

# MAINE STATE LEGISLATURE

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

**REPORT OF THE STATE FIRE MARSHAL'S OFFICE ON THE SALE and USE OF CONSUMER  
FIREWORKS IN MAINE**

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

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## EXECUTIVE SUMMARY

The use, possession or sale of Consumer Fireworks had been prohibited in Maine for decades prior to the passage of Chapter 416, LD 83 “An Act to Legalize the Sale, Possession and Use of Fireworks” during the first session of the 125<sup>th</sup> Maine Legislature. The law took effect on January 1, 2012.

In 2012 Office of the Fire Marshal proposed and adopted rules facilitating the licensure of 16 consumer fireworks retail facilities in various locations around Maine. The Maine Medical Association and Maine Hospital Association provided reports on 19 consumer fireworks related injuries and so far 11 fires have been reported by Maine’s fire departments in addition to 38 fires reported by Maine Forestry. During the same period 56 Maine municipalities passed ordinances restricting, prohibiting or permitting the sale or use of consumer fireworks in their jurisdictions. The 56 ordinances vary considerably in terms of how and what consumer fireworks are addressed. Leading up to and during 2012 the Fire Marshal’s Office fielded hundreds of phone calls from those interested in opening a store or consumers and law enforcement officials curious as to just what “consumer fireworks” were and how they could be used. In addition to working with Maine’s medical community to examine the relationship between consumer fireworks and injury, the Fire Marshal’s Office received grant funding to put together a public service announcement on using these products safely. The Fire Marshal’s Office created a new section of its web page devoted entirely to consumer fireworks in Maine.

This report examines the development and implementation of a licensing program in addition to the distribution, issuance and oversight of licensed stores in Maine. Also, and in accordance with Chapter 416, this report includes details on the fireworks related injury, fire, property damage, and other consumer fireworks related issues in addition to municipal efforts to restrict and prohibit use and sale.

## INTRODUCTION

Chapter 416, “An Act to Legalize the Sale, Possession and Use of Fireworks” (Appendix 1) essentially legalized sale, possession and use of consumer fireworks in Maine. The use of 1.3g explosives (fireworks) and other forms of explosives regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) and the Department of Transportation as well as the State of Maine, have been allowed for use by Maine state licensed pyrotechnicians and stored in approved locations for years. Consumer fireworks, or 1.4g fireworks are not regulated by ATFE but rather the Consumer Products Safety Commission and to a lesser degree the Department of Transportation in addition to the states where consumer fireworks are legal.

Chapter 416 allowed adults twenty-one and older to use consumer (1.4g) fireworks within a specified time of day, 365 days a year. Sale of these products required a license from the Maine Fire Marshal’s Office granted to facilities meeting some of the requirements set forth in the National Fire Protection Association (NFPA) code 1124 *Code for the Manufacture, Storage and Retail Sales of Pyrotechnic Articles* and Maine’s Uniform Building Code. Maine’s law allows municipalities to prohibit and or restrict the sale or use of consumer fireworks in a given town and also permits the issuance of a local permit to sell in addition to the state sales license. Possession is not regulated by state or local authorities with the exception being three products: sky and bottle rockets, helicopters and aerial spinners, and missile type rockets. These three products are illegal to use, possess or sell in Maine.

The primary objectives of the Maine Fire Marshal were to develop a licensing program that would ensure public safety in facilities selling fireworks and to monitor and evaluate information on the impact of legalized consumer fireworks in Maine as authorized in Chapter 416.

When Chapter 416 passed, Maine joined forty-six other states in legalizing the sale, use, and possession of some or all types of consumer fireworks. New York, Delaware, New Jersey and Massachusetts are the only states prohibiting all consumer fireworks. The forty-six states allowing consumer fireworks vary considerably as to how they license and oversee the use of these products and there is also a considerable range of products that are not allowed in one state as opposed to the other. The mechanism used to make a decision as to what products should be prohibited also varies from state to state.

Though defined and regulated by the Consumer Products Safety Commission, the standards used to address the design, packaging and labeling of these products as required are set up by the American Fireworks Standards Laboratory (AFSL). The Maine Fire Marshal's Office uses their documents and actively looks for their stamp on all cartons and shipping containers bringing consumer fireworks to licensed stores in Maine. The AFSL breaks consumer fireworks down into twelve classifications of product that vary considerably in terms of size and operation and each has their own unique design, packaging and labeling requirements set forth by the CPSC in addition to federal Department of Transportation regulations.

## LICENSING

When the first session of the 125<sup>th</sup> Maine legislature came to a conclusion, the Office of the Maine Fire Marshal began to develop rules for licensing the retail sales of consumer fireworks in Maine. Following the prescribed process for the proposal and adoption of routine technical rules, as established in the Maine Administrative Procedures Act, the Fire Marshal's Office adopted Chapter 36, *Consumer Fireworks Sales License* rule (Appendix 2). The rule primarily addresses the licensing of the stores, as opposed to general use, and provides guidance for people seeking to open a store and need assistance navigating through the differences between NFPA 1124, the statute as written and the building code. For instance, while NFPA 1124 would actually permit the sale of consumer fireworks in outdoor stands or in buildings without sprinklers, Maine law only allows sale to take place in fixed stand alone facilities dedicated solely to the sale of fireworks. In addition, Maine's Uniform Building Code requires some level of sprinkler system to be installed.

To be licensed you must complete an application which can be downloaded from our website with an application checklist to assist the applicant in the process (Appendix 3). As required in statute, applicants provided us with ATFE documentation, a \$100.00 application fee, a list of those in ownership or partnership in the operation of the business, and a layout plan of the facility along with other requirements. Once the application materials were received the Office of the Fire Marshal sent two individuals to the facility to inspect the building for compliance with the statute, rule, and product requirements (fireworks). Initially, as a courtesy and because this was new to Maine entrepreneurs' and the Fire Marshal, inspectors were sent out to do what amounted to a pre-inspection. Because so many individuals were unfamiliar with building codes, we felt this additional assistance was critical to successfully opening a facility that would be both safe to the public and employees as well as avoid delaying business openings. We estimate we did at least sixteen pre-inspection inspections.

With all the paper work completed and counsel provided with regard to the physical facility, an inspection for licensing was conducted, a fee of \$4,900.00 was collected and the license issued. In 2012, sixteen stores were successfully licensed for a total of \$80,000.00 with minor correctable deficiencies. The most common problems were inadequate steps that did not meet the Americans with Disability Act access standards and untapped fuses on the products. On occasion some products were placed on the floor in areas too close to the door and potentially inhibited exiting. Opening these facilities required approximately 35 visits, pre-inspections, inspections, and follow-ups to check on deficiencies. On an unannounced basis and while in the area, inspectors will visit a store to assist and do spot inspections. Such an inspection would be to ensure the store is providing consumers with product safety information

as well as posting a current ATF license, proof of insurance, and listing of current municipal restrictions and prohibitions of the sale and/or use of consumer fireworks.

## **TOWN ORDINANCES, PHONE AND DIRECT ASSISTANCE TO MAINE RESIDENTS, LAW ENFORCEMENT, FIRE AND LOCAL PUBLIC POLICY MAKERS**

Though the Office of the State Fire Marshal focused its energy on licensing the retail sales of consumer fireworks while leaving the regulation of use up to the municipalities, the Office still received and managed a considerable number of inquiries from residents, law enforcement agencies, fire and local public policy makers. As required in statute municipalities choosing to restrict or prohibit the sale and or use of consumer fireworks, or those permitting the sale of consumer fireworks must provide the Office of the State Fire Marshal with a copy of the ordinance enacted to enforce said restrictions, prohibitions or sales permit processes. As part of its rule the State Fire Marshal required that each store licensed to sell consumer fireworks post the list of all municipal restrictions and prohibitions (Appendix 4). The Office of the State Fire Marshal also provided town officials with a Sample Town Sale Permit to use if they chose to permit the sale of consumer fireworks in their community (Appendix 5). This sample is also available on the Fire Marshal's web page.

