

MAINE STATE LEGISLATURE

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

Legislative Document

No. 862

H. P. 831

House of Representatives, February 18, 1953

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

HARVEY R. PEASE, Clerk

Presented by Mr. Bibber of Kennebunkport by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Sale of Fireworks.

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

R. S., c. 124, § § 19 - 21-E, repealed and replaced. Sections 19 to 21-E, inclusive, of chapter 124 of the revised statutes, as repealed and replaced by chapter 372 of the public laws of 1949, are hereby repealed and the following enacted in place thereof :

‘Sec. 19. Fireworks defined. The term “fireworks,” as used in sections 19 to 21-E, inclusive, shall mean all articles designed for the purpose of producing a pyrotechnic effect which are classified as fireworks under the regulations of the interstate commerce commission for the transportation of explosives and other dangerous articles, except those articles which are designed to produce noise for its principal effect, such as aerial bombs, fire-crackers, flash salutes, torpedoes and any item which propels fire over 15 feet.

Sec. 20. License. No person shall sell any article of fireworks without having obtained from the chief of the fire department, or, in municipalities in which there is no paid fire department, from the mayor, warden or selectmen, a license to sell fireworks. Such chief, mayor, warden or

selectmen, as the case may be, are authorized to grant licenses therefor upon written application as herein provided.

Each such license shall designate the location for which it is granted, shall not be transferable, shall only be issued after inspection of the premises by the licensing authority and shall bear the date of expiration on the face thereof. Each license for a wholesale location shall be for a period of not more than 1 year. Each license for a retail location shall be for a period of not more than 10 days. The fee to be paid to the licensing authority upon each application shall be \$20 for each wholesale location and \$5 for each retail location, which fee shall be for the use of the municipality in which such license is issued.

No license shall be issued for any location where paints, oils or varnishes are manufactured or kept for use or sale unless such paints, oils or varnishes shall be kept entirely in original unbroken containers, nor where rosin, turpentine, gasoline or other inflammable substance or any substance which may generate inflammable vapors is used, stored or offered for sale, or where the licensing authority shall determine that any condition exists which makes the storage or sale of fireworks at such locations unusually hazardous.

Sec. 21. Limitation. No person shall expose fireworks in any window where the sun may shine through glass on the merchandise displayed nor permit the smoking or carrying of lighted cigars, cigarettes or pipes in any store where fireworks are offered for sale, and no person shall sell or offer for sale fireworks of any kind at any time to children under the age of 12 years.

No fireworks shall be discharged, ignited or exploded within 600 feet of any hospital, asylum or infirmary.

Sec. 21-A. Prohibition. The retail sale or use of any of the following named articles of fireworks is prohibited except upon written permission secured from the licensing authority by a person skilled in the discharging of fireworks, and any such article may then be sold and used for fireworks exhibition only; balloons, parachutes or like articles carrying any fire or substance which may cause fire; any article containing white or yellow phosphorous, mercury or other similar poisonous substance; sky rockets; aerial bombs; salutes; firecrackers and spit devils. The use of any salts known as chlorates in any fireworks pyrotechnic item is also prohibited.

Sec. 21-B. Safe items. The following named articles are deemed to be safe and sane items: triangle wheels, vesuvius fountains, flitter foun-

tains, sparklers, colored fire sticks, fuses, pin wheels, parade torches, snakes and novelties made from the above items, toy pistols, toy canes, toy guns or other devices in which paper caps containing 25/100 grains or less of explosive compound are used.

Sec. 21-C. Statement to dealer. Each dealer in fireworks at retail shall obtain from the person from whom he acquires such fireworks a statement in writing certifying that such fireworks are legal for retail sale under the provisions of sections 19 to 21-E, inclusive, and shall retain such statements for inspection by law enforcement authorities during the sale of such fireworks and for 30 days thereafter.

Sec. 21-D. Exceptions. Nothing herein shall be construed as prohibiting the storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use nor as applying to the military or naval forces of the United States or to the authorized militia of the state or to peace officers, or 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 to experiments at a factory for explosives, or to the sale of blank cartridges for the use of, or their 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 in teaching the use of firearms by experts, or 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. 21-E. Penalty. Any person who shall violate any provision of sections 19 to 21-D, inclusive, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months or by both such fine and imprisonment.'