

# MAINE STATE LEGISLATURE

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Holiday: Veterans Day

17 M.R.S.A. § 3204

4 M.R.S.A. § 1051

October 20, 1978

To: Paul K. Lovejoy, Manpower Affairs  
From: Joseph E. Brennan, Attorney General  
Subject: Veterans' Day Holiday

This responds to your request for advice as to the status of the Veterans' Day holiday under certain state statutes specifying holidays. The question arises because Veterans' Day, November 11, falls on a Saturday. This has created questions as to whether the holiday provisions of State law should apply to Friday, November 10, or Monday, November 13.

The statutes cited in your request are 4 M.R.S.A. § 1051, relating to legal holidays, and 17 M.R.S.A. § 3204, relating to business activities on holidays.

Title 4 M.R.S.A. § 1051 specifies the court holidays, and it is our understanding that this provision is used to trigger holiday provisions in other areas, including private contracts and collective bargaining agreements. As to Veterans' Day, § 1051 specifies that "Veterans' Day, November 11," is a holiday . . . "When any one of the above-named holidays falls on a Sunday, the Monday following shall be observed as a holiday, with all the privileges applying to any of the days above-named." In this case, the holiday falls on a Saturday, not a Sunday. Therefore, the provisions of § 1051 moving the holiday ahead to the next Monday do not apply.

Thus, the Veterans' Day holiday is observed on Saturday. It is not to be moved back to the preceding Friday or forward to the next Monday. It is our understanding that, pursuant to this provision, the courts will be open for business on Friday, November 10.

Title 17, § 3204 likewise specifies that the Sunday and holiday restrictions on business operations shall apply to "Veterans' Day, November 11." There is no provisions in § 3204 for moving the date on which the prohibitions for Veterans' Day apply to another day if Veterans' Day falls on a Saturday. Therefore, the holiday restrictions imposed by § 3204 for Veterans' Day will apply only on Saturday, November 11.

It must be emphasized that any application of legal holiday rules must be considered in the context of any applicable business practices, personnel rules, or collective bargaining agreements. For example, the State of Maine Department of Personnel has specified that Friday, November 10, will be a holiday for State employees. However, such provisions are in addition to the limitations imposed as a result of 4 M.R.S.A. § 1051 or 17 M.R.S.A. § 3204 both of which limit the application of the holiday rule to Saturday, November 11, 1978.

I hope this information is helpful.

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JOSEPH E. BRENNAN  
Attorney General

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