At the conclusion of 2012, the State Fire Marshal had received 56 municipal ordinances. They vary in type. Some towns, in particular larger more densely populated communities tended to prohibit the use of consumer fireworks outright due to the obvious risk posed by aerial devices in particular. Others limited use to selected areas of the community or broadened the list of prohibited product. Some prohibited sale while some allowed and required the facility obtain a municipal license in addition to the State license. A couple of towns have required permits to use which they are not authorized to do in statute.

The Office of the Fire Marshal sent speakers to town meetings and other events at which proposed ordinances were being discussed to assist the locality in developing the ordinance. In many situations this was done via e-mail and phone contact. Many man hours were used to provide assistance to towns developing ordinances and in general understanding precisely what consumer fireworks were. Local officials ranging from fire departments, police and select board members were exceeded only by residents in making phone inquires to our office.

The most frequent complaint made to the Fire Marshal's Office from residents, with regard to fireworks, were about noise. Some Maine residents were upset that the noise was ruining the peace and quiet they once enjoyed, or it was keeping children up at night, and disturbed wild and domesticated animals. Some, few in contrast to those complaining about noise, expressed a concern about their safety and that of their family. The Fire Marshal's Office staff always recommended talking to the neighbor about it first and if that didn't succeed perhaps calling local law enforcement officials to facilitate such a discussion.

## **CONSUMER FIREWORKS RELATED INJURIES AND FIRES**

Our primary concern regarding the use of consumer fireworks was the potential for injury and fire resulting from the misuse of these products. Like many appliances and devices in general, the failure to follow all the instructions provided with each product combined with the variety of products was of concern to us. The Fire Marshal's Office analyses of consumer fireworks lead us to believe that it would not likely be the product itself as much as the misuse of the product that would be the problem. This along with the fact that the product would be increasingly available led us to believe that we would see an increase in injuries and fires related to the use of consumer fireworks. Because we only have a one year of injury data from an entirely new source and less than that for fire, we really do not know the impact of

the legalization of consumer fireworks in Maine. We certainly are not able to, at this time; put a cost on consumer fireworks related injuries or fires.

Working with the Maine Hospital and Maine Medical Associations, the Fire Marshal’s Office developed two forms to be completed by physicians and attendants at Maine hospitals and clinics when treating a patient who’d received an injury from a consumer fireworks product (Appendix 6). The central purpose of the forms was to gather information that would help us identify what was happening and what type of device was involved. There were nineteen forms completed in 2012 and one so far in 2013. Table 1 below provides you with a distribution of injuries by percentage across type of device, reason, severity, and body part injured categories.

**Table 1**

<b>Type of Device</b>	
Hand Held	23.5%
Display	76.5%
Other	5.9%
<b>Reason for injury</b>	
Bystander	23.5%
User Error	47.1%
Device Malfunction	35.3%
Other	17.6%
<b>Severity of Injury</b>	
None	0.0%
Minor	23.5%
Moderate	64.7%
Significant	17.6%
Fatal	0.0%
<b>Body Part Injured</b>	
Head/face	17.6%
Extremity	29.4%
Torso	11.8%
hand	11.8%
eye	17.6%
ear	5.9%
mouth	5.9%
arm	5.9%
ankle	5.9%
knee	5.9%
back	5.9%

As you can see stationary devices (display) which are supposed to be placed on the ground and away from people managed to be the leading product involved in these injuries. All these devices have instructions specifically warning users to use safety equipment (eye protection) and keep bystanders away. The Fire Marshal’s hypothesis is that user error, identified as the leading reason for injury, was indeed *the* problem in these nineteen injuries.

We obviously would like to see the overall count drop and the number of moderate to severe injuries reduced. The Fire Marshal was relieved however to see that significant injuries ranked third and that there were no fatalities. Our goal in the coming years will be to shift the distribution of severity from the moderate range to the minor range.

