

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1076

H. P. 758

House of Representatives, March 4, 1959

Referred to the Committee on Legal Affairs. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Stanley of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Business and Recreation on Sunday.

Preamble. Whereas, the increasing commercialization of Sunday by the operation of stores for the sale of general merchandise on that day threatens the ages-old observance of that day for spiritual and mental refreshment and development, for family association, and for physical rest and relaxation; now, therefore,

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

R. S., c. 134, § 38, repealed and replaced. Section 38 of chapter 134 of the Revised Statutes is repealed and the following enacted in place thereof:

Sec. 38. Business and recreation on the Lord's Day. Whoever, on the Lord's Day, keeps open his shop, workhouse, warehouse or place of business, and does any work, labor or business on that day in connection therewith, except works of necessity or charity; uses any sport, game or recreation for monetary gain except where allowed by the approval of a locality through referendum as provided in this chapter, or encourages or engages any dancing, public diversion, show or entertainment for monetary gain shall be punished by a fine of \$500 for the first violation and by a fine of \$1,000 for each succeeding violation. This section shall not apply to the operation of common carriers on land, air and sea; to the driving of taxicabs and public carriages; to the driving of private automobiles; to the selling of all articles, parts and products necessary for the operation of an automobile; to the printing and selling of newspapers, broadcasting on radio and television; to the selling of novelties, small gifts and souvenirs; to the keeping open of hotels, restaurants, garages, grocery stores and stores licensed to sell drugs, drug supplies, medicines prepared by prescription and

medicinal supplies; to any manufacturing process for wholesale distribution; to the receiving of emergency personal services and preparation of personal services; to the retail sale of frozen desserts or ice cream, mix, soda water or confectionery; or to the giving of scientific, philosophical, religious or educational lectures or to musical concerts or theatrical productions.

For the purpose of this section, "work, labor or business on that day in connection therewith" shall include but shall not be limited to the taking of orders, selling, attempting or offering to sell or engaging in the business or selling at retail, wholesale or by auction, clothing, wearing apparel, or footwear, or linens, or household, business or office appliances, furniture, toys, home, business or office furnishings, household, business or office appliances, hardware, sporting goods equipment, photographic equipment other than films, mobile homes or trailers, automobiles and trucks, none of which shall be considered a work of necessity or charity or a souvenir, small gift or novelty, within the meaning of this section.'