HOUSE . . . . No. 1830

The Commonwealth of Massachusetts

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In the Year Two Thousand Nine

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An Act relative to sunday wages..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1   SECTION 1. Said chapter 136 is hereby amended by striking out Section 6 Clauses 50

2   and 52, as so appearing, and inserting in place thereof the following section:—

3   (50) The keeping open of a store or shop and the sale at retail of goods therein, but not

4   including the retail sale of goods subject to chapter one hundred and thirty-eight, and the

5   performance of labor, business, and work directly connected therewith on Sunday. This

6   exemption shall not apply to any legal holiday as defined in clause eighteenth of section seven of

7   chapter four, but this exemption shall apply to the day following Christmas Day when Christmas

8   occurs on a Sunday. In any year in which Christmas occurs on a Sunday, this exemption shall

9   not apply to that Sunday.

10   No employee engaged in work subject to the provisions of this clause shall be required to

11   perform such work, and refusal to work for any retail establishment on Sunday shall not be

12   grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty. The

13   provisions of this paragraph shall be enforced by the office of the attorney general. The

14   provisions of section one hundred and eighty A of chapter one hundred and forty-nine shall

15   apply to any violation of this paragraph.

16   (52) The retail sale of alcoholic beverages not to be drunk on the premises on Sundays by

17   retail establishments licensed under section 15 of chapter 138; provided, however, that

18   notwithstanding this chapter, a municipality may prohibit the retail sale of alcoholic beverages

19   on Sundays by licensees under section 15 by vote of the city council or board of selectmen;

20   provided further, that there shall be no such sales prior to the hour of 12:00 noon or on Christmas

21   Day if Christmas occurs on a Sunday. No employee shall be required to work on a Sunday and

22   refusal to work on a Sunday shall not be grounds for discrimination, dismissal, discharge,

23   deduction of hours or any other penalty.

24   SECTION 2. Said chapter 136 is hereby further amended by striking out Section 16, as

25   so appearing, and inserting in place thereof the following section:

26   Section 16. All stores and shops which sell goods at retail may be open at any time on

27   Sundays and on Memorial Day, July Fourth and Labor Day, but no such stores and shops may be

28   open on Christmas Day if Christmas occurs on a Sunday. The performance of labor, business and

29   work directly connected to retail sales on these days shall also be allowed. Stores and shops

30   allowed to open under this section may sell on these days all types of goods and foodstuffs which

31   may lawfully be offered for sale in the Commonwealth other than alcoholic beverages. To the

32   extent that this section is inconsistent with section six or any other general or special law, this

33   section shall control.

34   The provisions of law inserted into clause (50) of section six of this chapter by chapter

35   five hundred and fifty-six of the Acts of 1982 pertaining to voluntariness of work shall apply to

36   such work performed on said days. The terms "Memorial Day," "July Fourth" and "Labor Day"

37   shall mean the legal holidays on which said days are celebrated in accordance with clause

38   eighteen of section seven of chapter four of the General Laws. Any store or shop which opens or

39   operates on "Memorial Day," "July Fourth" or "Labor Day" shall compensate all employees

40   engaged in the work performed, excepting those bona fide executive or administrative or

41   professional persons earning more than two hundred dollars a week, at a rate not less than one

42   and one-half times the employee's regular rate.