Needless to say, no injury is a good injury, but the distribution of body parts injured was not unanticipated though until 2013 no incidents involving the loss of an eye were reported. What did surprise the Fire Marshal’s Office the most was the fact that hand held devices, in particular sparklers, did not rank number one as they do nationally as a cause of consumer fireworks related injury in terms of type of device. This might be due to the fact that they have been allowed in Maine for many years.

It is necessary to understand that this was the first time physicians used this form and there may have been some confusion. As anticipated, more than one body part or type of device box was checked leading to cumulative percentages higher than 100%. Perhaps the Fire Marshal’s most critical concern would be the number of product malfunctions which ranked second to user error for reason of injury. Physician inexperience with the forms, inaccurate information being provided by the patient, and other variables play a role in how much we can accurately say about these numbers. The Office of the Fire Marshal will continue to monitor these results and share them with the medical community in an effort to improve the reporting mechanism itself (form) and bring awareness to the medical community as to what things to watch out for in the coming years. Finally, the injuries do cluster around the 4<sup>th</sup> of July with an estimated 46% occurring at that time. Over the course of the year remaining, injuries appear to be randomly distributed.

The data on fires related to fireworks for 2012 is incomplete because many fire departments in Maine will not submit all the data for a given year until July of the following year. Table 2 below

provides some detail about the eleven fires that were reportedly caused by fireworks during the year 2012. Ten out of the eleven fires occurred outdoors (140 – 160 inc type) with one building fire. The outdoor fires caused minimum property damage though the one building fire caused an estimated \$60,000

Table 2

Maine Fire Incident Reporting System Fires due to heat source fireworks for 2012						
FD_NAME	IN_DATE	IN_TYPE	LOSSTOTAL	CIV- Injuries	FS-Injuries	HEATSOURCE
Portland Fire Department	2/28/2012 0:00	143	0	0	0	54
Windham Fire Department	4/16/2012 0:00	160	0	0	0	54
Chelsea Fire Department	4/30/2012 0:00	142	0	0	0	54
Skowhegan Fire Department	5/10/2012 0:00	1601	0	0	0	54
Portland Fire Department	6/21/2012 0:00	142	10	0	0	54
Portland Fire Department	6/30/2012 0:00	151	2	0	0	54
Portland Fire Department	7/2/2012 0:00	111	60000	0	1	54
Ellsworth Fire Department	7/4/2012 0:00	140	0	0	0	54
Norridgewock Fire Department	7/12/2012 0:00	142	0	0	0	54
Ellsworth Fire Department	7/21/2012 0:00	143	0	0	0	54
South Portland Fire Department	7/22/2012 0:00	143	0	0	0	54

in damage in terms of property and contents lost in addition to a firefighter injury. Interestingly, six of the eleven events occurred in a town that has prohibited the sale and use of consumer fireworks entirely. Between 2002 and 2010 Maine fire departments reported seventy-one (eight fires on average p/year) fires where the heat source of the fire was fireworks. These fires burned approximately four acres of land and caused \$233,000 in property losses. Thirteen of these fires were in single family dwellings and one in an apartment. The others were primarily outdoors. Based on current data and historical record it appears we did see an increase in fires in Maine following the legalization of consumer fireworks. Again, because it is only one year, we can not conclude this was due to the new law.

The forest service provided the following information on fireworks related fires for the years 2010 to 2012 in Table 3. The forest service noted that 2012 was a wet summer during the Memorial Day and July 4<sup>th</sup> holidays.

Table 3

Maine Department of Agriculture, Conservation and Forestry	
Year	# Fires caused by Fireworks
2010	66
2011	15
2012	38



## SUMMARY AND RECOMMENDATIONS

As indicated in the report, one year's worth of data on fire and injuries does not truly tell us what impact the legalization of consumer fireworks had in Maine. The report does however establish a template upon which to build on and monitor the sale and use of these products in Maine for future policy making purposes. The Fire Marshal's Office also is unaware of costs associated with noise and local policing efforts.

