

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NINETY-FOURTH LEGISLATURE

Legislative Document

No. 41

H. P. 135

House of Representatives, January 18, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Bird of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Sale and Use of Fireworks.

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

R. S., c. 124, §§ 19-21, repealed and replaced. Sections 19 to 21, inclusive, of chapter 124 of the revised statutes are hereby repealed and the following enacted in place thereof:

'Fireworks

Sec. 19. Sale of fireworks prohibited. No person shall sell, or keep or offer for sale, or use, explode, or cause to explode, any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article, which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including in the above terms blank cartridges or toy cannons in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction or any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance or flammable compound; provided that the term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing 25/100ths grains

or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps which contain less than 20/100ths grains of explosive mixture, the sale and use of which shall be permitted at all times; and provided further, that this section shall not apply:

I. To the sale of any article herein named to be shipped directly out of the state; or

II. To the sale of any such article for its use by persons or organizations having obtained from the insurance commissioner a permit to display such article or fireworks under the provisions of section 21; or

III. To the sale of flares, lanterns or fireworks for use by railroads, railways, boats, motor vehicles or other transportation agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise; or

IV. To the sale or use of blank cartridges for a duly licensed show or theatre or for signal or ceremonial purposes in athletics or sports; or

V. To experiments at a factory for explosives; or

VI. To the sale of blank cartridges for use by the militia or any organization of war veterans or other organizations authorized by law to parade in public a color guard armed with firearms; or

VII. In teaching the use of firearms by experts; or

VIII. To the sale of shells for firearms, cartridges, gunpowder and explosives for the purpose of using, and their use, in or in connection with the hunting of game or in target practice with firearms.

Sec. 20. Penalty. Violation of any provision of section 19 shall be punished by a fine of not more than \$100, or by imprisonment for not more than 1 month, or by both such fine and imprisonment.

Sec. 21. Permits for supervised displays; rules and regulations. All persons, municipalities, fair associations, amusement parks, and other organizations or groups of individuals desiring to discharge, fire off, explode or display fireworks in accordance with the provisions of subsection II of section 19 shall apply in writing to the insurance commissioner for a permit at least 15 days in advance of the proposed date of the display. The insurance commissioner, upon receipt of such application, shall determine if the applicant is competent and if the proposed display will in other respects be in accordance with the law and any rules and regulations which may have

been promulgated thereunder. If the insurance commissioner finds that such applicant is competent and that the proposed display is in accordance with the law and all rules and regulations, he shall issue a permit, otherwise he shall refuse to issue a permit. The insurance commissioner shall make rules and regulations for the granting of the permits above referred to and shall promulgate such rules and regulations relative to the supervised display of fireworks which will be most conducive to public safety.

Sec. 21-A. Storage of fireworks, regulated. No person shall store fireworks except in a fireproof building and except such as may be permitted by the rules and regulations of the insurance commissioner outside the premises of a fireworks manufactory in any building or other structure located within 1,000 feet of any church, hospital, theatre, hall, place of assembly, workshop, factory or any inhabited building, nor shall any person manufacture fireworks, without first furnishing the insurance commissioner, in an amount to be determined by him, a certificate of public liability insurance to cover the losses, damages or injuries that might ensue to persons or property by reason thereof.

Sec. 21-B. Display or exhibit of fireworks. No person engaged in the business of displaying, exploding or exhibiting fireworks shall, by himself or his agents, discharge, fire off, explode or display fireworks, without first furnishing the insurance commissioner, in an amount to be determined by him, a certificate of public liability insurance to cover the losses, damages or injuries that might ensue to persons or property by reason thereof.

Sec. 21-C. Application of 2 preceding sections. Firecrackers and pyrotechnical ship or railway signals shall be included and classed as fireworks, but the provisions of the 2 preceding sections shall not apply to the storage of pyrotechnical ship or railway signals nor to the discharge, firing or exploding of the said signals when used for the protection of life and property.

Sec. 21-D. Penalty. Whoever violates any provision of the 4 preceding sections shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.