

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 180

H. P. 431. House of Representatives, January 23, 1941.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Pierce of Bucksport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Sale and Use of Fireworks.

Emergency preamble. Whereas, the promiscuous use of fireworks is dangerous to life and property; and

Whereas, any law relating to the regulation of the use of fireworks must be effective immediately to protect the interests of the people; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Term "fireworks" defined. The term fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, fire-crackers, torpedoes, sky-

rockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

Sec. 2. Sale of fireworks, prohibited; exception. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the insurance commissioner shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the chiefs of the police and fire departments of the municipality in which the display is to be held and shall be of such a character, and so located, discharged or fired as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least 15 days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Sec. 3. Bond. The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than \$500 conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any acts of the licensee, his agents, employees or subcontractors.

Sec. 4. Fireworks may be sold at wholesale for certain purposes. Nothing in this act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of state; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

Sec. 5. Seizure. The insurance commissioner shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks

or combustibles offered or exposed for sale, stored, or held in violation of this act.

Sec. 6. Penalty. Any person, firm, copartnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment.

Sec. 7. Saving clause. All acts or parts of acts inconsistent herewith are hereby repealed or amended to conform to the provisions hereof.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.