

MAINE STATE LEGISLATURE

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**STATE OF MAINE
129th LEGISLATURE
SECOND REGULAR SESSION**

**REPORT OF THE STATE FIRE MARSHAL'S OFFICE ON THE SALE and USE OF CONSUMER
FIREWORKS IN MAINE FOR 2019**

Joint Standing Committee on Criminal Justice and Public Safety

January 28, 2020

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EXECUTIVE SUMMARY

The use, possession or sale of consumer fireworks became legal with the passage of Chapter 416, LD 83 “An Act to Legalize the Sale, Possession and Use of Fireworks” during the first session of the 125th Maine Legislature. The law took effect on January 1, 2012. Plantations could adopt consumer fireworks ordinances with the passage of LD 3 “An Act to Grant Plantations the Power to Control Consumer Fireworks” during the first session of the 128th Maine Legislature in 2017. That law took effect on March 24, 2017.

In 2014 the Office of State Fire Marshal (FMO) attempted to gather better data on fireworks-related injuries and burns by working with the Bureau of Emergency Medical Services (EMS) to get data from their reporting system. Data reports from the EMS system started being sent to the Maine Fire Marshal on January 22, 2014. Any EMS reports that are entered with a code involving fireworks are now automatically sent to the Fire Marshal. However, the drawback to this data source is that the EMS data only records those injured people that are transported by an ambulance.

LICENSING

In 2019, twenty-one stores were successfully licensed for a total of \$31,500.00.

TOWN ORDINANCES

As required in statute, Maine municipalities choosing to restrict or prohibit the sale and or use of consumer fireworks, or those permitting the sale of consumer fireworks must provide the FMO with a copy of the ordinance. At the end of 2019, the FMO documented a total of 115 municipal or plantation ordinances, which is an increase of 3 ordinances from 2018. However, only one ordinance was newly created in 2019: three ordinances dating from 2015 and 2018 were discovered online by Michelle Mason Webber, and Waldoboro voided their fireworks ordinance in June 2019 and reverted to state law. The ordinance documents are available from the FMO website on this webpage: <https://www.maine.gov/dps/fmo/fireworks/ordinances>.

CONSUMER FIREWORKS-RELATED INJURIES AND FIRES

A single voluntary injury report was created in 2014 (Appendix A) to capture fireworks injury data from hospitals and clinics. Seven injury reports were sent to the FMO in 2019. The FMO collected information from the EMS reporting system. **These reports indicate that nine individuals were transported to medical facilities for treatment of injuries, and the victims ranged from 1 to 66 years of age.** The EMS reports only collect data on those people transported by an ambulance, and don't capture data on injured people who self-transport to a hospital or who don't go to a health care provider at all. Because of potential injury reporting uncertainty, the reported number of injuries is not considered by the FMO to be accurate injury data.

As of 01/22/2020, there were eleven fires in 2019 reported by Maine's fire departments that were determined to be caused by fireworks (Appendix B). This was an increase of five fires from 2018. However, 2019 fire department reports can be submitted to the FMO until July 2020. A final summary of fire causes will be published in the 2019 Annual Report of the Maine State Fire Marshal in the fall of 2020.

The Maine Forest Service reported one fire in 2019 that was caused by fireworks (Appendix C).

**MAINE FIRE MARSHAL'S OFFICE
CONSUMER FIREWORKS INJURY REPORT**



The Office of the Fire Marshal would greatly appreciate the assistance of Maine's medical community in tracking consumer fireworks related injuries. The purpose of reporting these injuries is to assist the Fire Marshal in developing any necessary statutory, rule, or policy changes essential to minimizing the frequency of fireworks injuries in Maine. For more information call (207) 626-3873. Thank you.

Demographic Information:

Hospital/Clinic Name: _____

Date of Injury (month/day/year): _____

Municipality in which the injury occurred: _____

Age

0 – 4 5 – 14 15 – 20 21 - 25 26 – 44 45 and older

Type of Device:

- Hand-held (sparkler, firecracker, roman candle, smoke bomb, ground spinner)
- Display (stationary mortar, wheel, missile rocket, fountain)
- Other _____

Reason for Injury:

- Bystander (not involved with igniting device)
- User error (mishandled, relit fuse, device not set up correctly, throwing, etc.)
- Device malfunctioned (errant flight pattern, uncontained explosion)
- Other _____

Severity of Injury (circle one only)

1. No injury
2. Minor (1st degree burn, minor cut (no stitches), bruising)
3. Moderate (2nd degree burn, laceration (stitches), broken bone)
4. Significant injury (3rd degree burn, partial or total loss of digit, hearing or sight)
5. Fatality

Body Part Injured (check one):

- Head/face
- Extremity
- Torso

Comments

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FOR AN ONLINE POSTING OF THIS FORM AND MORE INFORMATION ON CONSUMER FIREWORKS IN MAINE SEE: <http://www.maine.gov/dps/fmo/fireworks/index.html>

Appendix B

NFIRS 5.0 National Reporting System

Selected Coded Field: Fire: Heat Source

Report Period: From 01/01/2019 to 12/31/2019

Code	Description	Number of Incidents
54	Fireworks	11

Cause of fire-Fireworks	11 incidents	\$ 1,004.00 property loss
		\$ 1,004.00 contents loss
	11 total incidents	\$ 2,008.00 total loss

