

# HOUSE . . . . . No. 2623

By Mr. Jones of Barnstable, petition of Nerman H. Cook for legislation relative to the observance of Sunday. Mercantile Affairs.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

### AN ACT RELATIVE TO THE OBSERVANCE OF SUNDAY.

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

1 The General Laws are hereby amended by striking out chap-  
2 ter 136, as amended, and inserting in place thereof the follow-  
3 ing chapter:—

#### 4 CHAPTER 136.

5 *Section 1. Legislative Purpose.*—The general court recog-  
6 nizes that for many generations the people of this common-  
7 wealth have wished to have Sunday free from the compulsion  
8 of regular work and labor. The general court also recognizes  
9 that under modern conditions Sunday-closing laws have, in  
10 their purpose and effect, become analogous to other regulations  
11 of hours and conditions of work and labor. The Sunday-closing  
12 laws of the commonwealth hitherto in effect have come to re-  
13 quire simplification, clarification and, in some respects, sub-  
14 stantive change to accord more closely with this need for a day,  
15 common to the people of the commonwealth, on which persons  
16 may be released from the compulsion of work, and may enjoy  
17 freedom to pursue happiness, health, and well-being in what-  
18 ever manner each may choose so far as is consistent with rea-  
19 sonable needs, services and convenience of the people. This  
20 chapter is enacted to effectuate this purpose.

21 *Section 2. Certain Activities prohibited on Sunday.*—Sub-  
22 ject to the exceptions hereinafter set forth the following ac-

23 tivities are prohibited throughout the commonwealth of Massa-  
24 chusetts on Sunday, which for the purposes of this chapter is  
25 defined as the twenty-four hour period beginning at midnight  
26 between Saturday and Sunday.

27 (a) Manufacturing, engaged in as a business for profit.

28 (b) Construction and structural and decorative repair of  
29 buildings, engaged in as a business for profit.

30 (c) Sales of personalty in merchandising establishments hav-  
31 ing a fixed place of business.

32 *Section 3. Exemptions.* — The prohibitions set forth in sec-  
33 tion two hereof shall not apply to —

34 (a) Activities of charity or necessity.

35 (b) Sales of milk, bread and other foods usually dealt in by  
36 bakers, and infants' food, ice, confectionery and frozen or  
37 other desserts, soft drinks, tobacco supplies, florists' goods,  
38 nursery products and supplies, newspapers or other reading  
39 matter, prepared foods served by common victuallers or inn-  
40 keepers or sold by them to be consumed elsewhere.

41 (c) Sale in drug stores of such goods as are customarily sold  
42 therein; provision of any other health supplies or services.

43 (d) Sales of fruit, vegetables and other farm produce by the  
44 person who raised the same, or by his agent thereunto duly  
45 authorized, and sales of foods raised by others reasonably inci-  
46 dental thereto, on premises owned or leased by such person.

47 (e) Sales of all fuels, including among others, automobile,  
48 aircraft and boat fuel, and supplies for automobiles, aircraft  
49 and boats.

50 (f) Sales of personal property in such classes of merchandis-  
51 ing establishments as may be permitted by bylaw of a town or  
52 by ordinance of a city.

53 (g) Sales at wholesale of dressed poultry on the Sunday  
54 next preceding Thanksgiving Day, and on the Sunday next  
55 preceding Chirstmas Day except when Christmas Day occurs  
56 on Saturday, Sunday or Monday.

57 (h) Whenever Rosh Hashana, or the Day of Atonement,  
58 begins on Sunday, the retail sale and delivery of fish, fruit and  
59 vegetables before twelve o'clock noon of that day.

60 (i) Such industrial or other processing or handling as, from  
61 the nature of the materials or goods cannot be suspended with-  
62 out spoilage or other serious physical impairment.



63 (j) Activities of public utilities.

64 (k) Work or labor for which a permit shall have been issued  
65 or hereinafter provided.

