

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

*Holiday Inquiry (2/10/77)  
17 AUG 21 1977*

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

September 19, 1977

Robie M. Liscomb, Executive Vice President  
Maine Merchants Association, Inc.  
124 Sewall Street  
Augusta, Maine 04330

Dear Mr. Liscomb:

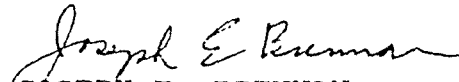
We are responding to your letter of September 7, 1977, in which you noted that there is confusion regarding applicability of the Sunday Sales Statutes to Monday, December 26, of this year. We assume that this confusion is generated by the fact that December 25, 1977, will not only be a Sunday but will also be Christmas Day, and many businesses and industries may choose to allow their employees to remain away from work the following day for this reason.

The primary statute relating to your question is 17 M.R.S.A. § 3204, which prohibits the opening of places of business on Sundays and specified legal holidays. Christmas Day is among those legal holidays included in § 3204. However, there is no provision in the section which would prohibit businesses from opening on the day following a specified legal holiday simply because that holiday happens to also be a Sunday in any given year. Prohibitory statutes, such as § 2304, should be strictly construed, and since there is no mention of Mondays following legal holidays, it is our opinion that Monday, December 26, 1977, should be treated as any other Monday during the year for this purpose. In other words, unless a specific business is prohibited from opening by some statute other than § 3204, businesses would be permitted to open on December 26.

We are giving this advice solely because of the apparent State-wide nature of the question you have raised, and it

should not be interpreted as a comment on the question of whether any business should open on December 26. It should also be noted that there may be private contractual provisions, such as those in a labor contract, which might change the answer in any given case. These latter questions are ones which will have to be decided by the individual businessman.

Sincerely,



JOSEPH E. BRENNAN

Attorney General

JEB/ec