

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

October 4, 1950

To Marion E. Martin, Commissioner of Labor and Industry  
Re: Sections 41 and 44 of Chapter 121, R. S. 1944

I have your memo of October 2nd, enclosing a letter dated September 30, 1950, which you had received from Norman E. Fowler of Gardiner, Maine, and also a copy of Section 41, in part, and Section 44 of Chapter 121, R. S. of Maine.

In suggesting an answer to Mr. Fowler's letter I wish to advise that your department has no active set-up to check on violations of the law on Sunday moving pictures, which were legalized in 1939, and public outdoor sports which were legalized in 1933.

Section 44 of Chapter 121 has to do with prosecutions under Sections 37, 39, 40 and 43. Section 37 has to do with rude behavior in a house of worship or religious assembly. Section 39 has to do with business, traveling, and recreation on the Lord's Day, which is known as the "Sunday Blue Law." Section 40 has to do with Sunday sports, which are controlled by local option. Section 43 forbids innholders and victuallers to allow gambling, etc., on their premises on Sunday.

There is no intent of the legislature in Chapter 25 or Chapter 121 apparent that the last part of Section 41 should be enforced by the Department of Labor and Industry, and there is no official ruling from the office of the Attorney General relating to this matter. You must keep in mind that this is a local-option statute and that Sunday movies cannot be exhibited until the voters of the city or town so vote at a regular election. When a city or town votes to allow Sunday moving pictures, the vote remains in force until repealed in the same manner as provided for their adoption. This statute does not relate to every moving picture corporation; it relates to the operation of a moving picture show on Sunday and prohibits any such operator to permit any employee of said person, firm or corporation to work more than 6 days in any 1 week.

If there is a violation of this statute, complaint can be taken out in the local municipal court upon sufficient evidence that this statute is being violated. Therefore the person being worked 7 days a week would be the one to make the complaint. I do not believe that anyone working in a theatre is compelled to labor 7 days a week. The law permits anyone to work 6 days a week. If Mr. Fowler is not satisfied with the law as it is, he can come to the legislature in 1951 and seek an amendment in regard to this provision.

With this information you can answer his letter in your own way, telling him that the only way to get jurisdiction of the moving pictures is to amend the statute, giving you full control of the movies and the moving picture industry in Maine. . .

RALPH W. FARRIS  
Attorney General