66 "The police commission of Boston, or any member of the  
67 police department having a rank not lower than that of cap-  
68 tain and designated by said commissioner, or the chief of po-  
69 lice or any other office in charge of the police department of  
70 any other city or of any town, or the chairman of the board of  
71 selectmen of any town, upon such terms and conditions as he  
72 deems reasonable, may issue a permit for the performance on  
73 Sunday of necessary work or labor which in his judgment  
74 could not be performed on any other day without serious delay  
75 to military defense work, serious suffering, loss, damage or  
76 public inconvenience. Such permit shall cover not more than  
77 one day and shall not be issued more than six days prior to the  
78 day for which it is issued. With respect to any legal holiday  
79 to which the provisions of this chapter apply, a permit for the  
80 performance of work may be granted by any of the above  
81 designated persons when, in his judgment, such work could be  
82 allowed on Sunday."

83 (l) Activities otherwise forbidden by section two hereof or  
84 by local ordinance or bylaw under 4 (b) hereof, conducted by  
85 any person who pursuant to his religious requirements refrains  
86 from such activities and closes his place of business for a full  
87 day other than Sunday.

88 (m) Production of newspapers.

89 (n) Making of butter and cheese; baking of bread and other  
90 foodstuffs usually produced by bakers.

91 *Section 4. Prohibition by Local Authorities.* — The board of  
92 selectmen of a town, or the board of aldermen, city council or  
93 other legislative board of a city may either prohibit or restrict  
94 on Sundays or on any legal holiday (a) all or one or more  
95 categories of theatrical or other public spectacles, sports enter-  
96 tainments, diversions or games, conducted for profit; and  
97 (b) the opening of any categories of establishments having a  
98 fixed place of business wherein services are offered to the gen-  
99 eral public, for the conduct of the banking or loan business, of  
100 the business of insurance or real estate, laundries, dry cleaning  
101 establishments, or other establishments.

102 *Section 5. Regulations and Definitions established by the*

103 *Sunday Leisure Law Commission.* — The attorney general, the  
104 commissioner of public health, the commissioner of public  
105 safety, the commissioner of labor and industries, and the com-  
106 missioner of commerce, are hereby, in addition to their other  
107 duties and without additional compensation therefor, con-  
108 stituted the Sunday Leisure Law Commission, and are author-  
109 ized to promulgate, amend or revoke such regulations and  
110 definitions of terms, as will effectuate the purposes of this chap-  
111 ter and are consistent with its provisions. Such regulations  
112 and definitions, when in effect, will have the force of law.

113 *Section 6. Penalties and Injunctions.* — Every violation of  
114 this statute or of a regulation of the Sunday Leisure Law Com-  
115 mission hereunder shall be punishable by a fine of not less than  
116 five nor more than one hundred dollars. In addition to any  
117 criminal penalty herein provided, the attorney general, a dis-  
118 trict attorney, or a city solicitor or town counsel may maintain  
119 a suit in equity to enjoin violations.

120 *Section 7. Defense to Action for Tort, Injury or Contract.* —  
121 The provisions of this chapter shall not constitute a defense to  
122 an action for a tort of injury suffered by a person on Sunday  
123 or a holiday, nor to an action based on any sort of contract,  
124 nor to the enforcement of a will, deed, declaration of trust or  
125 other dispositive document.

126 *Section 8. Holidays other than Sunday.* — (a) Sections one  
127 to seven of this chapter, with no exemptions as in number 3k  
128 above, shall apply to the following legal holidays: — January  
129 first, May thirtieth, July fourth, First Monday of September,  
130 October twelfth, November eleventh, Thanksgiving Day and  
131 Christmas Day.

132 (b) Public offices shall be closed on each of the following  
133 legal holidays: January first, February twenty-second, April  
134 nineteenth, May thirtieth, July fourth, the first Monday of  
135 September, October twelfth, November eleventh, Thanksgiving  
136 Day, and Christmas Day; and in Suffolk county only public  
137 offices shall be closed on March seventeenth and June seven-  
138 teenth.

139 (c) Section forty-five of chapter one hundred and forty-nine  
140 imposing a penalty on the employment of labor in any mill or  
141 factory shall not apply to March seventeenth.