative form, described the actions on the floor of the house and senate, the time of day each action occurred, and even some statements on why the bill should pass. The most valuable of these resources were the various session summaries. SHNS also provided several articles about the bill itself.

Finally, because the bill was the culmination of a long-standing feud between the beer industry and distributors, I knew there would be ample news articles beyond what was available on SNHS. Knowing that MassTrac keeps a record of media articles corresponding to each bill, I read through the numerous articles on S.104, S.2829, and S.2841.

Ultimately, I felt like I was able to create a very strong timeline and gain a solid understanding of political and historical context of the bill. However, I felt that I had serious issues gaining access to documents that show what occurred on the floors of the senate and the house.

II. Parts of the Project that were Easy

SHNS and MassTrac were incredibly helpful in compiling legislative history. The access to news articles for free was particularly valuable, especially because MassTrac links each version of the bill to corresponding articles. This makes the process incredibly intuitive. Given my issues contacting legislative staff, the SNHS session summaries gave particularly valuable insight as to what was said on the floor as the House and Senate discussed the bills.

Likewise, the Massachusetts legislature's website was helpful for two distinct reasons. First, the fact that a researcher can find the text and history of a bill using a simple and intuitive search engine is remarkable. I never had any issue locating any of the versions of my bill. Second, the website's use of embedded links allows recreating the legislative history of a bill very easy.

III. Parts of Project that were Hard

The greatest issue I had was my inability to get any substantive response from legislative staff. I understand that the end of the calendar year is a very difficult time to take on requests from a law student, but it still left me frustrated. If I end up ever getting the additional documents from the licensing committee, I will add them to the Google Drive file.

The second issue I had was with the Massachusetts legislature's website. Although generally very helpful, it is very frustrating that not every hearing is archived on the website. I feel like I could have learned a lot more about the public's support for the bill through watching testimony, as I found this incredibly helpful for my committee report.

IV. Conclusion

Ultimately, this assignment gave me a good sense of how difficult gathering legislative history can be. I was pleasantly surprised with the quality of the legislature's website and I have no idea how a researcher could put together a solid understanding of a bill's legislative history without having access to subscription services like MassTrac and SNHS.

Sincerely,
Spencer Shagoury