

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and First Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

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The Knowlton and McLeary Company  
Farmington, Maine  
1963

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundred and First Legislature

1963

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quirements and qualifications set forth in this chapter shall be entitled to the certificate of qualification mentioned in section 1. ~~The board shall, however, have power to establish such higher grades of standing as to them may seem proper.~~

**Sec. 4.** R. S., c. 105, § 5, repealed. Section 5 of chapter 105 of the Revised Statutes is repealed.

**Sec. 5. Limitation.** If any person notifies the secretary of the Board of Bar Examiners in writing within 6 months of the effective date of this act that he intends to rely upon the Revised Statutes, chapter 105, section 5 which is repealed by this act, he may rely on those provisions.

Effective September 21, 1963

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## Chapter 370

AN ACT Relating to Operating Business on Sunday and Certain Holidays.

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

**Sec. 1.** R. S., c. 134, § 38, repealed and replaced. Section 38 of chapter 134 of the Revised Statutes, as repealed and replaced by section 1 of chapter 362 of the public laws of 1961, is repealed and the following enacted in place thereof:

‘Sec. 38. Operating business on the Lord’s Day and certain holidays. No person, firm or corporation shall, on the Lord’s Day, Memorial Day, July 4th, Labor Day, November 11th, Christmas Day and Thanksgiving Day as proclaimed by the Governor, keep open a place of business to the public except for works of necessity, emergency or charity.

This section shall not apply to: the operation or maintenance of common, contract and private carriers; taxi cabs; 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; drug stores; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operation, including but not limited to 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; sports and athletic events; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen; provided that this section shall not exempt the businesses or facilities specified in sections 39, 40 and 41 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.

For the purpose of determining qualification, a "store" shall be deemed to be any operation conducted within one building advertising as, and representing itself to the public to be, one business enterprise regardless of internal departmentalization. All sub-leased departments of any store shall for the purpose of this section be deemed to be operated by the store in which they are located. Contiguous stores owned by the same proprietor or operated by the same management shall be deemed to be a single store for the purpose of this statute.

Any person, firm or corporation found guilty of violating any of the provisions of this section shall be punished by a fine of not more than \$100 or by imprisonment for 30 days, or by both, for the first offense; and by a fine of \$500 or by imprisonment for 60 days, or by both, for the 2nd offense occurring within one year following the first conviction. Any offense subsequent to the 2nd offense and occurring within 2 years following the 2nd conviction shall be punished by a fine of not more than \$1,000 or by imprisonment for 90 days, or by both. No complaint charging violation of this section shall issue later than 5 days after its alleged commission.

Each separate sale, trade or exchange of property or offer thereof, in violation of this section, and each Lord's Day or one of the aforementioned holidays a person, firm or corporation engages in or employs others to engage in the sale, trade or exchange of property in violation of the law constitutes a separate offense.

In addition to any criminal penalties provided in this section, the Attorney General, county attorney, or any resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin any violation of this section. The Superior Court shall have original jurisdiction of such complaints and authority to enjoin such violations.

This section shall not apply to isolated or occasional sales by persons not engaged in the sale, transfer or exchange of property as a business.

Sec. 2. R. S., c. 134, § 38-A, repealed. Section 38-A of chapter 134 of the Revised Statutes, as enacted by section 2 of chapter 362 of the public laws of 1961, is repealed.

Effective September 21, 1963

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## Chapter 371

### AN ACT Increasing Compensation of Public Members of Standardization Committee.

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

R. S., c. 15-A, § 37, amended. The 2nd paragraph of section 37 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows: