



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 186

H.P. 163

House of Representatives, January 27, 2011

### **An Act To Repeal Laws Prohibiting Certain Businesses from Operating on Sunday**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative PILON of Saco.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** certain businesses in Maine are not allowed to operate on Sunday, placing  
4 them at an economic disadvantage; and

5           **Whereas,** current economic realities require that business owners be allowed to  
6 operate on Sunday to contribute to the recovery of Maine's economy; and

7           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
8 the meaning of the Constitution of Maine and require the following legislation as  
9 immediately necessary for the preservation of the public peace, health and safety; now,  
10 therefore,

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

12           **Sec. 1. 8 MRSA §268, first ¶,** as amended by PL 1999, c. 394, §1, is further  
13 amended to read:

14           The commission shall adopt rules for holding, conducting and operating all harness  
15 horse races or meets for public exhibition held in this State and for the operation of  
16 racetracks on which any such race or meet is held; ~~notwithstanding any other provision of~~  
17 ~~law, harness horse races or meets licensed to be held on Sunday may commence at, but~~  
18 ~~not before, noon.~~

19           **Sec. 2. 14 MRSA §705,** as amended by PL 1995, c. 694, Pt. D, §15 and affected  
20 by Pt. E, §2, is repealed.

21           **Sec. 3. 16 MRSA §353-A,** as enacted by PL 1979, c. 11, §2, is repealed.

22           **Sec. 4. 17 MRSA §312, sub-§3,** as enacted by PL 2003, c. 452, Pt. I, §2 and  
23 affected by Pt. X, §2, is amended to read:

24           **3. Restricted hours.** A person, firm, association or corporation may not conduct  
25 "beano" or "bingo" on Christmas or between the hours of 12 midnight and 7 a.m. ~~A~~  
26 ~~person, firm, association or corporation may not conduct "beano" or "bingo" on Sunday,~~  
27 ~~except after the hour of 11 a.m.~~ The prevailing time for the State is used to determine  
28 these hours.

29           **Sec. 5. 17 MRSA c. 105, sub-c. 1,** as amended, is repealed.

30           **Sec. 6. 17 MRSA c. 105, sub-c. 2,** as amended, is repealed.

31           **Sec. 7. 28-A MRSA §4, sub-§1,** as amended by PL 2001, c. 21, §1, is further  
32 amended to read:

33           **1. Hours for sale of liquor.** Except as provided in paragraphs ~~A~~ B to D, licensees  
34 may sell or deliver liquor from 6 a.m. on any day until 1 a.m. of the following day.

1           A. ~~Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 9 a.m.~~

2           B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

3                 (1) ~~In areas in which liquor may be sold except on Sundays, if January 1st falls~~  
4                 ~~on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday,~~  
5                 ~~December 31st and 2 a.m. January 1st, notwithstanding any local option~~  
6                 ~~decisions to the contrary.~~

7           D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4  
8           a.m. on any day until 1 a.m. the following day.

9           **Sec. 8. 28-A MRSA §4, sub-§5**, as enacted by PL 1987, c. 45, Pt. A, §4, is  
10          repealed.

11          **Sec. 9. 28-A MRSA §4, sub-§6**, as enacted by PL 1987, c. 45, Pt. A, §4, is  
12          repealed.

13          **Sec. 10. 28-A MRSA §123**, as amended by PL 1997, c. 373, §30, is further  
14          amended to read:

15          **§123. Local option questions**

16                 Any one or more of the following questions may be voted on in a local option  
17                 election held under section 121. Each question applies to both full-time and part-time  
18                 licensed establishments.

