

# MAINE STATE LEGISLATURE

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## CHAPTER 9

## FIREWORKS

Sec.

- 211. Sale of fireworks.
- 212. Permits for displays; rules and regulations.
- 213. Storage.
- 214. Displays and exhibitions.
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- 216. Violations.
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**§ 211. Sale of fireworks**

No person shall sell, or keep or offer for sale, or use, explode or cause to explode any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article, which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including in the above terms blank cartridges or toy cannons in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrocketes, roman candles, bombs, sparklers, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction, or any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance or flammable compound. The term "fireworks" as used in this chapter shall not include toy pistols, toy canes, toy guns or other devices in which paper caps containing 25/100ths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps which contain less than 20/100ths grains of explosive mixture, the sale and use of which shall be permitted at all times. This section shall not apply:

**1. Shipments out of State.** To the sale of any article herein named to be shipped directly out of the State; or

**2. Sales to those licensed.** To the sale of any such article for its use by persons or organizations having obtained from the Insurance Commissioner a permit to display such article or fireworks under section 212; or

**3. Transportation agencies.** To the sale of flares, lanterns or fireworks for use by railroads, railways, boats, motor vehicles

or other transportation agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise; or

4. **Show or theatre; athletics or sports.** To the sale or use of blank cartridges for a duly licensed show or theatre or for signal or ceremonial purposes in athletics or sports; or

5. **Factory experiments.** To experiments at a factory for explosives; or

6. **Militia, etc.** To the sale of blank cartridges for use by the militia or any organization of war veterans or other organizations authorized by law to parade in public a color guard armed with firearms; or

7. **Teaching use of firearms.** In teaching the use of firearms; or

8. **Legal use of firearms.** To the sale of shells for firearms, cartridges, gunpowder and explosives for the purpose of any legal use of firearms.

9. **Agricultural growers.** To the sale to, and use of fireworks by, agricultural growers for the protection of crops, provided a permit has been obtained for this purpose from the Insurance Commissioner. The commissioner shall promulgate regulations for the protection of the public governing the purchase, use and storage of fireworks by agricultural growers. The regulations shall include the size, type and explosive content of the fireworks, areas in which they may be used, and the season of the year during which a permit is valid. The commissioner may charge a fee of not more than \$2 for the permit, which fee shall be used to enforce this section. The fees shall be credited to the Division of State Fire Prevention and shall not lapse but shall remain a continuing, carrying balance.

1959, c. 301.

Violation of any provision of this section shall be punishable by a fine of not more than \$100 or by imprisonment for not more than one month, or by both. Each such sale or use shall constitute a separate offense.

R.S.1954, c. 137, § 21; 1959, c. 301.

## § 212. Permits for displays; rules and regulations

All persons, municipalities, fair associations, amusement parks and other organizations or groups of individuals desiring

to discharge, fire off, explode or display fireworks in accordance with section 211, subsection 2, shall apply in writing to the Insurance Commissioner for a permit at least 15 days in advance of the proposed date of the display. The Insurance Commissioner, upon receipt of such application, shall determine if the applicant is competent and if the proposed display will in other respects be in accordance with the law and any rules and regulations which may have been promulgated thereunder. If the Insurance Commissioner finds that such applicant is competent and that the proposed display is in accordance with the law and all rules and regulations, he shall issue a permit, otherwise he shall refuse to issue a permit. The Insurance Commissioner shall make rules and regulations for the granting of the permits above referred to and shall promulgate such rules and regulations relative to the supervised display of fireworks as shall be conducive to public safety.

R.S.1954, c. 137, § 22.

### § 213. Storage

No person shall store fireworks except in such buildings as may be permitted by the rules and regulations of the Insurance Commissioner outside the premises of a fireworks manufactory, if such building or other structure is located within 1,000 feet of any church, hospital, theatre, hall, place of assembly, workshop, factory or any inhabited building, nor shall any person manufacture fireworks, without first furnishing the Insurance Commissioner, in an amount to be determined by him, a certificate of public liability insurance to cover the losses, damages or injuries that might ensue to persons or property by reason thereof.

R.S.1954, c. 137, § 23.

### § 214. Displays and exhibitions

No person engaged in the business of displaying, exploding or exhibiting fireworks shall, by himself or his agents, discharge, fire off, explode or display fireworks without first furnishing the Insurance Commissioner, in an amount to be determined by him, a certificate of public liability insurance to cover the losses, damages or injuries that might ensue to persons or property by reason thereof.

R.S.1954, c. 137, § 24.

**§ 215. Application of provisions**

Firecrackers and pyrotechnical ship or railway signals shall be included and classed as fireworks, but sections 213 and 214 shall not apply to the storage of pyrotechnical ship or railway signals nor to the discharge, firing or exploding of the said signals when used for the protection of life and property.

R.S.1954, c. 137, § 25.

**§ 216. Violations**

Whoever violates any provision of sections 212 to 215 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 137, § 26.

**§ 217. Appeals**

Any person aggrieved by any decision of the Insurance Commissioner under sections 212 to 214, within 30 days after such decision may appeal therefrom to the Superior Court which shall forthwith, after notice and hearing, affirm or reverse such decision, and the finding of the court shall be final.

R.S.1954, c. 137, § 27; 1961, c. 317, § 467.