There are aspects of the legislation that would assist all stakeholders, including the fireworks industry itself, that need to be clarified. Certainly a clean separation between 1.4g, 1.3g and novelty fireworks possession, use, and sale needs to be made clear in the law. The Fire Marshal's Office along with small business owners, vendors of novelty fireworks, and the law enforcement community would all greatly appreciate a legislative delineation between these three unique types of fireworks.

Because the ATFE claims they do not regulate 1.4g products nor permit the sale of such products, it would be wise to remove the federal permit requirement from the law and instead conduct background checks through our own State Bureau of Identification. This would still involve a fee but would also remove an administrative impediment that has slowed down the licensing process for those seeking to obtain a license to sell consumer fireworks in Maine.

## An Act To Legalize the Sale, Possession and Use of Fireworks

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

**Sec. 1. 8 MRSAs §221-A, sub-§1-A** is enacted to read:

**1-A. Consumer fireworks.** "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

**Sec. 2. 8 MRSAs §221-A, sub-§3-A** is enacted to read:

**3-A. Fire safety official.** "Fire safety official" means a state or municipal official who has authority to enforce life and fire safety laws, statutes, ordinances, rules or regulations.

**Sec. 3. 8 MRSAs §221-A, sub-§4,** as amended by PL 2011, c. 202, §1, is further amended to read:

**4. Fireworks.** "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound; or
- E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

**Sec. 4. 8 MRSA §223, sub-§1**, as amended by PL 2003, c. 452, Pt. C, §3 and affected by Pt. X, §2, is further amended to read:

**1. Sale of fireworks prohibited.** ~~A~~Except for the sale of consumer fireworks under section 223#A, a person may not sell, possess with the intent to sell or offer for sale fireworks.

**Sec. 5. 8 MRSA §223-A** is enacted to read: **§**

**223-A. Sale of consumer fireworks**

**1. Sale of consumer fireworks.** A person may not sell consumer fireworks unless that person is 21 years of age or older and possesses:

- A. A federal permit to sell fireworks under 18 United States Code, Section 843;
- B. A license under subsection 3; and
- C. A municipal permit if required under subsection 2.

**2. Municipalities.** The legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption. A municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits under this subsection shall notify the Office of the State Fire Marshal at least 60 days prior to the initiation of its permitting program for the sale of consumer fireworks. A municipal permit may not be issued unless:

- A. The applicant is 21 years of age or older;
- B. The applicant applies for a permit under this subsection on a form prescribed by the commissioner;
- C. The applicant possesses the federal permit required under subsection 1, paragraph A;
- D. The applicant complies with the provisions of subsection 4; and
- E. The application is approved by the municipality's police chief, fire chief and code enforcement officer if those positions exist.

A municipality may require a reasonable fee for a permit issued under this subsection. A person holding a permit issued by a municipality under this subsection may not sell consumer fireworks unless the person satisfies all the requirements of subsection 1.

**3. State license.** The commissioner may issue a license to sell consumer fireworks to an applicant who:

A. Is 21 years of age or older;

B. Possesses the permits required under subsection 1, paragraphs A and C;

C. Complies with the provisions of subsection 4; and

D. Has not been convicted of an offense or violated a state, federal or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to the application.

The commissioner shall charge a fee of \$5,000 for the initial license issued to an applicant and \$1,500 for each annual license renewal. The term of a license is one year. A separate license is required for each location at which an applicant seeks to sell consumer fireworks. Fees collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

**4. Storage and handling.** A person authorized to sell consumer fireworks under subsection 1 may store and sell the fireworks only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks in accordance with this subsection.

A. The building must be constructed, maintained and operated, and all consumer fireworks must be stored, in compliance with the requirements of National Fire Protection Association Standard 1124, as adopted by the Office of the State Fire Marshal, relevant building codes, zoning ordinances and other municipal ordinances.

