



Beyond The Law: Heather Sanborn

Interview and photos
by Daniel J. Murphy

Benjamin Franklin, the American statesman, is famously attributed as stating that “beer is proof that God loves us and wants us to be happy.” Heather Sanborn, a lawyer and craft brewer, has found her bliss in making beer. In 2010, Sanborn opened Rising Tide Brewing Company with her husband, Nathan. Since that time, Rising Tide has received rave reviews and a very loyal following. Sanborn spoke with the *Maine Bar Journal* about her interests.

MBJ: Please tell our readers about your interest in brewing beer.

HS: My husband, Nathan, was a home brewer for about 12 years before we started Rising Tide in 2010. He was brewing beer with an increasing level of obsessiveness. We were having dinner parties once a week with all our friends, who could not drink all of the beer that he was making. People were really impressed with the quality of his homebrew. He was a stay-at-home dad, and so we talked about what he was going to do once our son went to kindergarten. He dreamed of opening his own brewery and we were able to make it happen.

MBJ: What is the origin of the name for your business, Rising Tide?

HS: The name Rising Tide comes from the concept of a rising tide lifting all boats. I believe that it is originally something that John F. Kennedy said in a speech. In the craft beer industry right now, that’s really what’s going on. More craft brewers are out there making great beer, more bars and restaurants are putting in additional tap lines, more stores are adding additional space to sell craft beer, and more people are trying it.





MBJ: Could you describe the growth of the craft brewery movement that is occurring right now?

HS: In the late 1970s, there were 89 breweries in the country. Now there are more than 2,500 breweries, with an equal number of breweries in planning throughout the country. In Maine, we've seen the same type of explosive growth. There are more than 40 breweries in Maine now, with probably another 10 to 20 in the works. Really what we're seeing happen is a decentralization of beer. People are very interested in trying new varieties, experimenting, and innovating. It has led to a phenomenal explosion in sales as well, with double-digit growth for craft beer sales over the last four years throughout the country, as well as in Maine.

MBJ: What sets Rising Tide apart from other beer makers?

HS: We built our own brewery—rather than contracting with another brewery to brew our beer—so that we could control quality from start to finish. Our beers are well balanced and informed by traditional beer styles, but not beholden to them. As a small family-owned company, we also

emphasize our relationship with other small businesses. We get our boxes from a local company in Biddeford. We buy our glass bottles locally. We source much of our grain from Maine farms. We work with other small businesses in the tasting room too, such as food trucks, screen printers, and beer tour companies. This emphasis on working with other small businesses is also part of the concept of the rising tide that lifts all boats.

MBJ: How did you navigate the transition from home brewing to commercial brewing?

HS: It was quite a step. We started on a very small scale, as a proof of concept. We leased a 1,500-square-foot space off Riverside Street in Portland. We built basically a gigantic homebrew setup. Rather than brewing 5 or 10 gallons at a time as you might in your kitchen, we started brewing 55 gallons at a time. We brewed in fermenters that allowed us to do between three to five batches at a time over a one- to two-day period. Nathan did that for a year and a half. We were able to get our beer into a lot of the bars and restaurants in Portland, as well as into a lot of places where craft beer bottles are sold, such as RSVP in Portland, Whole Foods, Trader Joe's and many other independent retailers

throughout the state based on that proof of concept. It was an important transition for us to the 900-gallon batches that we make now.

MBJ: Do you remember the first time you saw your beer in a retail setting?

HS: I remember the first time that we were at a bar and folks were able to try our beer, which was almost three years ago. It was interesting and humbling to have folks who weren't around our dinner table drinking our beer. Now that same bar—Novare Res—is one of our best customers. It's been great fun to build that relationship over the last three years and continue to work with such great bars and restaurants throughout Maine.

MBJ: What makes a great beer?

HS: A couple of things. I think balance is really important to good beer. A beer should be very drinkable. It shouldn't be a challenge to get it down just to prove that you have the chops or that you can tolerate hoppy bitterness. It should be drinkable, and it should pair well with food and enhance the experience of eating a great meal.

MBJ: Right now, how many varieties is Rising Tide brewing?

HS: We brew three year-round varieties and then a seasonal beer in the summertime and in the wintertime. And we have special release beers that we do throughout the course of the year as well. So in Maine, where all our special release beers are available, we might have between four to six beers on sale at any given time.

MBJ: Do you have a current favorite among the beers that you brew?

HS: I never like that question. It's like having to choose your favorite child. I guess my favorite is whatever is in my glass at that time, which is sometimes determined by my mood or by the weather outside. But I really like all of our beers. We wouldn't brew them if we didn't like them.

MBJ: What are some of the challenges of brewing?

HS: There are a lot of challenges of brewing and running a brewery, which I think are the challenges of every small business. They include managing, recruiting, and retaining really wonderful people to work with you. Our employees are our ambassadors and our face to the world, so nothing could be more important. Also, we have to manage our supply chains in both directions, getting the ingredients we need as well as sending the finished beer into the market. We work with 11 different distributors right now, many of which are small family-owned businesses themselves, across four states. So it is challenging to stay on top of those relationships all the time.

MBJ: What are the rewards of making beer?

HS: It's really exciting to make something tangible that you can hold in your hand and then put it in your glass. You can drink and enjoy, and watch other people enjoy. There's something fantastic about not just charging for your thoughts or your time, but actually selling a product. It is also just a lot of fun to be able to go into a bar and be able to order my own beer.

MBJ: Any intersection between your legal world and this new interest?

HS: Absolutely. We are dealing with a highly regulated industry, so I am constantly trying to navigate the rules at the local, state, and the federal level regarding labeling, sales, distribution, registration, excise tax requirements,

and record-keeping requirements. My legal background has definitely been helpful for that. And trademarks are an incredibly important part of our business. I have a little background in trademark law, so that's been really invaluable. Trademarks are double-edged swords for us. We want to protect our own brands, but trademark law also really limits what we can call our beers in this increasingly crowded industry because others are protecting their brands too.

MBJ: What's the best advice you've ever received?

HS: I think the best advice I've ever received is from my mom who always told me to trust my gut and that life doesn't always go straight ahead in one direction. You have to be on the lookout for when you're supposed to turn right or left. Generally, you're going to get where you're supposed to go, but you have to trust that there are going to be these intersections along the way that you really didn't expect. I've certainly hit a few of those intersections along the way and one of them brought me here, so I'm really glad that she gave me that advice to trust my gut.



Daniel J. Murphy is a shareholder in Bernstein Shur's Business Law and Litigation Practice Groups, where his practice concentrates on business and commercial litigation matters.

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