

MAINE STATE LEGISLATURE

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Liquor Commission

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Applicability of term "court holiday" in Me. Rev. Stat. Ann., Tit. 28, § 154 to day of referendum election in determining whether State liquor stores may legally open.

FACTS:

Me. Rev. Stat. Ann., Tit. 28, § 154 (1964) reads in part as follows:

"State stores shall not be open on Sundays, court holidays, or on the day of the holding of a general election or state-wide primary . . ." (Emphasis supplied)

A special state-wide bond referendum election is scheduled shortly.

QUESTION:

May a state liquor store legally open on the day of a special state-wide bond referendum election?

OPINION:

Such opening is prohibited by law. Me. Rev. Stat. Ann., Tit. 4, § 1051 (1964) provides:

"No court shall be held on . . . the day of any special state-wide election; . . ."

In view of the cited statutory language, it is clear that a special state-wide bond referendum election gives rise to a "court holiday", and Me. Rev. Stat. Ann., Tit. 28, § 154 forbids state liquor stores to be open on court holidays.

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