B. The building may not be less than 60 feet from another permanent building and may not be less than 300 feet from a structure at which gasoline, propane or other flammable material is sold or dispensed.

C. Cigarettes, tobacco products or lighters or other flame-producing devices may not be permitted in the building.

D. A person under 21 years of age may not be admitted to the building unless accompanied by a parent or guardian.

E. Notwithstanding paragraph D, a person at least 18 years of age may handle and sell consumer fireworks if the person is under the direct supervision of a person 21 years of age or older.

1 **Insurance.** A person authorized to sell consumer fireworks under subsection 1 shall at all times maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000 to cover the losses, damages or injuries that might ensue to persons or property as a result of the person selling consumer fireworks.

2 **Advertising.** A person may not advertise the sale of consumer fireworks in a way that is misleading about the conditions under which consumer fireworks may be purchased or used or about the requirements of this section. An advertisement for the sale of consumer fireworks must contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.

3 **Civil liability.** A person who violates the provisions of this section is liable in a civil action for damages for bodily injury or property damage resulting from violation, and the defenses under Title 14, section 156 or a defense based on assumption of risk may not be used by the person.

4 **Restrictions on use of consumer fireworks.** The use of consumer fireworks is governed by this subsection.

A. Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

(1) July 4th;

(2) December 31st; and

(3) The weekends immediately before and after July 4th and December 31st.

B. A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property.

A person who violates this subsection commits a civil violation for which a fine of not less than \$50 and not more than \$500, plus court costs, may be adjudged for any one offense.

**9. Enforcement against licensees.** The commissioner, a state law enforcement officer, a municipal law enforcement officer, a code enforcement officer or a fire safety official may petition the Superior Court or District Court to seize or remove at the expense of a licensee consumer fireworks sold, offered for sale, stored, possessed or used in violation of this section. The commissioner may immediately suspend a license granted under subsection 3 for a violation of this section. A person whose license is suspended under this subsection must receive a hearing within 10 days of the suspension under Title 5, chapter 375, subchapter 4. A person whose license is suspended under this subsection may not receive a license under subsection 3 for a period of at least one year from the date of suspension.

**10. Disclosures to customers.** A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines describing the safe and proper use of consumer fireworks. The guidelines must also include the following statements in a conspicuous location: "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS" and "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE." Such guidelines must be published or approved by the commissioner prior to distribution.

**11. Prohibited acts.** This subsection governs prohibited acts.

A. A person may not sell consumer fireworks within the State unless that person holds a valid license or is an employee or agent of a person that holds a valid license.

B. A person licensed to sell consumer fireworks under this chapter may not sell consumer fireworks to a person under 21 years of age or who appears to be under the influence of alcohol or drugs.

C. Except as specifically allowed under subsection 4, paragraph E, a person may not knowingly:

(1) Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver consumer fireworks for or to a person under 21 years of age; or

(2) Allow a person under 21 years of age under that person's control or in a place under that person's control to possess or use consumer fireworks.

D. A person under 21 years of age may not purchase, use or possess consumer fireworks within the State or present to a person licensed to sell consumer fireworks any evidence of age that is false, fraudulent or not actually the person's own for the purpose of purchasing consumer fireworks.

It is an affirmative defense to prosecution for a violation of paragraph B or C that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser.

**12. Violations.** The following penalties apply to violations of subsection 11.

A. A person who violates subsection 11, paragraph A, B or C commits a Class D crime. If the violation involves furnishing consumer fireworks to a minor, a fine of not less than \$500 must be imposed in addition to any term of imprisonment the court may impose. If a person violates subsection 11, paragraph A, B or C after having been convicted of violating the same paragraph one or more times within the previous 6#year period, a fine of not less than \$1,000 must be imposed in addition to any term of imprisonment the court may impose.

B. A person who violates subsection 11, paragraph D commits a civil violation for which a fine of not less than \$200 and not more than \$400 must be imposed. If the person has been previously convicted of violating subsection 11, paragraph D one or more times, a fine of not less than \$300 and not more than \$600 must be imposed.

