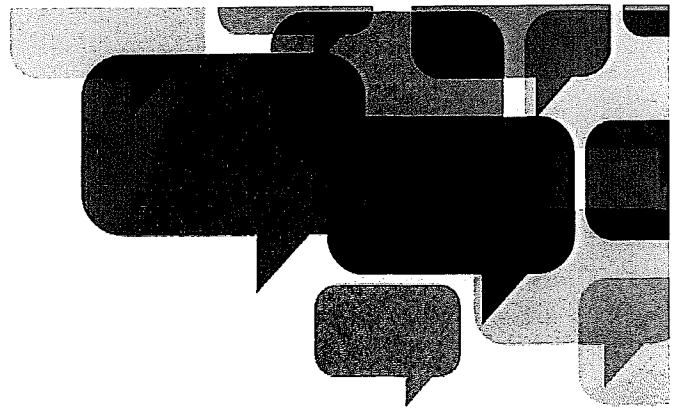




**RETAIL
ASSOCIATION OF
MAINE**
Voice of Maine Retail

45 Melville Street, Suite 1
Augusta, ME 04330
Phone: 207.623.1149
www.retailmaine.org



February 27, 2025

Senator Chip Curry, Chair
Representative Traci Gere, Chair
Members of the Housing and Economic Development Committee

RE: Testimony IN SUPPORT of LD 277, An Act to Repeal the Law Prohibiting Places of Business from Being Open to the Public on Sunday

Dear Senator Curry, Representative Gere and members of the Housing and Economic Development Committee:

My name is Curtis Picard, and I serve as the President and CEO of the Retail Association of Maine. Our association represents retailers of all sizes, and Maine's retailers employ more than 80,000 Mainers. I am here today to testify in support of LD 277, An Act to Repeal the Law Prohibiting Places of Business from Being Open to the Public on Sunday.

I have attached to my testimony the section of law in Title 17, Chapter 105 so you can see the existing law, and the exemptions in the current law.

I have been in this role for more than 17 years, and this policy area, also known as Blue Laws, is one that I feel like I have fairly deep knowledge. However, the history with this issue goes way beyond my tenure, and I have occasionally dug into our archives to read about this issue for many, many decades.

However, I have to give Representative Morris credit for proposing LD 277 because there is something elegant about this proposal. In my experience, previous efforts to change this law looked to add new exemptions, but LD 277 simply does what 47 other states do – which is let businesses decide for themselves when they can be open for business. I like the clarity and simplicity of that, and feel Maine would be well-served by doing what other states do. Only Maine, Massachusetts, and Rhode Island essentially have these laws on the books. Texas and Colorado have a prohibition on liquor stores being open on Christmas.

Previous efforts generally focused on stores like small, independent grocery stores that used to be able to open on Thanksgiving, but now were required to close because they are now larger than 5,000 square feet. Their argument was always valid in my mind. We allow convenience stores to open, but we don't allow a small family-owned grocery store to open. However, those bills never made it across the finish line.

I've also seen an evolution of the retail landscape during my tenure. Gone are the days of midnight Black Friday openings. E-commerce has changed things, and even small retailers can continue to serve customers when their physical doors are closed.

So, I will close by saying if there is an appetite among the committee to support this bill, I am happy to be a resource.

Thank you for your time and consideration.

Sincerely,

Curtis Picard, CAE
President and CEO

CHAPTER 105

RELIGIOUS ASSEMBLIES, HOLY DAYS AND HOLIDAYS

SUBCHAPTER 1

HOLY DAYS

§3201. Definition of Lord's Day

The Lord's Day includes the time between 12 o'clock on Saturday night and 12 o'clock on Sunday night.

§3202. Computation by standard time

To determine when the Lord's Day begins and ends under section 3204 as it applies to diversion, show or entertainment, the hours shall be United States Eastern Standard time. [PL 1971, c. 334, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 334, §1 (AMD).

§3203. Sales of motor vehicles prohibited

1. Sales of motor vehicles on Sunday prohibited. Except as provided in section 3203-A, on Sunday a person may not:

A. Carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; [PL 2003, c. 452, Pt. I, §54 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Open any place of business or lot in which that person attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or [PL 2003, c. 452, Pt. I, §54 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Buy, sell, exchange, deal or trade in new or used motor vehicles. [PL 2003, c. 452, Pt. I, §54 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. I, §54 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalty. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. If the person is the holder of dealer or transporter registration plates under Title 29-A, chapter 9, the person is subject to the suspension or revocation of those plates, as provided for in Title 29-A, section 903, for the violation of this section.

