

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 15

H.P. 16

House of Representatives, January 2, 2019

**An Act To Provide for Municipalities To Allow Grocery Stores up to
10,000 Square Feet To Open on Thanksgiving, Easter and
Christmas**

(EMERGENCY)

Reference to the Committee on Innovation, Development, Economic Advancement and
Commerce suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.
Cosponsored by Senator HERBIG of Waldo and
Representatives: HANINGTON of Lincoln, MORRIS of Turner, NADEAU of Winslow.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation must take effect in time for Easter Sunday, April 21, 2019;
4 and

5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
6 the meaning of the Constitution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public peace, health and safety; now,
8 therefore,

9 **Be it enacted by the People of the State of Maine as follows:**

10 **Sec. 1. 17 MRSA §3204, sub-§2,** as enacted by PL 2003, c. 452, Pt. I, §55 and
11 affected by Pt. X, §2, is amended to read:

12 **2. Exceptions.** This section does not apply to:

13 A. Common, contract and private carriers;

14 B. Taxicabs;

15 C. Airplanes;

16 D. Newspapers;

17 E. Radio and television stations;

18 F. Hotels, motels, rooming houses, tourist and trailer camps;

19 G. Restaurants;

20 H. Garages and motor vehicle service stations;

21 I. Retail monument dealers;

22 J. Automatic laundries;

23 K. Machines that vend anything of value, including, but not limited to, a product,
24 money or service;

25 L. A satellite facility approved by the Superintendent of Financial Institutions under
26 Title 9-B; or comparable facility approved by the appropriate federal authority;

27 M. Pharmacies;

28 N. Greenhouses;

29 O. Seasonal stands engaged in sale of farm produce, dairy products, seafood or
30 Christmas trees;

31 P. Public utilities;

32 Q. Industries normally kept in continuous operation, including, but not limited to,
33 electric generation plants, pulp and paper plants and textile plants;

34 R. Processing plants handling agricultural produce or products of the sea;

- 1 S. Ship chandleries;
- 2 T. Marinas;
- 3 U. Establishments primarily selling boats, boating equipment, sporting equipment,
- 4 souvenirs and novelties;
- 5 V. Motion picture theaters;
- 6 W. Public dancing;
- 7 X. Sports and athletic events;
- 8 Y. Bowling alleys;
- 9 Z. Displaying or exploding fireworks, under Title 8, chapter 9-A;
- 10 AA. Musical concerts;
- 11 BB. Religious, educational, scientific or philosophical lectures;
- 12 CC. Scenic, historic, recreational and amusement facilities;
- 13 DD. Real estate brokers and real estate sales representatives;
- 14 EE. Mobile home brokers and mobile home sales representatives;
- 15 FF. Stores in which no more than 5 persons, including the proprietor, are employed
- 16 in the usual and regular conduct of business;
- 17 GG. Stores that have no more than 5,000 square feet of interior customer selling
- 18 space, excluding back room storage, office and processing space; and
- 19 HH. Stores with more than 5,000 square feet of interior customer selling space that
- 20 engage in retail sales and that do not require, as a condition of employment, that their
- 21 employees work on Sundays. If an employer decreases the average weekly work
- 22 hours of an employee who has declined to work on Sundays, it is prima facie
- 23 evidence that the employer has required Sunday work as a condition of employment
- 24 in violation of this section, unless the employer and employee agreed that the
- 25 employee would work on Sundays when the employee was initially hired. In no
- 26 event, however, may any store having more than 5,000 square feet of interior
- 27 customer selling space be open on Easter Day, Thanksgiving Day and Christmas
- 28 Day.

29 This subsection does not exempt the businesses or facilities specified in sections 3205
 30 ~~and~~, 3207 and 3210 from closing in any municipality until the requirements of those
 31 sections have been met.

32 **Sec. 2. 17 MRSA §3210** is enacted to read:

33 **§3210. Local option; grocery stores**

34 A municipality may by ordinance allow grocery stores with no more than 10,000
 35 square feet of interior customer selling space to be open on Easter Day, Thanksgiving
 36 Day and Christmas Day. For purposes of this subsection, "grocery store" has the same
 37 meaning as in Title 22, section 2491, subsection 7-B.

