

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 384

H. P. 802

House of Representatives, February 10, 1943.

Referred to Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Miss Clough of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Sale and Use of Fireworks.

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, copartnership, or corporation to offer for sale, sell at retail, or use or explode any fireworks; provided that the insurance commissioner shall have power to adopt rules and regulations for 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 head of the fire department, where there is such department, of the municipality in which display is to be held; otherwise, by the municipal officers of the municipality, and shall be of such a character, and so located, discharged or fired as in the opinion of said fire chief or municipal officers, 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 5 days in advance of the date of the display, through the head of the fire department of a municipality if there is one; otherwise, the municipal officers of the municipality in which the display is to be held. 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. 4. Sales of ammunition not prohibited. Nothing contained in this section shall be construed to prevent, or interfere in any way with the sale of ammunition for revolvers or pistols of any kind, or for rifles, shot guns, or other arms, belonging or which may belong to any persons whether as sporting or hunting weapons or for the purpose of protection to them in their homes, or, as they may go abroad; and manufacturers are authorized to manufacture and wholesalers and dealers to continue to deal in and freely sell ammunition to all such persons for such purposes.

Sec. 5. Bond. The municipal officers shall require a bond deemed adequate by the municipality from the licensee in a sum not less than \$1,000 conditioned for the payment of 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. The municipal officers may accept in lieu of such bond an indemnity insurance policy with liability coverage and an indemnity protection equivalent to the terms and conditions upon which such bond is predicated and for the purpose herein provided.

Sec. 6. Fireworks may be sold at wholesale for certain purposes. Nothing in this act shall be construed to prohibit any manufacturer, 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 to explosives for blasting or similar purposes; or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

Sec. 7. 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. 8. Local ordinances superseded. All local ordinances regulating or prohibiting the display of fireworks are hereby superseded by the provisions of this act.

Sec. 9. Saving clause. All acts or parts of acts inconsistent herewith are hereby repealed or amended to conform to the provisions hereof.