

# MAINE STATE LEGISLATURE

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MINORITY

L.D. 1187

Date: 5-27-09

(Filing No. S-244)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 435, L.D. 1187, Bill, "An Act To Allow the Sale and Use of Consumer Fireworks"

Amend the bill in section 5 in §223-A by striking out all of subsection 8 (page 3, lines 13 to 22 in L.D.) and inserting the following:

8. Enforcement. The commissioner, a law enforcement officer as defined in Title 25, section 2801-A, subsection 5, a code enforcement officer or a fire safety official may petition the Superior Court or District Court to seize or remove at the expense of the owner consumer fireworks sold, offered for sale, stored, possessed or used in violation of this section. The commissioner may immediately suspend a license granted under subsection 4 for a violation of this section. A person whose license is suspended under this subsection must receive a hearing within 10 days of the suspension under Title 5, chapter 375, subchapter 4. A person whose license is suspended under this subsection may not receive a subsequent license under subsection 4 for a period of at least one year from the date of suspension.

9. Violation. A violation of this section is a Class E crime.

SUMMARY

This amendment, which is the minority report of the committee, clarifies that a law enforcement officer as defined by the Maine Revised Statutes, Title 25, section 2801-A, subsection 5 may enforce any violation of the law related to consumer fireworks rather than only a state or municipal law enforcement officer.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



# 124th MAINE LEGISLATURE

LD 1187

LR 1591(02)

## An Act To Allow the Sale and Use of Consumer Fireworks

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$98,126	\$72,472	\$74,531	\$76,654
<b>Revenue</b>				
Other Special Revenue Funds	\$7,500	\$7,500	\$7,500	\$7,500

### Correctional and Judicial Impact Statements

Establishes new Class E crimes; increases correctional and judicial costs  
The collection of additional fines may also increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

The bill includes an Other Special Revenue Funds allocation of \$98,126 in fiscal year 2009-10 and \$72,472 in fiscal year 2010-11 to the Department of Public Safety for a Public Safety Inspector I position and related administrative costs to enforce the laws related to fireworks. It is estimated that five licenses would be issued, resulting in increased Other Special Revenue Funds revenue of \$7,500 beginning in fiscal year 2009-10.