

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
130<sup>th</sup> LEGISLATURE  
FIRST REGULAR SESSION**

**A REPORT PUSUANT TO LD 180, Resolve, Regarding the Storage  
of Consumer Fireworks**

**Joint Standing Committee on Criminal Justice and Public Safety**

**November 2021**

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c/o Legislative Information  
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Augusta, Maine 04333

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**Prepared by Richard McCarthy, Assistant State Fire Marshal Inspections Division**

**Office of the Maine State Fire Marshal**  
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# THE STAKEHOLDER GROUP

## I. PURPOSE

The 130<sup>th</sup> Maine Legislature established the Stakeholder Group (Chapter 96 Resolves, L.D. 180) to be convened by the State Fire Marshal to “federal and state requirements for the storage of consumer fireworks by businesses that sell consumer fireworks.”

The stakeholder group must be broadly representative and must include individuals who are not affiliated with consumer fireworks businesses and municipal officials from municipalities in which consumer fireworks businesses are located and a representative of the Maine Municipal Association. The State Fire Marshal shall report to the Joint Standing Committee on Criminal Justice and Public Safety by November 1, 2021 regarding the work of the stakeholder group and recommended legislation

## II. COMPOSITION AND PROCESS FOR STUDY

### A. Stakeholder Group Members

The Stakeholder Group was comprised of the following members:

1. Richard McCarthy- Assistant State Fire Marshal Inspections Division
2. Martin Puckett- Town Manager Presque Isle
3. Daniel Peart- Phantom Fireworks
4. Rebecca Graham- Maine Municipal Association
5. James Ricker- Town Manager Newport
6. Dennis Simmons -Town Manager Wiscasset
7. Thomas & Katie Bryant-residents of Wiscasset
8. Anthony Marston-Pyro City Fireworks
9. Michael Podolsky-Phantom Fireworks
10. Greg Day- Office of State Fire Marshal

### B. Meetings

The Stakeholder group met twice via Zoom platform on

1. 9/22/21
2. 9/26/21

### C. Public Comment

The Bryant’s were present at both meetings to express comment and concern over the issue of Consumer Firework Storage.

### III. FINDINGS AND RECOMMENDATIONS

- A. Are there federal regulations pertaining to Consumer Firework Storage?  
Currently the Bureau of Alcohol, Tobacco, Firearms and Explosives, specifically exempts consumer fireworks importation, distribution, and storage from Federal explosive laws, so there is no federal oversight from the Federal government.
- B. What are other States doing for consumer fireworks storage?  
This varies greatly depending on the State but the majority of States that responded to my inquiry have adopted the storage requirements from NFPA 1124.
- C. What are the concerns?  
The groups concerns were as follows to provide for public safety and not to put undue burdens on the retailers currently storing consumer fireworks remotely from their retail stores. Current State law allows for temporary storage at the retail facilities for up to 90 days. More permanent storage is not addressed within current Statute.
- D. How are Consumer Fireworks stored currently?  
Currently we have three consumer fireworks retailer storing product offsite, two are using a storage building in an alternate location and one is using Conex boxes in an alternate location. All other retailers are only using temporary storage at their retail stores.

### V. SUGGESTED POLICY ACTIONS

The general thoughts of the group where to adopt NFPA 1124 to give our office at least requirements for consumer fireworks storage. The Bryant's did have concerns that NFPA 1124 did not define residential area and also did not require a setback from a road. I can forward their requests under separate e-mail at the request of the Chairs. Maine Municipal did raise the issue of a definition of residential area since home rule would be bypassed if that was done. So at this point the group could not settle on a suggestion for policy action

### VI. APPENDIX

STATE OF MAINE

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IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

\_\_\_\_\_  
H.P. 133 - L.D. 180

Resolve, Regarding the Storage of Consumer Fireworks

Sec. 1. Stakeholder group. Resolved: That the State Fire Marshal shall convene a stakeholder group to review federal and state requirements for the storage of consumer

fireworks by businesses that sell consumer fireworks. The stakeholder group must be broadly representative and must include individuals who are not affiliated with consumer fireworks businesses and municipal officials from municipalities in which consumer fireworks businesses are located and a representative of the Maine Municipal Association. The State Fire Marshal shall report to the Joint Standing Committee on Criminal Justice and Public Safety by November 1, 2021 regarding the work of the stakeholder group and recommended legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 130th Legislature regarding the storage of consumer fireworks.