

Bill as  
Introduced

HB 1171 - AS INTRODUCED

2010 SESSION

10-2509

05/03

HOUSE BILL            **1171**

AN ACT                repealing the prohibitions on Sunday business activities.

SPONSORS:            Rep. McGuire, Merr 8; Rep. Horrigan, Straf 7

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill repeals the chapter prohibiting certain business activities on Sundays.

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Explanation:        Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~(in brackets and struckthrough.)~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**HB 1171 - AS INTRODUCED**

10-2509

05/03

**STATE OF NEW HAMPSHIRE**

*In the Year of Our Lord Two Thousand Ten*

**AN ACT**            **repealing the prohibitions on Sunday business activities.**

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1        1 Repeal. RSA 332-D, relative to Sunday business activities, is repealed.
- 2        2 Effective Date. This act shall take effect January 1, 2011.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1171

**BILL TITLE:** repealing the prohibitions on Sunday business activities.

**DATE:** 1-25-10

**LOB ROOM:** 302      **Time Public Hearing Called to Order:** 11:37 am

**Time Adjourned:** 11:50 am

(please circle if present)

**Committee Members:** Reps. Butler, DeStefano, Kopka, McEachern, Hammond, Nord, Winters, Meader, Gidge, Schlachman, D. Eaton, Hunt, Quandt, Belanger, D. Flanders, R. Holden, Dowling, Headd, Nevins and Palfrey.

**Bill Sponsors:** Rep. McGuire, Merr 8; Rep. Horrigan, Straf 7

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Carol McGuire, prime sponsor** – No one actually follows this law, so it seems ridiculous.

**Q: Rep. John Hunt** – we have already looked at this, what is left?

**A:** There are so many exemptions as to be meaningless.

**Q: Rep. Ronald Belanger** – Would you believe Salem charges businesses to be open on Sundays to make \$14,000 per year.

**A:** I would believe that.

**Q: Rep. Paul McEachern** – Is this a burden on unregulated business?

**A:** I think so.

**Q: Rep. Hunt** – We left this in statue to allow local municipalities to decide.

**A:** Probably not an issue any more.

**Rep. Timothy Horrigan, co-sponsor** – This is a meaningless statute and needs to be repealed. It also has a religious reference which is probably unnecessary in an inclusive society. Also different religions honor different Sabbaths; 7<sup>th</sup> Day Adventist Sabbath is Saturday. This doesn't affect labor laws or bingo laws referencing Sunday.

**Q: Rep. Edward Butler** – Does this disallow home rule?

**A:** Local businesses are already open on Sunday, so ignoring the laws anyway.

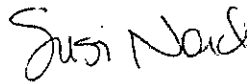
**Q: Rep. Hunt** – Would you believe allowing home rule might be the way to go?

**A:** I would prefer no Blue Laws altogether.

**Q: Rep McEachern** – Local rules only apply when no state laws exist.

**A:** I would believe that.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Susi Nord".

Susi Nord, Acting Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1171

**BILL TITLE:** repealing the prohibitions on Sunday business activities.

**DATE:** 1-25-70

**LOB ROOM:** 302 **Time Public Hearing Called to Order:** 11:37

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Butler, DeStefano, Kopka, McEachern, Hammond, Nord, Winters, Meader, Gidge, Schlachman, D. Eaton, Hunt, Quandt, Belanger, D. Flanders, R. Holden, Dowling, Headd, Nevins and Halfrey.

**Bill Sponsors:** Rep. McGuire, Merr 8; Rep. Horrigan, Straf 7

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep McGuire - No one actually follows this law, so it seems ridiculous.

? Hunt - we have already looked at this, what is left?

cm - There are so many exemptions as to be meaningless

? Belanger - Would you believe Salem charges businesses to be open on Sundays, to make \$4,000/yr.

cm - I would believe that.

? McEachern - Is this a burden on unregulated business.

cm - I think so

? Hunt - We left this in statute to allow local municipalities to decide.

cm - Probably not an issue anymore.

Rep. Horrigan - This is a meaningless statute and needs to be repealed.

- It's also a religious reference that is probably unnecessary in an inclusive society.

- Also different religions honor different Sabbaths - 7th day adventists, sabbath is Saturday.

- This doesn't effect labor laws or bingo laws referencing Sunday.

