

**HOUSE . . . . . No. 02301**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Donald Wong</i>	<i>9th Essex</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>

# HOUSE . . . . . No. 02301

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2301) of Levy and others relative to Sunday wages Joint Committee on Labor and Workforce Development.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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. Section 6 of chapter 136 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by striking out clause 50 and inserting in place thereof the following:  
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 SECTION 2. Said section 6 of said chapter 136, as so appearing, is hereby amended by striking  
17 out clause 52 and inserting in place thereof the following:

18 “(52) The retail sale of alcoholic beverages not to be drunk on the premises on Sundays by retail  
19 establishments licensed under section 15 of chapter 138; provided, however, that  
20 notwithstanding this chapter, a municipality may prohibit the retail sale of alcoholic beverages  
21 on Sundays by licensees under section 15 by vote of the city council or board of selectmen;  
22 provided further, that there shall be no such sales prior to the hour of 12:00 noon or on Christmas  
23 Day if Christmas occurs on a Sunday. No employee shall be required to work on a Sunday and  
24 refusal to work on a Sunday shall not be grounds for discrimination, dismissal, discharge,  
25 deduction of hours or any other penalty.”.

26 SECTION 3. Said chapter 136, as so appearing, is hereby amended by striking out section 16  
27 and inserting in place thereof the following:

28 “Section 16. All stores and shops which sell goods at retail may be open at any time on Sundays  
29 and on Memorial Day, July Fourth and Labor Day, but no such stores and shops may be open on  
30 Christmas Day if Christmas occurs on a Sunday. The performance of labor, business and work  
31 directly connected to retail sales on these days shall also be allowed. Stores and shops allowed to  
32 open under this section may sell on these days all types of goods and foodstuffs which may  
33 lawfully be offered for sale in the Commonwealth other than alcoholic beverages. To the extent

34 that this section is inconsistent with section six or any other general or special law, this section  
35 shall control.

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