

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 180

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H.P. 133

House of Representatives, January 25, 2021

### **An Act To Amend the Storage Requirements for Consumer Fireworks**

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

Received by the Clerk of the House on January 21, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PERKINS of Oakland.

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

2 **Sec. 1. 8 MRSA §223-A, sub-§4**, as enacted by PL 2011, c. 416, §5 and affected  
3 by §9, is amended to read:

4 **4. ~~Storage and handling~~ Building for sale of consumer fireworks.** A person  
5 authorized to sell consumer fireworks under subsection 1 may ~~store and~~ sell the fireworks  
6 only in a permanent, fixed, stand-alone building dedicated solely to the ~~storage and~~ sale of  
7 consumer fireworks in accordance with this subsection. To the extent permitted by law  
8 and applicable regulations, consumer fireworks may be stored in a building by a person  
9 who has been issued a permit under subsection 4-B.

10 A. ~~The~~ A building used for sale of consumer fireworks must be constructed,  
11 maintained and operated, and all consumer fireworks must be stored, in compliance  
12 with the requirements of National Fire Protection Association Standard 1124, as  
13 adopted by the Office of the State Fire Marshal, relevant building codes, zoning  
14 ordinances and other municipal ordinances.

15 B. ~~The~~ A building used for the sale of consumer fireworks may not be less than 60 feet  
16 from another permanent building and may not be less than 300 feet from a structure at  
17 which gasoline, propane or other flammable material is sold or dispensed.

18 C. Cigarettes, tobacco products or lighters or other flame-producing devices may not  
19 be permitted in ~~the~~ a building used for the sale of consumer fireworks.

20 D. A person under 21 years of age may not be admitted to ~~the~~ a building used for the  
21 sale of consumer fireworks unless accompanied by a parent or guardian.

22 E. Notwithstanding paragraph D, a person at least 18 years of age may handle and sell  
23 consumer fireworks if the person is under the direct supervision of a person 21 years  
24 of age or older.

25 **Sec. 2. 8 MRSA §223-A, sub-§4-A** is enacted to read:

26 **4-A. Storage of consumer fireworks.** A person authorized to sell consumer fireworks  
27 under subsection 1 may store consumer fireworks in a permanent, fixed, stand-alone  
28 building or magazine. The storage building or magazine must be dedicated solely to the  
29 storage of consumer fireworks in accordance with this subsection.

30 A. A building used for consumer fireworks storage must be constructed, maintained  
31 and operated, and all consumer fireworks must be stored, in compliance with the  
32 requirements of National Fire Protection Association Standard 1124, as adopted by the  
33 Office of the State Fire Marshal, relevant building codes, zoning ordinances and other  
34 municipal ordinances.

35 B. A magazine used for consumer fireworks storage must comply with the  
36 requirements of National Fire Protection Association Standard 495, as adopted by the  
37 Office of the State Fire Marshal, relevant building codes, zoning ordinances and other  
38 municipal ordinances.

39 C. A building used for consumer fireworks storage may not be less than 60 feet from  
40 another permanent building and may not be less than 300 feet from a structure at which  
41 gasoline, propane or other flammable material is sold or dispensed.

1 D. Cigarettes, tobacco products or lighters or other flame-producing devices may not  
2 be permitted in a building used for consumer fireworks storage.

3 E. A person under 21 years of age may not be admitted into a building used for  
4 consumer fireworks storage unless accompanied by a parent or guardian.

5 F. Notwithstanding paragraph E, a person at least 18 years of age may be admitted into  
6 a building used for consumer fireworks storage for employment purposes if the person  
7 is under the direct supervision of a person 21 years of age or older.

8 **Sec. 3. 8 MRSA §223-A, sub-§4-B** is enacted to read:

9 **4-B. Permit to store consumer fireworks.** The commissioner may issue a permit to  
10 store consumer fireworks under subsection 4-A to an applicant who:

11 A. Is 21 years of age or older;

12 B. Possesses the permits required under subsection 1;

13 C. Complies with the provisions of subsection 4-A; and

14 D. Has not been convicted of an offense or violated a state, federal or municipal law,  
15 rule or regulation involving fireworks or explosives within the 2 years prior to the  
16 application.

17 The term of a permit is one year from date of issuance. The commissioner shall charge a  
18 fee of \$125 for the initial permit issued to an applicant and \$125 for each annual permit  
19 renewal. A separate permit is required for each location at which an applicant seeks to  
20 store consumer fireworks. Fees collected under this subsection must be deposited in a  
21 nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of  
22 enforcing this section.

23 **SUMMARY**

24 This bill brings the laws governing the storage of consumer fireworks into conformity  
25 with a recent Maine court decision by authorizing the Office of the State Fire Marshal to  
26 regulate consumer fireworks storage by those authorized by law to sell consumer fireworks.