

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 212

H.P. 142

House of Representatives, January 30, 1991

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ALIBERTI of Lewiston.

Cosponsored by Representative JALBERT of Lisbon, Representative GURNEY of Portland and Senator BERUBE of Androscoggin.

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STATE OF MAINE

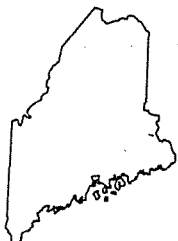
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act Concerning Nighttime Business Operation.**

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

17 MRSA c. 106 is enacted to read:

**CHAPTER 106**  
**NIGHTTIME STORE OPENINGS**

**§3321. Number of employees**

A person may not keep open between the hours of 9 p.m. and 6 a.m. a place of business engaged in the sale of property or services for cash to the public unless at least 2 employees of the business are on the premises of the business.

A person who violates any of the provisions of this section commits a crime that is punishable by a fine of not more than \$100 or by imprisonment for 30 days, or by both, for the first offense; and by a fine of not more than \$500 or by imprisonment for 60 days, or by both, for the 2nd offense occurring within one year following the first conviction. Any offense subsequent to the 2nd offense and occurring within 2 years of conviction is punishable by a fine of not more than \$1,000 or by imprisonment for 90 days, or by both. A complaint charging violation of this section may not issue later than 5 days after its alleged commission.

Each day a person engages in or employs others to engage in the sale of property or services in violation of this section is a separate offense.

In addition to any criminal penalties provided in this section, the Attorney General, district attorney or any resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin a violation of this section. The Superior Court has original jurisdiction of the complaints and authority to enjoin the violations.

This section does not apply to isolated or occasional sales by persons not engaged in the sale of property or services as a business.

**STATEMENT OF FACT**

This bill prohibits the operation between the hours of 9 p.m. and 6 a.m. of a business open to the public unless at least 2 employees are on the premises.