

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 482

H.P. 352

House of Representatives, February 8, 1991

Reference to the Committee on Labor suggested and ordered printed.

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

EDWIN H. PERT, Clerk

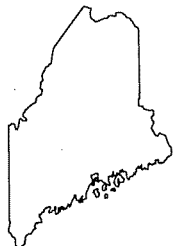
Presented by Representative PINEAU of Jay.

Cosponsored by Senator ESTY of Cumberland, Senator BUSTIN of Kennebec and Representative ST. ONGE of Greene.

STATE OF MAINE

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

An Act to Protect Retail Sales Employees.



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

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4 17 MRSA §3204, 2nd ¶, as amended by 1989, I.B. 2, is further amended to read:

6 This section shall does not apply to: The operation or
8 maintenance of common, contract and private carriers; taxicabs;
10 airplanes; newspapers; radio and television stations; hotels,
12 motels, rooming houses, tourist and trailer camps; restaurants;
14 garages and motor vehicle service stations; retail monument
16 dealers; automatic laundries; machines that vend anything of
18 value, including, but not limited to, a product, money or
20 service; a satellite facility approved by the Superintendent of
22 Banking under Title 9-B; or comparable facility approved by the
24 appropriate federal authority; pharmacies; greenhouses; seasonal
26 stands engaged in sale of farm produce, dairy products, sea food
28 or Christmas trees; public utilities; industries normally kept in
30 continuous operations, including, but not limited to, pulp and
32 paper plants and textile plants; processing plants handling
34 agricultural produce or products of the sea; ship chandleries;
36 marinas; establishments primarily selling boats, boating
38 equipment, sporting equipment, souvenirs and novelties; motion
40 picture theatres; public dancing; sports and athletic events;
42 bowling alleys; displaying or exploding fireworks, under Title 8,
44 chapter 9 9-A; musical concerts; religious, educational,
46 scientific or philosophical lectures; scenic, historic,
recreational and amusement facilities; real estate brokers and
real estate salesmen sales representatives; mobile home brokers
and mobile home salesmen sales representatives; provided that
this section shall does not exempt the businesses or facilities
specified in sections 3205 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; and stores with more than 5,000
square feet of interior customer selling space which engage in
retail sales and which do not require, as a condition of
employment, that their employees work on Sundays. If an employer
decreases the average weekly work hours of an employee who has
declined to work on Sundays, it is prima facie evidence that the
employer has required Sunday work as a condition of employment in
violation of this section. In no event, however, shall may any
store having more than 5,000 square feet of interior customer
selling space be open on Easter Day, Thanksgiving Day and
Christmas Day.

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STATEMENT OF FACT

4 This bill provides that a prima facie violation of the
6 Sunday sales law has been established when an employer decreases
8 the work hours of an employee who has refused to perform work on
Sundays.