

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 134

H. P. 107

House of Representatives, January 18, 1967

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Pendergast of Kennebunkport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Licensing and Regulation of Use of Explosives.

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

Sec. 1. R. S., T. 5, § 2301, sub-§ 1, amended. Subsection 1 of section 2301 of Title 5 of the Revised Statutes is amended by inserting between the line "Harness Racing Commission" and the line "Maine Milk Commission", additional lines to read as follows:

Insurance Department, but only as that department controls and supervises the licensing of persons using and handling explosives.

Sec. 2. R. S., T. 25, § 2441, amended. The first paragraph of Section 2441 of Title 25 of the Revised Statutes is amended to read as follows:

The Insurance Commissioner shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations for the keeping, **possession, storage, handling**, dispensing or transporting from place to place in the State of all gunpowder, petroleum, coal oils, burning fluids, naphtha, benzine and all other explosives and illuminating substances which such commissioner believes dangerous to the lives or safety of citizens.

Sec. 3. R. S., T. 25, § § 2441-A to 2441-F, additional. Title 25 of the Revised Statutes is amended by adding 6 new sections 2441-A to 2441-F, as follows:

§ 2441-A. License requirements

No person shall explode or cause to explode for compensation any dynamite, blasting powder or blasting agent until he has received a license to do so from the Insurance Commissioner.

No blasting operation shall be conducted at any time unless a person holding a current license shall be physically present to direct and supervise such blasting operation.

§ 2441-B. Issuance of license

The commissioner shall issue a license upon the payment of \$5 to any person who files application and who meets the following requirements:

1. Experience. At least 2 years practical experience in the responsible use and handling of explosives.

2. Examination. Satisfactory passing of an examination conducted by the Insurance Commissioner or his representative to determine the fitness of the applicant to receive such a license.

3. Certificate. All persons licensed by the commissioner shall receive a certificate which must be carried on the person and displayed at any time upon request, as long as said person continues in the business of blasting.

The commissioner may, at any time prior to January 1, 1968, without examination and upon a payment of \$5, issue a license to any applicant who shall present satisfactory evidence that he has had practical experience in the use and handling of explosives within this State for at least 2 years next prior to the date of application.

§ 2441-C. Renewal of licenses

All licenses issued shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of one year without further examination on payment of a fee of \$5 for each year.

§ 2441-D. Disposal of fees

All license fees received by the commissioner shall be paid to the Director of Fire Prevention to be used for carrying out the provisions of this chapter.

§ 2441-E. Investigation of complaints; revocation of licenses

The commissioner shall investigate all complaints made to him and all cases of noncompliance with or violation of this chapter. The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, shall have the power to suspend or to revoke the license of any licensed blaster who is found guilty of:

1. Fraud or deceit. The practice of any fraud or deceit in obtaining a license.

2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the performance of blasting. Continued failure to conform with applicable regulations of the Insurance Commissioner shall be prima facie evidence of such gross negligence and incompetency. Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any licensed blaster.

After hearing, the Administrative Hearing Commissioner may suspend or revoke the license of such licensed blaster.

§ 2441-F. Penalty

Any person who engages in the business of blasting in the State without having a license then in effect, or any person who violates this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, or by both.