

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 111

H.P. 93

House of Representatives, January 29, 2013

### **An Act To Restrict the Sale, Purchase and Use of Fireworks in the State**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative LAJOIE of Lewiston.  
Cosponsored by Senator CLEVELAND of Androscoggin and  
Representatives: BOLDUC of Auburn, CAREY of Lewiston, LIBBY of Lewiston, ROTUNDO  
of Lewiston, WERTS of Auburn, Senator: CRAVEN of Androscoggin.

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

2 **Sec. 1. 8 MRSA §221-A, sub-§1-A**, as enacted by PL 2011, c. 416, §1 and  
3 affected by §9, is repealed.

4 **Sec. 2. 8 MRSA §221-A, sub-§3-A**, as enacted by PL 2011, c. 416, §2 and  
5 affected by §9, is repealed.

6 **Sec. 3. 8 MRSA §221-A, sub-§4**, as amended by PL 2011, c. 416, §3 and  
7 affected by §9, is further amended to read:

8 **4. Fireworks.** "Fireworks" means any:

9 A. Combustible or explosive composition or substance;

10 B. Combination of explosive compositions or substances;

11 C. Other article that was prepared for the purpose of producing a visible or audible  
12 effect by combustion, explosion, deflagration or detonation, including blank  
13 cartridges or toy cannons in which explosives are used, the type of balloon that  
14 requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman  
15 candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other  
16 fireworks of like construction;

17 D. Fireworks containing any explosive or flammable compound; or

18 E. Tablets or other device containing any explosive substance or flammable  
19 compound.

20 The term "fireworks" does not include ~~consumer fireworks~~ or toy pistols, toy canes, toy  
21 guns or other devices in which paper caps or plastic caps containing 25/100 grains or less  
22 of explosive compound are used if they are constructed so that the hand can not come in  
23 contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps  
24 that contain less than 20/100 grains of explosive mixture, sparklers that do not contain  
25 magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile  
26 is fired.

27 **Sec. 4. 8 MRSA §223, sub-§1**, as amended by PL 2011, c. 416, §4 and affected  
28 by §9, is further amended to read:

29 **1. Sale of fireworks prohibited.** ~~Except for the sale of consumer fireworks under~~  
30 ~~section 223-A, a~~ A person may not sell, possess with the intent to sell or offer for sale  
31 fireworks.

32 **Sec. 5. 8 MRSA §223-A**, as enacted by PL 2011, c. 416, §5 and affected by §9, is  
33 repealed.

34 **Sec. 6. 8 MRSA §236**, as repealed and replaced by PL 2011, c. 416, §6 and  
35 affected by §9, is repealed and the following enacted in its place:

