

HOUSE No. 1830

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Davis Perry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to sunday wages.

PETITION OF:

NAME:

Jeffrey Davis Perry

DISTRICT/ADDRESS:

5th Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1831 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 and 52, as
2 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 including
4 the retail sale of goods subject to chapter one hundred and thirty-eight, and the performance of
5 labor, business, and work directly connected therewith on Sunday. This exemption shall not
6 apply to any legal holiday as defined in clause eighteenth of section seven of chapter four, but
7 this exemption shall apply to the day following Christmas Day when Christmas occurs on a
8 Sunday. In any year in which Christmas occurs on a Sunday, this exemption shall not apply to
9 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 retail
17 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 so appearing, and
25 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 Sundays
27 and on Memorial Day, July Fourth and Labor Day, but no such stores and shops may be open on
28 Christmas Day if Christmas occurs on a Sunday. The performance of labor, business and work
29 directly connected to retail sales on these days shall also be allowed. Stores and shops allowed to
30 open under this section may sell on these days all types of goods and foodstuffs which may
31 lawfully be offered for sale in the Commonwealth other than alcoholic beverages. To the extent
32 that this section is inconsistent with section six or any other general or special law, this section
33 shall control.

34 The provisions of law inserted into clause (50) of section six of this chapter by chapter five
35 hundred and fifty-six of the Acts of 1982 pertaining to voluntariness of work shall apply to such
36 work performed on said days. The terms “Memorial Day,” “July Fourth” and “Labor Day” shall
37 mean the legal holidays on which said days are celebrated in accordance with clause eighteen of
38 section seven of chapter four of the General Laws. Any store or shop which opens or operates
39 on “Memorial Day,” “July Fourth” or “Labor Day” shall compensate all employees engaged in
40 the work performed, excepting those bona fide executive or administrative or professional
41 persons earning more than two hundred dollars a week, at a rate not less than one and one-half
42 times the employee’s regular rate.