

# MAINE STATE LEGISLATURE

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Sunday Closing Law  
(7 M.R.S.A. § 3204)

bcc: Criminal Div.

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

November 29, 1978

Mr. Andre H. Baillargeon  
Store Manager  
Mamouth Mart/Kings  
114 Western Avenue  
Augusta, Maine 04330

Dear Mr. Baillargeon:

I am responding to your letter of November 17, 1978, concerning a "Family Shopping Sunday" in your store. In your letter you have requested our advice or opinion as to whether this proposal, which would mean opening your store on one Sunday before Christmas for your "employees, and their relatives and friends," would be permissible under State statutes relating to Sunday business closing. I regret to inform you that we are not able to render legal opinions or give legal advice other than to the Governor, Legislature and other State agencies. Therefore, I am unable to respond specifically to your request.

Although we are unable to give you an opinion, I have done some research into the general area of your question with the thought that it may be of assistance to your attorney in advising you on this matter. The statute in question is 17 M.R.S.A. § 3204, which reads, in part:

"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."

I assume that your business establishment does not otherwise qualify for any of the listed exceptions. Therefore, the question is whether a "Family Shopping Sunday" would constitute keeping open a place of business to the public. The words "to the public" were first incorporated in the Sunday Closing Law by P.L. 1961, chapter 362 (L.D. 1599, as amended). Though there is little comment on the use of this terminology in the relatively extensive

legislative history of the bill, there is at least one indication that the intent was to allow business or professional people to go to their office on Sunday to work, provided the office is not open to the public. Legislative Record, 1961, Senate, May 18, 1961, page 2206. With this background, your proposal appears questionable under the statute, particularly insofar as it may involve opening your place of business to the family and friends of employees who would otherwise be members of the general public.

We suggest that you discuss this problem with your own attorney and hope that the foregoing information may be of assistance in resolving your question.

Sincerely,



S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:mfe