

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

m  
308

L.D. 1251

DATE: 5-15-01

(Filing No. H-465)

MINORITY  
BUSINESS AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 937, L.D. 1251, Bill, "An Act to Enhance the Observance of Veterans' Holidays"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17 MRSA §3204, 2nd ¶, as amended by PL 1999, c. 657, §7, is further amended to read:

This section does not apply to: The operation or maintenance of common, contract and private carriers; taxicabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument dealers; automatic laundries; machines that vend anything of value, including, but not limited to, a product, money or service; a satellite facility approved by the Superintendent of Banking under Title 9-B; or comparable facility approved by the appropriate federal authority; pharmacies; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, seafood or Christmas trees; public utilities; industries normally kept in continuous operations, including, but not limited to, electric generation plants, pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres; public dancing; sports and athletic events; bowling alleys; displaying or exploding fireworks, under Title 8, chapter 9-A; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate sales representatives; mobile home

COMMITTEE AMENDMENT

2 2 2

COMMITTEE AMENDMENT "A" to H.P. 937, L.D. 1251

2 brokers and mobile home sales representatives; provided that this  
 3 section does not exempt the businesses or facilities specified in  
 4 sections 3205 and 3207 from closing in any municipality until the  
 5 requirements of those sections have been met; stores wherein no  
 6 more than 5 persons, including the proprietor, are employed in  
 7 the usual and regular conduct of business; stores which have no  
 8 more than 5,000 square feet of interior customer selling space,  
 9 excluding back room storage, office and processing space; and  
 10 stores with more than 5,000 square feet of interior customer  
 11 selling space which engage in retail sales and which do not  
 12 require, as a condition of employment, that their employees work  
 13 on Sundays. If an employer decreases the average weekly work  
 14 hours of an employee who has declined to work on Sundays, it is  
 15 prima facie evidence that the employer has required Sunday work  
 16 as a condition of employment in violation of this section, unless  
 17 the employer and employee agreed that the employee would work on  
 18 Sundays when the employee was initially hired. In no event,  
 19 however, may any store having more than 5,000 square feet of  
 20 interior customer selling space be open on Easter Day, Memorial  
 21 Day, the last Monday in May, but if the Federal Government  
 22 designates May 30th as the date for observance of Memorial Day,  
 23 May 30th; Thanksgiving Day; and Christmas Day. Notwithstanding  
 24 this section, a facility engaged in a manufacturing enterprise,  
 25 as defined in Title 10, section 963-A, subsection 32, may not  
 26 operate on Memorial Day, the last Monday in May, but if the  
 27 Federal Government designates May 30th as the date for observance  
 28 of Memorial Day, May 30th.'

29 Further amend the bill by inserting at the end before the  
 30 summary the following:

· FISCAL NOTE

	2001-02	2002-03
<b>REVENUES</b>		
General Fund	(\$39,808)	(\$41,799)
Other Funds	(2,139)	(2,246)

41 The requirement that certain stores be closed on Memorial  
 42 Day will decrease sales and use tax collections by \$41,947 in  
 43 fiscal year 2001-02 and \$44,045 in fiscal year 2002-03. The  
 44 reduction of these tax collections will decrease the amounts  
 45 transferred to the Local Government Fund for state-municipal  
 46 revenue sharing in those years by \$2,139 and \$2,246,  
 47 respectively. The resulting net reductions of General Fund

**COMMITTEE AMENDMENT**

2 revenue will be \$39,808 in fiscal year 2001-02 and \$41,799 in  
3 fiscal year 2002-03. The required closure of certain  
4 manufacturing enterprises on Memorial Day will result in wage and  
5 salary losses. The reduction of individual income tax  
6 collections that may result can not be determined at this time.

8 This bill may increase prosecutions for Class E crimes. If  
9 a jail sentence is imposed, the additional costs to the counties  
10 are estimated to be \$83.36 per day per prisoner. The number of  
11 prosecutions that may result in a jail sentence and the resulting  
12 costs to the county jail system are expected to be insignificant.

14 The additional workload and administrative costs associated  
15 with the minimal number of new cases filed in the court system  
16 can be absorbed within the budgeted resources of the Judicial  
17 Department. The collection of additional fines may increase  
18 General Fund revenue by minor amounts.'

20 **SUMMARY**

22 This amendment, which is the minority report, requires  
23 stores having more than 5,000 square feet of interior customer  
24 selling space and manufacturing facilities to be closed on  
Memorial Day. It also adds a fiscal note to the bill.