19                 **1. Sale of liquor for consumption on the premises.** Shall this municipality  
20                 authorize the State to issue licenses for the sale of liquor to be consumed on the premises  
21                 of licensed establishments ~~on days other than Sunday?~~

22                 **2. Sale of liquor for consumption off the premises.** Shall this municipality  
23                 authorize the State to permit the operation of state liquor stores and agency liquor stores  
24                 ~~on days other than Sunday?~~

25                 **2-A. Sale of malt liquor and wine for consumption off the premises.** Shall this  
26                 municipality authorize the State to issue licenses for the sale of malt liquor and wine to be  
27                 consumed off the premises of licensed establishments ~~on days other than Sunday?~~

28                 ~~**3. Sale of liquor for consumption on the premises on Sundays.** Shall this~~  
29                 ~~municipality authorize the State to issue licenses for the sale of liquor to be consumed on~~  
30                 ~~the premises of licensed establishments on Sundays?~~

31                 ~~**4. Sale of liquor for consumption off the premises on Sundays.** Shall this~~  
32                 ~~municipality authorize the State to permit the operation of state liquor stores and agency~~  
33                 ~~liquor stores on Sundays?~~

34                 ~~**4-A. Sale of malt liquor and wine for consumption off the premises on Sundays.**~~  
35                 ~~Shall this municipality authorize the State to issue licenses for the sale of malt liquor and~~  
36                 ~~wine to be consumed off the premises of licensed establishments on Sundays?~~

1           **Sec. 11. 28-A MRSA §353**, as amended by PL 1997, c. 373, §40, is further  
2 amended to read:

3           **§353. Business hours**

4           State liquor stores and agency liquor stores may be open for the sale and delivery of  
5 liquor between the hours of 6 a.m. and 1 a.m. in municipalities and unincorporated places  
6 that have voted in favor of the operation of state liquor stores under local option  
7 provisions. ~~Notwithstanding any local option decisions to the contrary, state liquor stores~~  
8 ~~and agency liquor stores may be open from 9 a.m. Sunday to 1 a.m. the next day.~~ The  
9 alcohol bureau shall establish the hours of operation of each state liquor store.

10           **Sec. 12. 28-A MRSA §601, sub-§2, ¶D**, as enacted by PL 1987, c. 45, Pt. A, §4,  
11 is repealed.

12           **Sec. 13. 28-A MRSA §601, sub-§2, ¶E**, as enacted by PL 1987, c. 45, Pt. A, §4,  
13 is repealed.

14           **Sec. 14. 28-A MRSA §1077, sub-§2, ¶C**, as amended by PL 1997, c. 656, §3, is  
15 repealed.

16           **Sec. 15. 28-A MRSA §1355, sub-§3, ¶B**, as amended by PL 1993, c. 730, §46,  
17 is further amended to read:

18           B. A holder of a farm winery license may serve complimentary samples of wine and  
19 sell, during regular business hours, wines produced at the winery by the bottle, by the  
20 case or in bulk on the premises of the winery to persons who are not minors. ~~A holder~~  
21 ~~of a farm winery license may serve complimentary samples of wine on Sunday after~~  
22 ~~the hour of 12 noon and may sell wines on Sunday after the hour of 12 noon if the~~  
23 ~~municipality in which the winery is located has authorized the sale of wines on~~  
24 ~~Sunday for consumption off the premises under chapter 5.~~

25           **Sec. 16. 29-A MRSA §903, sub-§1, ¶H**, as enacted by PL 1993, c. 683, Pt. A,  
26 §2 and affected by Pt. B, §5, is amended to read:

27           H. Violation of the Maine Unfair Trade Practices Act, ~~or Title 17, section 3203;~~

28           **Sec. 17. 38 MRSA §490-Z, sub-§14, ¶G**, as enacted by PL 1995, c. 700, §35, is  
29 amended to read:

30           G. Blasting may not occur in the period between sundown and sunrise the following  
31 day or in the period between 7:00 p.m. and 7:00 a.m., whichever is greater. ~~Routine~~  
32 ~~production blasting is not allowed in the daytime on Sunday.~~ Detonation of misfires  
33 may occur outside of these times but must be reported to the department within 5  
34 business days of the misfire detonation. Blasting may not occur more frequently than  
35 4 times per day. Underground production blasting may be exempted from these  
36 requirements ~~provided that~~ as long as a waiver is granted by the department.

37           **Emergency clause.** In view of the emergency cited in the preamble, this  
38 legislation takes effect when approved.

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## **SUMMARY**

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This bill repeals the so-called "Sunday blue laws," which prohibit certain businesses, such as automobile dealerships, from operating on Sundays.

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