? Butler - Does this disallow home rule?

TH - Local businesses are ~~already~~ already open on Sunday, so ignoring the laws anyway.

? Hunt - Would you believe allowing home rule might be the way to go?

TH - I would prefer no blue laws altogether

? McEachern - local rules only apply when no state laws exist.

TH - I would believe that.

# Testimony

## Written Testimony in Favor of HB 1171

### *“An act repealing the prohibitions on Sunday business activities”*

Rep. Timothy Horrigan (Strafford #7); January 25, 2010

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This is a simple bill: it is essentially a one-liner which deletes the entirety of RSA 332-D, which is part of Title XXX. RSA 332-D deals with “Sunday Business Activities” and consists of four sections regulating what can be done “on the first day of the week, commonly called the Lord's Day.” It deals strictly with retail stores, restaurants and similar public accommodations. New Hampshire's state government happens to itself be a major retailer: our state liquor stores do (with a few exceptions) stay open on Sundays, as authorized by RSA 177:5.

This bill does not remove all references to Sunday or “the Lord's Day” from the RSA's. In particular, this bill leaves alone RSA 275:28-35, dealing with labor regulations related to work on Sunday and on holidays. That section of the law book importantly guarantees (RSA 275:32) workers a day off per week by stipulating that workers who don't get Sunday off can take another day off later in the week. Updating RSA 275 might actually be a good idea— but that is beyond the scope of this bill (as introduced.)

The Sunday closing issue has been addressed before by this legislature. The last change to this law was in 2007, when we decided that public dancing should be allowed all day (RSA 332-D:6), not just after 2:00 p.m. In 1993, we changed RSA 332-D:4 to reflect changes in municipal governance. In 1976 and 1977, there was a local uproar in Nashua, when retailers near the state line defied the city's “blue laws.” That controversy spilled over to the House Commerce Committee, and the General Court added Section 332-D:7 at that time (stating, “A person who violates any provision of this chapter is guilty of a violation.”).

This bill certainly does not totally remove God from the law books. I note with a certain amusement the fact that the bill has been introduced in “*In the Year of Our Lord Two Thousand Ten.*”

HB1171 ought to pass because

- This bill removes an unnecessary religious reference from the law books. New Hampshire may have been founded as a Christian state, but it is now a secular state with no established religion.
- This bill removes outdated laws which are never enforced and which are so full of exceptions and local options as to be meaningless. In practice, very few retail establishments are closed on Sunday: most choose to be open seven days a week. And in any case, neither the states nor the towns and cities should not be telling businesses what days they can or cannot be open.
- The existing law does not impose any meaningful penalty on those who violate it. This was apparently the result of a series of compromises made several decades ago. This bill offers a more sensible solution: take the law off the books altogether.
- This bill takes the state out of a long running controversy over what day of week should be the sabbath. Most Christian churches observe a Sunday sabbath, but Seventh day Adventists and some other groups observe the original Jewish sabbath on Saturday. (The church I was born into, the Roman Catholic Church, moved halfway back to a Saturday sabbath a few decades ago by making a Saturday night mass the main event of its weekly worship cycle.) Muslims observe their sabbath on Friday, as do the members of the Baha'i faith. Other groups observe other schedules, and many people in New Hampshire observe no sabbath at all.

The Seventh Day Adventists got me thinking about this issue back in September. I staffed the Strafford County Democrats booth one day (not anyone's sabbath, as far as I know) at the Rochester Fair. We were placed in a rather remote and lightly-trafficked exhibition hall right next to the Adventists, which turned out to be good because Democrats and Adventists have many interests in common. The Saturday sabbath (running from Friday night through Saturday afternoon) is the core of their religious practice, as the name "Seventh Day Adventist" implies. The Adventists are extremely worried about the possibility of a universal mandatory Sunday sabbath law: they view such a law as a sign of the End Times, and, like myself, they hope to put off the end of the world as long as possible. I was actually asked that day to consider sponsoring a bill repealing our state's existing Sunday sabbath laws. I frankly didn't give that issue much thought at the time, but when I learned a few weeks later that Rep. McGuire was sponsoring this bill, I easily convinced myself to sign on as a cosponsor.

I doubt that HB1171's passage will delay the end of the world, but this bill would take an outdated law off the books. HB1171 would bring Title XXX of the New Hampshire RSA's into compliance with current business practice. There is a general consensus that businesses should be free to remain open on any days of the week they want to be open.

