

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 583

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S.P. 251

In Senate, February 13, 2023

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LYFORD of Penobscot.  
Cosponsored by Representative CAMPBELL of Orrington and  
Senators: BRAKEY of Androscoggin, MOORE of Washington, Representative: SOBOLESKI  
of Phillips.

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;

34          Y. Bowling alleys;

35          Z. Displaying or exploding fireworks, under Title 8, chapter 9-A;

36          AA. Musical concerts;

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

19 II. Grocery stores with no more than 10,000 square feet of interior customer selling  
20 space may be open on Easter Day, Thanksgiving Day and Christmas Day if the  
21 requirements of section 3210 are met. For purposes of this paragraph, "grocery store"  
22 has the same meaning as in Title 22, section 2491, subsection 7-B.

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

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

27 **§3210. Local option; grocery stores**

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

32 **SUMMARY**

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