[PL 2003, c. 452, Pt. I, §54 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1973, c. 27, §1 (AMD). PL 1973, c. 788, §70 (AMD). PL 1979, c. 127, §124 (AMD). PL 1995, c. 65, §A55 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 87, §1 (AMD). PL 1995, c. 625, §B3 (RPR). PL 2003, c. 452, §154 (RPR). PL 2003, c. 452, §X2 (AFF).

§3203-A. Motor homes

A person who is licensed in accordance with Title 29-A, section 951 and whose primary business is the buying and selling of new motor homes is exempt from section 3203 as it relates to that person's primary business. A "motor home" means a motor vehicle that is primarily designed as temporary living quarters and: [PL 1995, c. 87, §2 (NEW).]

1. Part of vehicle. Is built onto or is an integral part of the motor vehicle chassis; and [PL 1995, c. 87, §2 (NEW).]

2. Contains living systems. Contains independent living systems that are part of the manufacturing process that include cooking facilities, plumbing with external evacuation or that is self-contained, electrical capabilities, a heating source powered separately from the engine and a water system that includes a sink and faucet. [PL 1995, c. 87, §2 (NEW).]

SECTION HISTORY

PL 1995, c. 87, §2 (NEW).

§3204. Business, traveling or recreation on Sunday

1. Restriction. A person may not keep a place of business open to the public:

A. On Sunday, except:

- (1) For works of necessity, emergency or charity; or
- (2) Between the hours of noon and 5:00 p.m. on Sundays falling between Thanksgiving Day and Christmas Day; or [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. On the following holidays:

- (1) On Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May;
- (2) On July 4th;
- (3) On Labor Day, the first Monday of September;
- (4) On Veterans' Day, November 11th;
- (5) On Christmas Day; and
- (6) On Thanksgiving Day. [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Exceptions. This section does not apply to:

A. Common, contract and private carriers; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Taxicabs; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Airplanes; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. Newspapers; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

E. Radio and television stations; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

F. Hotels, motels, rooming houses, tourist and trailer camps; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

G. Restaurants; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

H. Garages and motor vehicle service stations; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

I. Retail monument dealers; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

- J. Automatic laundries; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- K. Machines that vend anything of value, including, but not limited to, a product, money or service; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- L. A satellite facility approved by the Superintendent of Financial Institutions under Title 9-B; or comparable facility approved by the appropriate federal authority; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- M. Pharmacies; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- N. Greenhouses; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- O. Seasonal stands engaged in sale of farm produce, dairy products, seafood or Christmas trees; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- P. Public utilities; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- Q. Industries normally kept in continuous operation, including, but not limited to, electric generation plants, pulp and paper plants and textile plants; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- R. Processing plants handling agricultural produce or products of the sea; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- S. Ship chanderies; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- T. Marinas; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- U. Establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- V. Motion picture theaters; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- W. Public dancing; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- X. Sports and athletic events; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- Y. Bowling alleys; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- Z. Displaying or exploding fireworks, under Title 8, chapter 9-A; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- AA. Musical concerts; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- BB. Religious, educational, scientific or philosophical lectures; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- CC. Scenic, historic, recreational and amusement facilities; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- DD. Real estate brokers and real estate sales representatives; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- EE. Mobile home brokers and mobile home sales representatives; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
- FF. Stores in which no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

GG. Stores that have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space; and [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

HH. Stores with more than 5,000 square feet of interior customer selling space that engage in retail sales and that do not require, as a condition of employment, that their employees work on Sundays. If an employer decreases the average weekly work hours of an employee who has declined to work on Sundays, it is prima facie evidence that the employer has required Sunday work as a condition of employment in violation of this section, unless the employer and employee agreed that the employee would work on Sundays when the employee was initially hired. In no event, however, may any store having more than 5,000 square feet of interior customer selling space be open on Easter Day, Thanksgiving Day and Christmas Day. [PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

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

[PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

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

[PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Penalty. A person who violates this section commits a Class E crime. A violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A complaint charging violation of this section may not issue later than 5 days after its alleged commission.

[PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Injunctive relief. In addition to any criminal penalties provided in this section, the Attorney General, a district 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 has original jurisdiction of these complaints and authority to enjoin these violations.

[PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

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

[PL 2003, c. 452, Pt. I, §55 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1969, c. 236, §3 (AMD). PL 1969, c. 504, §24-A (AMD). PL 1971, c. 334, §2 (AMD). PL 1973, c. 27, §2 (AMD). PL 1973, c. 114, §4 (AMD). PL 1973, c. 142 (AMD). PL 1973, c. 350 (AMD). PL 1973, c. 567, §20 (AMD). PL 1973, c. 625, §91 (AMD). PL 1975, c. 418, §3 (AMD). PL 1975, c. 623, §18-G (AMD). PL 1977, c. 284, §3 (AMD). PL 1981, c. 352, §5 (AMD). PL 1983, c. 156 (AMD). PL 1983, c. 480, §A13 (AMD). PL 1985, c. 114, §3 (AMD). PL 1985, c. 509 (AMD). IB 1989, c. 2 (AMD). PL 1991, c. 315 (AMD). PL 1999, c. 657, §7 (AMD). PL 2001, c. 44, §11 (AMD). PL 2001, c. 44, §14 (AFF). PL 2003, c. 452, §155 (RPR). PL 2003, c. 452, §X2 (AFF).

§3205. Local option; sports

This section may be referred to in proceedings of city governments and in warrants for town meetings as "The Sunday Amateur Sports Law."

In any municipality that shall so vote, as provided, it shall be lawful to engage in as a participant, manager or official, or to attend as a spectator any outdoor recreational or competitive amateur sport or game, except boxing, horse racing, air circuses or wrestling between the hours of 1 p.m. and 7 p.m. on Sunday.

This section shall not be effective in any city until the municipal officers of a city so vote or in any town until an article in a town warrant so providing has been adopted at any annual or special town meeting. When a municipality has voted in favor of adopting this section, said section shall be effective until repealed in the same manner.

Municipalities adopting the provisions hereof may designate certain areas or places in said municipalities in which said outdoor amateur games and sports may be engaged in, and may pass regulations concerning said areas and places to the end that persons attending places of public worship may not be disturbed therein. No regulations shall be passed which shall prohibit the receiving of remuneration by any proprietor or owner of such areas or places, or the taking of collections at any such amateur sport or game.

The municipal officers of cities shall take action upon the acceptance hereof upon receipt of a petition therefor signed by at least 100 registered voters in said city and shall hold such public hearings thereon as they may consider necessary. The select board or other municipal officers of towns shall insert an article in the warrant for the next annual town meeting for the acceptance of the provisions of this section after receipt of a petition therefor signed by at least 25 registered voters of such town. [PL 2021, c. 275, §4 (AMD).]

Any person violating any of the provisions of this section or any regulation of a municipality made in connection therewith shall upon conviction be punished by a fine of \$5 and costs of prosecution.

SECTION HISTORY

PL 2021, c. 275, §4 (AMD).

§3206. -- bowling

(REPEALED)

SECTION HISTORY

PL 1977, c. 91 (RP).

§3207. -- moving pictures

In any municipality that shall vote as provided, it shall be lawful for any moving picture theater to have an exhibition of moving pictures on Sunday between the hours of 1 p.m. and 11:30 p.m. This section shall not be effective in any city until a majority of the legal voters, present and voting, at any regular election so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal officers thereof and shall by them be so submitted when thereto requested in writing by 100 legal voters therein at least 21 days before such regular election; nor shall it be effective in any town until an article in such town warrant so providing shall have been adopted at an annual town meeting. When a municipality has voted in favor of adopting this section, said section shall remain in effect therein until repealed in the same manner as provided for their adoption. It shall be unlawful for any person, firm or corporation operating any theatrical or motion picture show on Sunday to require or permit any employee of said person, firm or corporation to work or be on duty more than 6 days in any one week. [PL 1965, c. 172, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 172, §1 (AMD).

§3208. Hotels and restaurants; gambling, diversion or business forbidden

(REPEALED)

SECTION HISTORY

PL 1981, c. 83 (RP).

§3209. Saturday as holy day

No person conscientiously believing that the 7th day of the week ought to be observed as the Sabbath, and actually refraining from secular business and labor on that day, is liable to said penalties for doing such business or labor on the first day of the week, if he does not disturb other persons.

SUBCHAPTER 2

HOLIDAYS

§3241. Memorial Day restrictions

Whoever on Memorial Day before 3:30 o'clock in the afternoon engages in any public outdoor game or sport where an admission is charged or collection is taken shall be punished by a fine of not more than \$25 or by imprisonment for not more than 10 days, or by both.

SUBCHAPTER 3

RELIGIOUS ASSEMBLIES

§3281. Rude behavior in places of worship

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §18 (RP).

§3282. Special police for camp meetings

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §18 (RP).

SUBCHAPTER 4

ENFORCEMENT

§3301. Prosecutions

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §18 (RP).

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