

MAINE STATE LEGISLATURE

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(New Draft of S.P. 29, L.D.84)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1321

S.P. 442

In Senate, March 25, 1983

Reported by Report C from the Committee on Business Legislation and printed under Joint Rule 2.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT Relating to Business, Travel or
Recreation on Sunday.

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

17 MRSA §3204, 3rd ¶ is amended to read:

For the purpose of determining qualification, a "store" shall be deemed to be any operation conducted within one building advertising as, and representing itself to the public to be, one business enterprise regardless of internal departmentalization. All sub-leased departments of any store shall for the purpose of this section be deemed to be operated by the store in which they are located. Contiguous stores owned by the same proprietor or operated by the same management shall be deemed to be a single store for the purpose of this statute. An enclosed shopping mall, and all businesses within the mall, shall be consid-

1 ered to be a single store, required to be closed on
2 the days listed in this section.

3 STATEMENT OF FACT

4 The original bill in large part sought to address
5 a perceived inequity of the current law where smaller
6 shopping mall stores are allowed to remain open on
7 Sundays while larger stores must be closed.

8 This new draft addresses the perceived inequity
9 by requiring all stores in a mall to be closed on
10 Sundays and holidays. There are 3 strong reasons for
11 this approach:

12 First, stores in a mall share a number of facili-
13 ties and engage in joint marketing techniques.
14 Together, with their shared roof, this makes malls
15 similar to a large department store which would be
16 required to close under current law.

17 Second, the use of all these shared facilities by
18 smaller stores on Sundays and holidays means that
19 larger stores must to some extent subsidize opera-
20 tions which have an unfair competitive edge, in that
21 smaller stores can be open on those days.

22 Finally, this new draft addresses the inequity
23 while maintaining the Sunday and holiday closing law
24 against the further erosion contemplated by the orig-
25 inal measure.

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