

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1251

H.P. 937

House of Representatives, February 28, 2001

An Act to Enhance the Observance of Veterans' Holidays.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BOUFFARD of Lewiston.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: CHIZMAR of Lisbon, COTE of Lewiston, DUGAY of Cherryfield,
HEIDRICH of Oxford, JODREY of Bethel, McDONOUGH of Portland, McGOWAN of
Pittsfield, USHER of Westbrook.

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

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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 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 store having more than 5,000 square feet of interior customer selling space be open on Easter Day, Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, May 30th; Independence Day, July 4th; Veterans' Day, November

11th; Thanksgiving Day and; or Christmas Day. Notwithstanding
2 this section, a facility engaged in a manufacturing enterprise,
3 as defined in Title 10, section 963-A, subsection 32, may not
4 operate on: Memorial Day, the last Monday in May, but if the
5 Federal Government designates May 30th as the date for observance
6 of Memorial Day, May 30th; Independence Day, July 4th; or
7 Veterans' Day, November 11th.

10 SUMMARY

12 This bill requires stores having more than 5,000 square feet
13 of interior customer selling space and manufacturing facilities
14 to be closed on Memorial Day, July 4th and Veterans' Day.