

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 109

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H.P. 73

House of Representatives, January 17, 1995

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### **An Act to Permit Motor Vehicle Dealerships to Operate on Sundays.**

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Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LIBBY of Buxton.  
Cosponsored by Representatives: DORE of Auburn, LEMKE of Westbrook, LOVETT of Scarborough, PENDLETON of Scarborough, RICE of South Bristol, Senators: AMERO of Cumberland, CAREY of Kennebec, PENDEXTER of Cumberland.

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

2           **Sec. 1. 17 MRSA §3203**, as amended by PL 1979, c. 127, §124,  
4 is repealed.

6           **Sec. 2. 17 MRSA §3204, 2nd ¶**, as amended by PL 1991, c. 315,  
8 is further amended to read:

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

2           **Sec. 3. 29-A MRSA §903, sub-§1, ¶H**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4           H. Violation of the Maine Unfair Trade Practices Act, ~~or~~  
6           ~~Title-17, section-3203;~~

8           **Sec. 4. 29-A MRSA §1108, sub-§1, ¶G**, as enacted by PL 1993, c.  
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10           G. Violation of Title 5, sections 206 to 212; ~~Title-17,~~  
12           ~~section-3203;~~ or Title 30-A, sections 3751 to 3760;

14  
**STATEMENT OF FACT**

16           This bill allows motor vehicle dealerships to operate on  
18           Sundays.