

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1744

H.P. 1266

House of Representatives, December 22, 2003

An Act To Amend the Laws Governing the Display of Fireworks and Indoor Pyrotechnics

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator HATCH of Somerset and

Representatives: BULL of Freeport, GERZOFSKY of Brunswick, LESSARD of Topsham, PATRICK of Rumford, SULLIVAN of Biddeford, Senators: BRYANT of Oxford, NASS of York.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 8 MRSA §227-A, sub-§1, ¶¶A and B,** as enacted by PL
1999, c. 671, §6, are amended to read:

6 A. Applies in writing to the commissioner for a permit at
least ~~10~~ 20 days in advance of the proposed display;

8 B. Applies on forms furnished by the department. An
10 application for a permit must include:

12 (1) A certificate of public liability insurance in the
amount of ~~\$500,000~~ \$1,000,000 to cover loss, damage or
14 injuries to persons or property that might result from
the display; and

16 (2) A site plan for the proposed display depicting a
18 diagram of the grounds or facilities at which or in
which the display will be held. The diagram must show
20 points of discharge, fallout areas, any buildings or
other structures in proximity to the display site and
22 the location of any audience that may be present.
Distances of and distances between the points of
24 discharge and any buildings or structures must be
stated on the diagram; and

26 **Sec. 2. 8 MRSA §227-A, sub-§3,** as amended by PL 2001, c. 437,
28 §2 and affected by §8, is further amended to read:

30 **3. Fees.** The fee for a permit is \$30 per display and the
fee for a site inspection is \$111. The fee for all monitored
32 indoor pyrotechnic events that occur outside of normal business
hours is \$100.

34 **Sec. 3. 8 MRSA §227-A, sub-§5, ¶¶A and B,** as enacted by PL
36 2003, c. 452, Pt. C, §6 and affected by Pt. X, §2, are amended
to read:

38 A. A person who conducts a fireworks display without a
40 permit commits a Class D C crime.

42 B. A person who conducts a fireworks display in violation
of a permit issued under subsection 1 commits a Class E D
44 crime.

46 **Sec. 4. 8 MRSA §227-A, sub-§7** is enacted to read:

48 7. Indoor pyrotechnics. All indoor pyrotechnic events must
be monitored by the State Fire Marshal or the State Fire
50 Marshal's designee.

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Sec. 5. 8 MRSA §233, sub-§§1 to 3 are enacted to read:

1. Complete application required. A licensee shall submit a complete application for renewal at least 30 days prior to the expiration of a license under this chapter. An application is not complete unless it includes all materials required to be evaluated for licensure.

2. Renewal submitted within 90 days following license expiration. Notwithstanding subsection 1, a person may renew a license under this chapter for up to 90 days after the date of expiration of the license. The 90-day period does not postpone the expiration date of the existing license. A licensee whose license has lapsed may not work as a fireworks technician until a renewed license is issued.

3. Renewal submitted more than 90 days following license expiration. An application for license renewal under this section submitted more than 90 days after the license expiration date is considered an application for a new license and is subject to all requirements governing a new application.

SUMMARY

This bill amends the law regarding pyrotechnics as follows.

1. It requires a person to apply for a permit from the Commissioner of Public Safety 20 days before conducting a fireworks display instead of the current 10 days.

2. It increases the amount of public liability insurance that an applicant for a permit to conduct a fireworks display must have from \$500,000 to \$1,000,000.

3. It requires the State Fire Marshal or the State Fire Marshal's designee to monitor all indoor pyrotechnic events.

4. It increases certain penalties regarding the unlawful conduct of a fireworks display and failure to obtain a fireworks permit.

5. It delineates license renewal procedures for fireworks technicians.