

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 FIRST REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 1098

7  
8 H.P. 777

House of Representatives, March 21, 1985

9 Referred to the Committee on State Government. Sent up for  
10 concurrence and ordered printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Telow of Lewiston.

12 Cosponsored by Representative Reeves of Pittston, Senator Andrews of  
Cumberland and Representative Aliberti of Lewiston.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FIVE  
17

18 AN ACT Related to the Observance of  
19 Memorial Day.  
20

21 Emergency preamble. Whereas, Acts of the Legis-  
22 lature do not become effective until 90 days after  
23 adjournment unless enacted as emergencies; and

24 Whereas, current law provides that beginning in  
25 1985 the State will observe Memorial Day on May 30th;  
26 and

27 Whereas, the Federal Government continues to ob-  
28 serve Memorial Day on the last Monday of May; and

29 Whereas, unless the state law is changed prior to  
30 May, the State Government and Federal Government will  
31 not be observing the holiday on the same day, thus  
32 creating confusion and hardship for the citizens of  
33 the State; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

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

9           Sec. 1. 4 MRSA §1051, as amended by PL 1981, c.  
10 202, is further amended to read:

11           §1051. Legal holidays

12           No court may be held on Sunday or any day desig-  
13 nated for the annual Thanksgiving; or for the choice  
14 of Presidential Electors; New Year's Day, January  
15 1st; Washington's Birthday, the 3rd Monday in Febru-  
16 ary; Patriot's Day, the 3rd Monday in April; Memorial  
17 Day, the last Monday in May, but if the United States  
18 Government designates May 30th as the date for ob-  
19 servance of Memorial Day ~~or in 1985, whichever occurs~~  
20 ~~first in time~~, the 30th of May; the 4th of July; La-  
21 bor Day, the first Monday of September; the day of a  
22 statewide primary, general election; Columbus Day,  
23 the 2nd Monday in October; ~~Veterans~~ Veterans' Day,  
24 November 11th; or on Christmas Day. The Chief Jus-  
25 tice of the Supreme Judicial Court may order that  
26 court be held on a legal holiday when he finds that  
27 the interests of justice and judicial economy in any  
28 particular case will be served. The public offices in  
29 county buildings may be closed to business on the  
30 above-named holidays. When any one of the above-named  
31 holidays falls on Sunday, the Monday following shall  
32 be observed as a holiday, with all the privileges ap-  
33 plying to any of the days above named.

34           Sec. 2. 9-B MRSA §141, sub-§1, as repealed and  
35 replaced by PL 1975, c. 623, §6-A, is amended to  
36 read:

37           1. Holidays established. Any day of public  
38 thanksgiving, mourning or disaster, proclaimed or ap-  
39 pointed by the Governor or by the President of the  
40 United States, the first day of January; Washington's  
41 Birthday, the 3rd Monday in February; Patriot's Day,

1 the 3rd Monday in April; Memorial Day, the last Mon-  
2 day in May, but if the United States Government des-  
3 ignates May 30th as the date for observance of Memo-  
4 rial Day ~~or in 1985, whichever occurs first in time,~~  
5 the 30th of May; the 4th of July; Labor Day, the  
6 first Monday of September; Columbus Day, the 2nd Mon-  
7 day in October; Veterans Veterans' Day, November  
8 11th; and the 25th day of December are declared to be  
9 ~~financial institution bank~~ holidays. If the first day  
10 of January, the 4th day of July, the 11th day of No-  
11 vember or the 25th day of December falls on Sunday,  
12 the following Monday shall be deemed a ~~financial~~  
13 ~~institution bank~~ holiday for the purpose of this Ti-  
14 tle. When the date for observance of Memorial Day  
15 changes under this subsection to the 30th day of May  
16 and such date falls on a Sunday, the following Monday  
17 shall be deemed a ~~financial institution bank~~ holiday  
18 for the purposes of this Title.

19 Sec. 3. 17 MRSA §3204, first ¶, as amended by PL  
20 1983, c. 156, is repealed and the following enacted  
21 in its place:

22 No person, firm or corporation may, on the Lord's  
23 Day; Memorial Day, the last Monday in May, but if the  
24 Federal Government designates May 30th as the date  
25 for observance of Memorial Day, the 30th of May; July  
26 4th; Labor Day, the first Monday of September; Veter-  
27 ans' Day, November 11th; Christmas Day and Thanksgiv-  
28 ing Day as proclaimed by the Governor, keep open a  
29 place of business to the public, except for works of  
30 necessity, emergency or charity.

31 Emergency clause. In view of the emergency cited  
32 in the preamble, this Act shall take effect when ap-  
33 proved.

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STATEMENT OF FACT

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The purpose of this bill is to maintain the observance of Memorial Day on the last Monday in May until the Federal Government designates May 30th as Memorial Day.

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