

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1449

S. P. 519

In Senate, March 24, 1981

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Minkowsky of Androscoggin.

Cosponsor: Representative Perkins of Brooksville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Limit the Sunday Closing Law.

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

17 MRSA § 3204, 2nd ¶, as last amended by PL 1977, c. 284, § 3, is further amended to read:

This section shall not apply to: The operation or maintenance of common, contract and private carriers; taxicabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument dealers; automatic laundries; machines that vend anything of value, including, but not limited to, a product, money or service; pharmacies; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operations, including, but not limited to, pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres; public dancing; sports and athletic events; bowling alleys; displaying or exploding fireworks, under Title 8, chapter 9; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen; mobile home brokers and

mobile home salesmen; provided that this section shall not exempt the business of facilities specified in sections 3205, 3206 and 3207 from closing in any municipality until the requirements of those sections have been met; stores ~~wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space engaged in retail sales.~~

STATEMENT OF FACT

Present law exempts retail stores from having to close on Sundays and holidays if they have less than 5 employees or no more than 5,000 square feet of interior customer selling space. In the spirit of free enterprise, this bill expands the exemption to retail stores of all sizes by giving all retail stores the option to remain open if they so choose.

Some states that have recently allowed Sunday store openings, such as New York, have anticipated increased sales and, hence, increased sales tax revenues. In addition, stores have found that Sunday shoppers tend to be families that otherwise would be unable to shop together during the week. This is especially true on "big ticket" items such as furniture and appliances and enables these families to better make joint decisions on their major purchases.

This bill continues the Sunday and holiday closing requirement for all enterprises currently covered except for the large retail stores.