RETAIL ASSOCIATION OF MAINE
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March 24, 2023

Senator Chip Curry, Chair
Representative Tiffany Roberts, Chair
Members of the Innovation Development and Economic Advancement Committee

RE: Testimony in SUPPORT of LD 583, An Act to Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas

Dear Senator Curry, Representative Roberts and members of the Innovation Development and Economic Advancement Committee:

My name is Curtis Picard and I am the Executive Director of the Retail Association of Maine. I am a resident of Topsham. We have more than 350 members statewide and represent retailers of all sizes. Maine's retailers employ more than 85,000 Mainers. We are here today to testify in qualified support of LD 583, and have a couple suggested amendments which may make the bill more workable.

LD 583 would allow only grocery stores up to 10,000 square feet to open on certain holidays if the municipality approves of the opening. Under the sponsor's amendment, the square foot threshold would increase to 12,000 square feet.

Here's what we would change:

- Limit the opening to just Thanksgiving, and not include Christmas and Easter. While we can understand the arguments in favor of those days, those are both religious holidays whereas Thanksgiving is a food-focused holiday.
- We do not have a strong opinion on the size limitation of either 10,000 square feet or 12,000 square feet. We are still talking about most independent grocery stores in Maine, and not larger chains.
- The committee could amend the bill to not need municipal approval. While we are fine with that extra step, we are also good if the legislature just made the change.

To give you an idea of what 10,000 square feet is like, a typical stand-alone chain pharmacy (which is allowed to open on these holidays) is just under 15,000 square feet with approximately 11,000 square feet of selling space. Note: the law specifies selling space, not the square footage of the building. That will give you an idea of the size of the store you are considering in this bill.

There is quite a bit of history around the existing law and we are happy to share with the committee so you can make an informed choice. We understand the genesis of this bill is a Maine business that used to be open on holidays when they were less than 5,000 square feet. They now have expanded and added jobs, but to comply with the law, they are no longer allowed to be open. This is a very strong argument for making a change.

Maine is one of only three states that have some sort of prohibition on certain retailers on these holidays. Massachusetts and Rhode Island are the other two. Maine law has a number of exemptions (Title 17, Section 3204) that allow certain businesses to open. These include:

- Taxicabs;
- 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;
- Pharmacies;
- Greenhouses;
- Seasonal stands engaged in sale of farm produce, dairy products, seafood or Christmas trees;
- Public utilities;
- Electric generation plants, pulp and paper plants and textile plants;
- Processing plants handling agricultural produce or products of the sea;
- Marinas;
- Establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties;
- Motion picture theaters;
- Public dancing;
- Sports and athletic events;

- Bowling alleys;
- Musical concerts;
- Religious, educational, scientific or philosophical lectures;
- Scenic, historic, recreational and amusement facilities;
- Real estate brokers and real estate sales representatives;
- Mobile home brokers and mobile home sales representatives

Our experience with entities that are allowed to be open on those holidays is that they only ask people to work voluntarily, and they do not have problems finding enough people to volunteer. To be clear, we are not hearing from other entities looking to change the existing law and to broaden it beyond the current exempted entities with the exception of small grocery stores.

We hope the committee will give strong consideration to this bill, amend it where needed, and to ultimately support a change to the law to allow small grocery stores to open on Thanksgiving. We urge your support of LD 583.

Sincerely,

Curtis Picard, CAE,
President and CEO