One minor point I will add is: RSA 332-D:3 contains an obsolete reference to "dog racing meets" which needs to be deleted since dog racing was abolished in our state last year. (There is another bill currently being considered, HB1354, which would delete all the references to dog racing from the existing RSA's.)

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Rep. Timothy Horrigan  
(Strafford County #7)  
7A Faculty Rd; Durham, NH 03824  
ph: 603-868-3342  
email: TimothyHorrigan@mac.com

# Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1171

**BILL TITLE:** repealing the prohibitions on Sunday business activities.

**DATE:** 1-25-10

**LOB ROOM:** 302

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. McEachern

Seconded by Rep. Schlachman

Vote: 19-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1171

BILL TITLE: repealing the prohibitions on Sunday business activities.

DATE: 1-26-09 10

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *M. Richardson*

Seconded by Rep. *John Schmitt*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk



COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 1171 Title: Sunday Business

PH Date: 1/25/10 Exec Session Date: 1/26/10

Motion: OTP Amendment #: \_\_\_\_\_

| MEMBER                          | YEAS  | NAYS |
|---------------------------------|-------|------|
| Butler, Edward A, Chairman      | ✓     |      |
| Schlachman, Donna L, V Chairman | ✓     |      |
| DeStefano, Stephen T            | ✓     |      |
| Kopka, Angeline A               | ✓     |      |
| Meador, David R                 | ✓     |      |
| McEachern, Paul                 | ✓     |      |
| Hammond, Jill Shaffer           | ✓     |      |
| Nord, Susi                      | ✓     |      |
| Winters, Joel F                 | ✓     |      |
| Keans, Sandra B                 | ✓     |      |
| Gidge, Kenneth N                | ✓     |      |
| Hunt, John B                    | ✓     |      |
| Quandt, Matt J                  | ✓     |      |
| Belanger, Ronald J              | ✓     |      |
| Flanders, Donald H              | ✓     |      |
| Holden, Rip                     | ✓     |      |
| Dowling, Patricia A             | ✓     |      |
| Headd, James F, Clerk           | ✓     |      |
| Nevins, Chris F                 | —     |      |
| Palfrey, David J                | ✓     |      |
|                                 | 19-0- | 1    |

TOTAL VOTE:

# Committee Report

**CONSENT CALENDAR**

**February 3, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on COMMERCE AND CONSUMER  
AFFAIRS to which was referred HB1171,**

**AN ACT repealing the prohibitions on Sunday business  
activities. Having considered the same, report the same  
with the recommendation that the bill OUGHT TO  
PASS.**

**Rep. Paul McEachern**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

|                   |   |
|-------------------|---|
| Committee:        | COMMERCE AND CONSUMER AFFAIRS                             |
| Bill Number:      | HB1171  |
| Title:            | repealing the prohibitions on Sunday business activities. |
| Date:             | January 27, 2010  |
| Consent Calendar: | YES   |
| Recommendation:   | OUGHT TO PASS   |

### STATEMENT OF INTENT

This measure removes the prohibitions against Sunday sales, a law referred to as the blue law. By passage we can all shop on Sunday without being in violation of the law. This leaves local control unfettered.

Vote 19-0.

Rep. Paul McEachern  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

### **COMMERCE AND CONSUMER AFFAIRS**

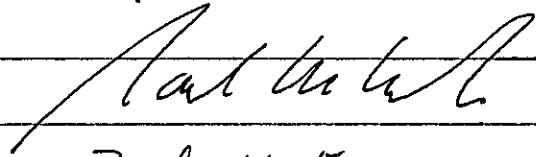
**HB1171**, repealing the prohibitions on Sunday business activities. **OUGHT TO PASS.**

Rep. Paul McEachern for **COMMERCE AND CONSUMER AFFAIRS**. This measure removes the prohibitions against Sunday sales, a law referred to as the blue law. By passage we can all shop on Sunday without being in violation of the law. This leaves local control unfettered. **Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

HB 1171

This measure removes the prohibitions against Sunday sales, a Law referred to as the blue law. By passage we can all shop on Sunday without being in violation of the Law. This leaves LOCAL CONTROL unfettered.

  
Paul McEPHERN

