

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date January 24, 1968

To Colonel Parker F. Hennessey Dept. Maine State Police

From Richard S. Cohen, Chief, Criminal Div Dept. Attorney General

Subject Public Dancing Sundays

## FACTS:

Because of the many inquiries by local police agencies regarding the question as to whether or not dancing may be held on Sunday, the Maine State Police have requested an opinion as to the legality of this subject.

## QUESTION:

Whether or not public dancing is legal in this state on Sundays, which includes Sabbath Day hours.

## ANSWER:

Yes.

## REASONS:

The pertinent portions of the Maine Revised Statutes Annotated in regards to the above question are found in 17 M.R.S.A. §3202, 3204.

"To determine when the Lord's Day begins and ends under section 3204, as it applies to public dancing, diversion, show or entertainment, the hours shall be United States Eastern Standard Time". 17 M.R.S.A. §3202.

"No person, firm or corporation shall, on the Lord's Day, ... keep open a place of business to the public except for works of necessity, emergency or charity.

"This section shall not apply to: ...recreational and amusement facilities, ..." 17 M.R.S.A. §3204.

It can be seen from the above quoted section, 3202, that this section as it applies to public dancing is conditioned upon the applicability of section 3204. Section 3204, above, exempts recreational and amusement facilities from the prohibition of the keeping open of a place of business on the Lord's Day. Public dancing would come within the category "recreational and amusement facilities".

It would seem that the confusion on this subject arises from former Chapter 134 Section 38 Maine Revised Statutes, 1954, which said,

"Whoever on the Lord's Day, keeps open his shop, place of business, etc. ... uses any sport game or recreation; or is present at any dancing, public diversion, show or entertainment ... shall be punished..." R.S., 1954, C. 134 §38

Undoubtedly, if the above quoted section were still the law of this state, public dancing would at this time be prohibited, however, this section was repealed and replaced by P.L. 1961, Chapter 362, the law as it now stands today. The Legislature, in repealing and replacing the above 1954 statute, specifically left out the prohibition as to public dancing, and of course, the existing law is what we must be governed by at this time.