

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 839

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H.P. 590

House of Representatives, March 5, 2013

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### **An Act To Amend the Laws Governing the Licensing of Technicians Involved in a Display of Fireworks or Special Effects**

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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 LAJOIE of Lewiston.  
Cosponsored by Senator WHITTEMORE of Somerset and  
Senator: PLUMMER of Cumberland.

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

2 **Sec. 1. 8 MRSA §221-A, sub-§§5-A and 5-B** are enacted to read:

3 **5-A. Flame effect.** "Flame effect" means an effect caused by the use of a solid,  
4 liquid or gaseous fuel to produce a flame in front of an audience.

5 **5-B. Flame effect technician.** "Flame effect technician" means a person licensed  
6 pursuant to section 231 who, by examination, experience and training, has demonstrated  
7 the required skill and competence in the use of flame effects to conduct a display or  
8 special effects display. A flame effect technician is the person who is responsible for the  
9 safe use of flame effects and setting up and conducting the flame effects display.

10 **Sec. 2. 8 MRSA §221-A, sub-§8-A** is enacted to read:

11 **8-A. Proximate audience technician.** "Proximate audience technician" means a  
12 person licensed pursuant to section 231 who, by examination, experience and training,  
13 has demonstrated the required skill and competence in the use and discharge of fireworks  
14 proximate to an audience to conduct a display or special effects display proximate to an  
15 audience. A proximate audience technician is the person who is responsible for the safety  
16 of the proximate audience and setting up and conducting the display.

17 **Sec. 3. 8 MRSA §227-C, sub-§4,** as enacted by PL 1999, c. 671, §6, is amended  
18 to read:

19 **4. Failure to employ or use fireworks technician.** The applicant fails to use a  
20 licensed fireworks technician, proximate audience technician or flame effect technician as  
21 required to conduct the display.

22 **Sec. 4. 8 MRSA §231,** as enacted by PL 1999, c. 671, §12 and amended by PL  
23 2003, c. 689, Pt. B, §6, is further amended to read:

24 **§231. Fireworks technician, proximate audience technician and flame effect**  
25 **technician license qualifications**

26 A person may not act as a fireworks technician, proximate audience technician or  
27 flame effect technician unless the person meets the qualifications specified in this section  
28 and obtains a license. The person must:

29 **1. Age.** Be at least 21 years of age;

30 **2. Citizenship.** Be a citizen or resident alien of the United States;

31 **3. Experience.** Have experience and training working under the direction of a  
32 ~~fireworks~~ technician during at least 5 displays, or comparable experience as determined  
33 by the department. The technician must hold the same license as applied for by the  
34 person;

35 **4. Character.** Be of good moral character as determined by the department and not  
36 have been convicted of a crime that is punishable by a maximum term of imprisonment

1 equal to or exceeding one year. In making the determination of good moral character, the  
2 commissioner shall consider matters recorded within the previous 5 years, including, but  
3 not limited to:

4 A. Records of incidents of abuse by the applicant of family or household members  
5 provided pursuant to Title 19-A, section 4012, subsection 1;

6 B. Records provided by the Department of Health and Human Services regarding the  
7 failure of the applicant to meet child or family support obligations;

8 C. Records of 3 or more convictions of the applicant for Class D or Class E crimes;

9 D. Records of 3 or more civil violations by the applicant; and

10 E. Records that the applicant has engaged in recklessness or negligence that  
11 endangered the safety of others;

12 **5. Examination.** Successfully complete a written examination administered by the  
13 department encompassing ~~fireworks and the conduct of displays~~ codes, rules and  
14 information specific to the license applied for; and

15 **6. Application.** Submit an application to the department that contains:

16 A. The applicant's full name, full current address, social security number and date of  
17 birth; and

18 B. A statement granting the commissioner authority to check the criminal records of  
19 the applicant.

20 **Sec. 5. 8 MRSA §232, sub-§§2 and 3** are enacted to read:

21 **2. Fee for proximate audience technician.** The fee for an initial proximate  
22 audience technician license is \$180. The fee for renewal of the license is \$25.

23 **3. Fee for flame effect technician.** The fee for an initial flame effect technician  
24 license is \$180. The fee for renewal of the license is \$25.

25 **Sec. 6. 8 MRSA §233, first ¶,** as enacted by PL 1999, c. 671, §12, is amended to  
26 read:

27 Each fireworks technician, proximate audience technician or flame effect technician  
28 license is valid for a term of one year. Unless revoked or suspended, the license is  
29 renewable annually.

30 **Sec. 7. 8 MRSA §233, sub-§2,** as enacted by PL 2003, c. 521, §4, is amended to  
31 read:

32 **2. Renewal submitted within 90 days following license expiration.**  
33 Notwithstanding subsection 1, a person may renew a license under this chapter for up to  
34 90 days after the date of expiration of the license. The 90-day period does not postpone  
35 the expiration date of the existing license. A licensee whose license has lapsed may not  
36 work as a fireworks technician, proximate audience technician or flame effect technician  
37 until a renewed license is issued.

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## **SUMMARY**

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This bill provides for the licensing of a proximate audience technician and a flame

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effect technician in connection with a display of fireworks or special effects.