

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1599

S. P. 552

In Senate, May 11, 1961

Reported by Senator Farris of Kennebec from Committee on Legal Affairs,
and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Operating Business on the Lord's Day and Certain
Holidays.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 134, § 38, repealed and replaced. Section 38 of chapter 134 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 38. Operating business on the Lord's Day and certain holidays. No person shall on the Lord's Day, Memorial Day, July 4th, November 11th and Thanksgiving Day, as proclaimed by the Governor, keep open his place of business to the public except for works of necessity or charity.

This section shall not apply to common, contract and private carriers; taxicabs; airplanes; radio and television stations; newspaper publishers; hotels and motels; restaurants; garages and motor vehicle service stations; automatic laundries; grocery stores; drug stores; greenhouses; roadside stands engaged in sale of farm produce or dairy products; public utilities; industries normally kept in continuous operation including but not limited to pulp and paper plants and textile plants; ship chandleries; marinas; sports; athletic events; motion picture theaters; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities.

Any person violating this section shall be punished by a fine of not more than \$100 for the first offense, nor more than \$200 for any subsequent offense occurring within one year following a conviction. No complaint charging violation of this section shall issue later than 5 days after its alleged commission.

In any city or town that shall vote as hereinafter provided, it shall be lawful to keep open any place of business to the public on the Lord's Day and aforementioned holidays. This section shall not be effective in any municipality until a majority of the legal voters, present and voting, at any regular election so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal officers thereof, and shall by them be so submitted when thereto requested in writing by 100 legal voters therein at least 21 days before such regular election; nor shall it be effective in any town until an article in such town warrant so providing shall have been adopted at an annual town meeting. When a city or town has voted in favor of adopting the provisions hereof, said provisions shall remain in effect therein until repealed in the same manner as provided for their adoption. It shall be unlawful for any person keeping open any business to the public on the Lord's Day and aforementioned holidays to require any of his employees to work or be on duty more than 6 full days in any one week, and any violation in this respect shall be punishable as provided in this section.

It is not intended by this section that any business or facility which is exempt from closing on the Lord's Day and the aforementioned holidays shall be permitted to remain open until it has complied with any other provision of the law which requires a vote of the municipality.'

Sec. 2. Effective date. This act shall become effective upon March 1, 1962.