

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

would be desirable. The plan may include a model permit, which may include the integration of a photograph. The plan may recommend the use of a model permit as either advisory or mandatory for all issuing authorities.

3. Statewide information. The plan must include a process for identifying and collecting information from all issuing authorities to provide complete statewide statistical information as required in subsection 1. The Chief of the State Police shall invite issuing authorities to provide suggestions and comments. The plan may eliminate the responsibility of municipal issuing authorities to make information available to the public if the identical information is available from a central state source. The plan must provide for the public availability of statistical information and must provide for an annual report of statewide statistical information.

4. Additional information and recommendations. The Chief of the State Police may include in the report any additional information or recommendations that the chief determines may be useful to the Legislature in addressing issues concerning concealed handgun permits.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect April 30, 2013.

Effective April 30, 2013.

CHAPTER 55

H.P. 91 - L.D. 109

An Act Relating to Vehicles Delivering Home Heating Fuel

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

Sec. 1. 29-A MRSA §2395, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Rules. ~~The Department of Transportation; county commissioners and municipal officers may adopt rules to ensure proper use and prevent abuse of the public ways under their respective jurisdictions the department's jurisdiction whenever those ways require special protection. Rules issued adopted pursuant to this section are exempted from the provisions of the Maine Administrative Procedure Act, routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

Sec. 2. Department of Transportation to adopt rules relating to the definition of home heating fuel. The Department of Transportation shall adopt rules as authorized by the Maine Revised

Statutes, Title 29-A, section 2395, subsection 2 involving restrictions on the weight or passage of any vehicle over a public way and shall include in the definition of "home heating fuel" oil, gas, coal, stove-length wood, propane and wood pellets.

See title page for effective date.

CHAPTER 56

H.P. 590 - L.D. 839

An Act To Amend the Laws Governing the Licensing of Technicians Involved in a Display of Fireworks or Special Effects

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

Sec. 1. 8 MRSA §221-A, sub-§§5-A and 5-B are enacted to read:

5-A. Flame effect. "Flame effect" means an effect caused by the use of a solid, liquid or gaseous fuel to produce a flame in front of an audience.

5-B. Flame effect technician. "Flame effect technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use of flame effects to conduct a display or special effects display. A flame effect technician is the person who is responsible for the safe use of flame effects and setting up and conducting the flame effects display.

Sec. 2. 8 MRSA §221-A, sub-§8-A is enacted to read:

8-A. Proximate audience technician. "Proximate audience technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks proximate to an audience to conduct a display or special effects display proximate to an audience. A proximate audience technician is the person who is responsible for the safety of the proximate audience and setting up and conducting the display.

Sec. 3. 8 MRSA §227-C, sub-§4, as enacted by PL 1999, c. 671, §6, is amended to read:

4. Failure to employ or use fireworks technician. The applicant fails to use a licensed fireworks technician, proximate audience technician or flame effect technician as required to conduct the display.

Sec. 4. 8 MRSA §231, as enacted by PL 1999, c. 671, §12 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

§231. Fireworks technician, proximate audience technician and flame effect technician license qualifications

A person may not act as a fireworks technician, proximate audience technician or flame effect technician unless the person meets the qualifications specified in this section and obtains a license. The person must:

1. **Age.** Be at least 21 years of age;
2. **Citizenship.** Be a citizen or resident alien of the United States;
3. **Experience.** Have experience and training working under the direction of a fireworks technician during at least 5 displays, or comparable experience as determined by the department. The technician must hold the same license as applied for by the person;

4. **Character.** Be of good moral character as determined by the department and not have been convicted of a crime that is punishable by a maximum term of imprisonment equal to or exceeding one year. In making the determination of good moral character, the commissioner shall consider matters recorded within the previous 5 years, including, but not limited to:

- A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section 4012, subsection 1;
 - B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations;
 - C. Records of 3 or more convictions of the applicant for Class D or Class E crimes;
 - D. Records of 3 or more civil violations by the applicant; and
 - E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others;
5. **Examination.** Successfully complete a written examination administered by the department encompassing ~~fireworks and the conduct of displays codes, rules and information specific to the license applied for;~~ and
6. **Application.** Submit an application to the department that contains:
- A. The applicant's full name, full current address, social security number and date of birth; and
 - B. A statement granting the commissioner authority to check the criminal records of the applicant.

Sec. 5. 8 MRSA §232, sub-§§2 and 3 are enacted to read:

2. Fee for proximate audience technician. The fee for an initial proximate audience technician license is \$180. The fee for renewal of the license is \$25.

3. Fee for flame effect technician. The fee for an initial flame effect technician license is \$180. The fee for renewal of the license is \$25.

Sec. 6. 8 MRSA §233, first ¶, as enacted by PL 1999, c. 671, §12, is amended to read:

Each fireworks technician, proximate audience technician or flame effect technician license is valid for a term of one year. Unless revoked or suspended, the license is renewable annually.

Sec. 7. 8 MRSA §233, sub-§2, as enacted by PL 2003, c. 521, §4, is amended to read:

2. Renewal submitted within 90 days following license expiration. Notwithstanding subsection 1, a person may renew a license under this chapter for up to 90 days after the date of expiration of the license. The 90-day period does not postpone the expiration date of the existing license. A licensee whose license has lapsed may not work as a fireworks technician, proximate audience technician or flame effect technician until a renewed license is issued.

See title page for effective date.

CHAPTER 57

H.P. 591 - L.D. 840

**An Act To Amend the Law
Regulating the Use of
Explosives**

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

Sec. 1. 25 MRSA §2472, sub-§3, as enacted by PL 1999, c. 652, §9, is amended to read:

3. Exceptions. This section does not apply to:

- A. The possession, use, storage or intrastate transportation of 50 pounds or less of smokeless powder or black powder; ~~or~~
- B. The possession, use, storage or intrastate transportation of 10,000 or fewer primers; ~~or~~
- C. The possession of 5 pounds or less of mixed binary target material for the purpose of sport shooting.

See title page for effective date.
