

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 362

H.P. 292

House of Representatives, January 25, 2007

An Act To Effect the Seizure and Disposal of Contraband Fireworks

(EMERGENCY)

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

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative GERZOFKY of Brunswick.

Cosponsored by Senator NASS of York and

Representatives: GREELEY of Levant, HANLEY of Gardiner, HASKELL of Portland,
SIMPSON of Auburn, SYKES of Harrison.

1 **Emergency preamble. Whereas,** acts of the Legislature do not become effective
2 until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the possession and use of fireworks by individuals without a permit is
4 illegal in this State; and

5 **Whereas,** there is presently no provision for the efficient disposition of such
6 fireworks seized by, surrendered to or in the possession of law enforcement agencies,
7 including but not limited to the Department of Public Safety, Office of the State Fire
8 Marshal; and

9 **Whereas,** it is vital that the lack of such a provision be addressed in order to
10 safeguard the safety, security and rights of the citizens of this State; and

11 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
12 the meaning of the Constitution of Maine and require the following legislation as
13 immediately necessary for the preservation of the public peace, health and safety; now,
14 therefore,

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

16 **Sec. 1. 8 MRSA §237** is enacted to read:

17 **§237. Seizure, forfeiture and disposal of fireworks**

18 **1. Seizure of fireworks.** A law enforcement officer may seize fireworks that the law
19 enforcement officer has probable cause to believe are:

20 A. Stored, sold, manufactured, transported or found in any person's possession in
21 violation of this chapter;

22 B. Shipped by common carrier in violation of this chapter to the address of a person
23 in the State; or

24 C. Surrendered to or otherwise lawfully acquired by a law enforcement agency
25 when there is no permitted claimant under this chapter.

26 **2. Forfeiture of seized fireworks.** All fireworks lawfully seized under this section
27 are contraband and are forfeited to the State.

28 **3. Disposal of forfeited fireworks.** The commissioner may dispose of fireworks
29 forfeited to the State under this section in any lawful manner considered appropriate by
30 the commissioner, including, but not limited to, by their auction or destruction or by
31 using them for training purposes.

32 **4. Exceptions.** This section does not apply to:

33 A. Fireworks stored by, manufactured by, transported by, shipped by common
34 carrier to, sold to or in the possession of a person issued a permit pursuant to section
35 227-A; or

