

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 488

H.P. 351

House of Representatives, February 9, 2017

**An Act To Provide for Municipalities To Allow Grocery Stores up to
10,000 Square Feet To Open on Thanksgiving, Easter and
Christmas**

Reference to the Committee on Labor, Commerce, Research and Economic Development
suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GILLWAY of Searsport.
Cosponsored by Senator VOLK of Cumberland and
Representatives: CAMPBELL of Orrington, CHACE of Durham, HOGAN of Old Orchard
Beach, LYFORD of Eddington, MADIGAN of Rumford, SPEAR of South Thomaston,
STEARNS of Guilford, WARD of Dedham.

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

2 **Sec. 1. 17 MRSA §3204, sub-§2,** as enacted by PL 2003, c. 452, Pt. I, §55 and
3 affected by Pt. X, §2, is amended to read:

4 **2. Exceptions.** This section does not apply to:

5 A. Common, contract and private carriers;

6 B. Taxicabs;

7 C. Airplanes;

8 D. Newspapers;

9 E. Radio and television stations;

10 F. Hotels, motels, rooming houses, tourist and trailer camps;

11 G. Restaurants;

12 H. Garages and motor vehicle service stations;

13 I. Retail monument dealers;

14 J. Automatic laundries;

15 K. Machines that vend anything of value, including, but not limited to, a product,
16 money or service;

17 L. A satellite facility approved by the Superintendent of Financial Institutions under
18 Title 9-B; or comparable facility approved by the appropriate federal authority;

19 M. Pharmacies;

20 N. Greenhouses;

21 O. Seasonal stands engaged in sale of farm produce, dairy products, seafood or
22 Christmas trees;

23 P. Public utilities;

24 Q. Industries normally kept in continuous operation, including, but not limited to,
25 electric generation plants, pulp and paper plants and textile plants;

26 R. Processing plants handling agricultural produce or products of the sea;

27 S. Ship chandleries;

28 T. Marinas;

29 U. Establishments primarily selling boats, boating equipment, sporting equipment,
30 souvenirs and novelties;

31 V. Motion picture theaters;

32 W. Public dancing;

33 X. Sports and athletic events;

- 1 Y. Bowling alleys;
- 2 Z. Displaying or exploding fireworks, under Title 8, chapter 9-A;
- 3 AA. Musical concerts;
- 4 BB. Religious, educational, scientific or philosophical lectures;
- 5 CC. Scenic, historic, recreational and amusement facilities;
- 6 DD. Real estate brokers and real estate sales representatives;
- 7 EE. Mobile home brokers and mobile home sales representatives;
- 8 FF. Stores in which no more than 5 persons, including the proprietor, are employed
- 9 in the usual and regular conduct of business;
- 10 GG. Stores that have no more than 5,000 square feet of interior customer selling
- 11 space, excluding back room storage, office and processing space; and
- 12 HH. Stores with more than 5,000 square feet of interior customer selling space that
- 13 engage in retail sales and that do not require, as a condition of employment, that their
- 14 employees work on Sundays. If an employer decreases the average weekly work
- 15 hours of an employee who has declined to work on Sundays, it is prima facie
- 16 evidence that the employer has required Sunday work as a condition of employment
- 17 in violation of this section, unless the employer and employee agreed that the
- 18 employee would work on Sundays when the employee was initially hired. In no
- 19 event, however, may any store having more than 5,000 square feet of interior
- 20 customer selling space be open on Easter Day, Thanksgiving Day and Christmas
- 21 Day.

22 This subsection does not exempt the businesses or facilities specified in sections 3205
23 ~~and~~, 3207 and 3210 from closing in any municipality until the requirements of those
24 sections have been met.

25 **Sec. 2. 17 MRSA §3210** is enacted to read:

26 **§3210. Local option; grocery stores**

27 A municipality may by ordinance allow grocery stores with no more than 10,000
28 square feet of interior customer selling space to be open on Easter Day, Thanksgiving
29 Day and Christmas Day. For purposes of this subsection, "grocery store" has the same
30 meaning as in Title 22, section 2491, subsection 7-B.

31 **SUMMARY**

32 This bill allows a municipality by ordinance to allow grocery stores with no more
33 than 10,000 square feet of interior customer selling space to be open on Easter Day,
34 Thanksgiving Day and Christmas Day.