

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

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

Legislative Document

No. 1444

H. P. 1015

House of Representatives, January 19, 1960.

Committee on Judiciary suggested.

HARVEY R. PEASE, Clerk.

Presented by Mr. Emmons of Kennebunk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY

AN ACT Regulating Certain Rockets.

Emergency preamble. Whereas, acts and resolves do not become effective until 90 days after the Legislature adjourns unless enacted as emergencies; and

Whereas, an action has been brought against the Insurance Commissioner for an interpretation of the Revised Statutes of 1954, chapter 137, section 21, requesting the court to rule that a rocket approximately 10 feet in length, weighing about 200 lbs., carrying mail, and proposed to be fired over Penobscot Bay is not a rocket within the meaning of this section, since it is alleged not to have been prepared for the purpose of producing a visible or audible effect; and

Whereas, there is a possibility the law may be so construed; and

Whereas, the result of such a construction would leave the members of the public of the State of Maine without any protection from possible injury or damage to persons or property from unsupervised firing of such rockets; and

Whereas, it is desirable to prevent possible tragedy by absolute prohibition until adequate supervisory officials can be obtained and appropriate regulations drafted to protect the property and lives of Maine citizens; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, 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:

R. S., c. 137, §§ 21-A and 21-B, additional. Chapter 137 of the Revised Statutes is amended by adding 2 new sections, to be numbered 21-A and 21-B, to read as follows:

‘Sec. 21-A. Definition of rocket. A rocket is a device consisting of a case containing a combustible composition or propellant which, upon ignition, causes the case to be projected through the air by the reaction resulting from the rearward discharge of the gases liberated by a combustion.

Sec. 21-B. Firing of certain rockets prohibited. Notwithstanding section 21, no person shall construct, store, transport or fire a rocket or any integral part of it, including inflammable, explosive or detonable material.

I. Penalty for violation. A person who violates this section shall be punished by a fine of not more than \$250 or by imprisonment for not more than 30 days. If injury or damage to any person or property results, the person guilty of the violation shall be punished by a fine of \$500 and imprisonment for 90 days.

II. Exception. This section does not apply to a rocket containing less than 40 cubic inches of propellant.’

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

STATEMENT OF FACTS

The purpose of the bill is to prohibit the constructing, storing, transporting or firing of a rocket containing more than 40 cubic inches of propellant.