

17 §3204. BUSINESS, TRAVELING OR RECREATION ON SUNDAY

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

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

2. Exceptions. This section does not apply to:

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

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

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

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

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

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

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

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

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

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

K. Machines that vend anything of value, including, but not limited to, a product, money or service; [2003, c. 452, Pt. I, §55 (NEW); 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; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- M. Pharmacies; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- N. Greenhouses; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- O. Seasonal stands engaged in sale of farm produce, dairy products, seafood or Christmas trees; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- P. Public utilities; [2003, c. 452, Pt. I, §55 (NEW); 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; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- R. Processing plants handling agricultural produce or products of the sea; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- S. Ship chandleries; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- T. Marinas; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- U. Establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- V. Motion picture theaters; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- W. Public dancing; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- X. Sports and athletic events; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- Y. Bowling alleys; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- Z. Displaying or exploding fireworks, under Title 8, chapter 9-A; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- AA. Musical concerts; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- BB. Religious, educational, scientific or philosophical lectures; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- CC. Scenic, historic, recreational and amusement facilities; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- DD. Real estate brokers and real estate sales representatives; [2003, c. 452, Pt. I, §55 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]
- EE. Mobile home brokers and mobile home sales representatives; [2003, c. 452, Pt. I, §55 (NEW); 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; [2003, c. 452, Pt. I, §55 (NEW); 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 [2003, c. 452, Pt. I, §55 (NEW); 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. [2003, c. 452, Pt. I, §55 (NEW); 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.

[2003, c. 452, Pt. I, §55 (NEW); 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.

[2003, c. 452, Pt. I, §55 (NEW); 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.

[2003, c. 452, Pt. I, §55 (NEW); 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.

[2003, c. 452, Pt. I, §55 (NEW); 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.

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

SECTION HISTORY

1969, c. 236, §3 (AMD). 1969, c. 504, §§24-A (AMD). 1971, c. 334, §2 (AMD). 1973, c. 27, §2 (AMD). 1973, c. 114, §4 (AMD). 1973, c. 142, (AMD). 1973, c. 350, (AMD). 1973, c. 567, §20 (AMD). 1973, c. 625, §91 (AMD). 1975, c. 418, §3 (AMD). 1975, c. 623, §§18-G (AMD). 1977, c. 284, §3 (AMD). 1981, c. 352, §5 (AMD). 1983, c. 156, (AMD). 1983, c.

480, §A13 (AMD). 1985, c. 114, §3 (AMD). 1985, c. 509, (AMD). 1991, c. 315, (AMD). 1999, c. 657, §7 (AMD). 2001, c. 44, §11 (AMD). 2001, c. 44, §14 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I55 (RPR).

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