

MAINE STATE LEGISLATURE

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(Transmitted from the Revisor of Statutes under Joint Order)

S. P. 436

In Senate, February 14, 1941.

Referred to the Committee on Judiciary and 650 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Sanborn of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT to Regulate the Manufacture, Sale, Distribution, Use and Possession of Explosives.

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

Sec. 1. Definitions. As used in this act: (a) "Explosives" means gun-powders, powders used for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powder and any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion, but shall not include fixed ammunition for small arms, firecrackers or matches, when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

(b) "Person" includes any natural person, partnership, association or corporation.

(c) "Manufacturer" means any person who is engaged in the manu-

facture of explosives or who otherwise produces any explosive.

(d) "Dealer" means any person, not a manufacturer, engaged in the business of buying and selling explosives.

(e) "Licensing authority" means the _____ the chief of police of a municipality, the sheriff of a county or other law enforcement officer designated as a licensing authority by the governor.

Sec. 2. License. No person shall manufacture, possess or deal in explosives unless he has obtained a license therefor pursuant to the provisions of section 3 of this act.

Sec. 3. Applications for licenses. (a) Application for a license to manufacture explosives shall be made to _____ in such form as the attorney-general shall prescribe; and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring to manufacture explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship. _____ shall issue the license applied for unless he finds that either the applicant, or the officers, agents or employees of the applicant, is not sufficiently experienced in the manufacture of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States.

(b) Application for license to engage in the business of dealing in explosives shall be made to the licensing authority in the county or municipality in which the applicant conducts his business in such form as the attorney-general shall prescribe and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring to engage in the business of dealing in explosives, (3) citizenship, if an individual applicant, (4) if a partnership, the names and addresses of the partners and their citizenship, and (5) if an association or corporation the names and addresses of the officers and directors thereof and their citizenship. _____ shall issue the license applied for unless he finds that either the applicant, or the officers, agents or employees of the applicant, is not sufficiently experienced in the business of dealing in explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States.

(c) Application for license to possess explosives shall be made in writing to _____ of the county or municipality in which the applicant resides or has his regular place of business in such

form as the attorney-general shall prescribe and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring the license to possess explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship. _____ shall issue the license applied for unless he finds that either the applicant, or the officers, agents or employees of the applicant, is not sufficiently experienced in the handling of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States.

Sec. 4. Reports and records. (a) Manufacturers shall file a report at least once each calendar month with the licensing official in each state to which any explosive has been shipped by said manufacturer, giving in said report the names of all purchasers and the amount and description of all such explosives so sold or delivered.

(b) Dealers shall keep a record of all explosives purchased or sold by them, which record shall include the name and address of each vendor or vendee, the date of each sale or purchase, and the amount and kind of explosives sold or purchased. Such record shall be open for inspection by duly authorized agents of _____ and by all federal, state and local law enforcement officers at all times; and a copy of such record shall be furnished once each calendar month to the _____ in such form as he shall prescribe.

Sec. 5. Sale to unlicensed persons. No dealer shall sell, barter, give or dispose of explosives to any person who does not hold a license to possess explosives issued under the provisions of this act.

Sec. 6. Revocation; terms of license; fees. (a) Any license issued hereunder may be revoked by the official issuing the same on any ground specified herein as a ground for denying an application for such license.

(b) All licenses issued hereunder shall expire on the _____ day of each calendar year unless sooner revoked.

(c) Each application for a license hereunder shall be accompanied by the fee hereinafter prescribed, which fee shall be returned in the event such application is denied. The license fees shall be as follows: manufacturer's license, _____; dealer's license, _____; possessor's license, _____.

Sec. 7. Rules and regulations. The attorney-general may prescribe

such rules and regulations as he may deem necessary and proper for carrying out the provisions of this act.

Sec. 8. Appeal.

Sec. 9. Penalties. Any person who violates any provision of this act, or any rule or regulation made hereunder, shall, upon conviction, be punished by imprisonment for a term of not more than _____, or shall be punished by a fine of not more than _____, or by both such fine and imprisonment.

Sec. 10. Exceptions. The provisions of this act shall not apply to the armed forces of the United States, the National Guard, (the state guard) or to officers or employees of the United States or of this state who are authorized by the United States or the state to handle explosives.

Sec. 11. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 12. Repeal. All acts and parts of acts inconsistent with the provisions of this act and not expressly repealed herein are hereby repealed.

Sec. 13. Short title. This act may be cited as the "Explosives Act."