Fines collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.

**13. Annual report to the Legislature.** Beginning in 2013, the Office of the State Fire Marshal shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a written report regarding the sale and use of consumer fireworks in this State. The report must, at a minimum, include information on the issuance and oversight of licenses to sell consumer fireworks, reported consumer fireworks-related injuries, reported consumer fireworks-related fires or other property damage and municipal restrictions or prohibitions on the sale or use of consumer fireworks. The report must be submitted not later than March 1st each year.

**Sec. 6. 8 MRSA §236,** as enacted by PL 1999, c. 671, §12, is repealed and the following enacted in its place:

### **§ 236. Adoption of rules**

- 1 **Routine technical rules.** The commissioner may adopt rules concerning the sale, use, storage, transportation and display of consumer fireworks, fireworks and special effect pyrotechnics and to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2#A.
- 2 **Major substantive rules.** After December 31, 2013, the commissioner may adopt rules governing the reporting of consumer fireworks-related injuries by health care providers. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2#A.

### **Sec. 7. Method for reporting data regarding consumer fireworks-related injuries.**

The Office of the State Fire Marshal shall work with the statewide associations representing hospitals and physicians to develop a method for health care providers to collect and report voluntarily to the Office of the State Fire Marshal data regarding injuries related to consumer fireworks as defined in the Maine Revised Statutes, Title 8, section 221#A. This data may not include personally identifying information on persons treated, but may include information on the age of the person treated, the type and severity of the injury and, if known, the type of consumer firework involved in the injury.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Fire Marshal -Office of 0327**

Initiative: Provides appropriations and allocations for one Public Safety Inspector II position and one Office Associate II position and related costs to inspect entities licensed to sell consumer fireworks.

**OTHER SPECIAL REVENUE FUNDS 2011-12 2012-13**

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
Personal Services	\$12,708	\$93,361
All Other	\$15,100	\$22,700
Capital Expenditures	\$25,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$52,808</b>	<b>\$116,061</b>

POSITIONS -LEGISLATIVE COUNT 2.000 2.000 Personal Services \$50,000 \$40,000

OTHER SPECIAL REVENUE FUNDS TOTAL \$50,000 \$40,000

**Sec. 9. Effective date.** This Act takes effect January 1, 2012.



## Appendix 2: Chapter 36, Consumer Fireworks Sales License (Rule)

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

Chapter 36: CONSUMER FIREWORKS SALES LICENSE

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**SUMMARY:** This chapter describes the licensing process and safety regulations for the sale of consumer fireworks in Maine.

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### 1. Definitions

1. **Consumer Fireworks.** “Consumer fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.111, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with the United States Consumer Products Safety Commission standards, in accordance with 15 United States Code, Chapter 47.
2. **Chemical Composition.** All pyrotechnic and explosive composition contained in a fireworks device.
3. **Missile-Type Rocket.** A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than 20 grams of total chemical composition.
4. **Helicopter and Aerial Spinners.** A tube containing more than 20 grams of chemical composition, with a propeller blade attached. Upon ignition the rapidly spinning device rises into the air. A visible or audible effect may be produced at or near the height of flight.
5. **Sky Rockets and Bottle Rockets.** Cylindrical tube containing not more than 20 grams of chemical composition as prescribed under section 3.7 and Table 4.3-1 of the *American Pyrotechnics Association* Standard 87-1 with a wooden stick attached for guidance and stability. Rockets rise into the air upon ignition. A burst of color and/or sound may be produced at or near the height of flight.
6. **Reloadable Aerial Shells Kits.** A package containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube and more than one small aerial shell limited to a maximum of 60 g of total chemical composition including lift charge, burst charge, and visible audible effect composition. The maximum diameter of each shell shall not exceed 1.75 inches.
7. **NFPA.** National Fire Protection Association.
8. **Retail.** Type of sale to any consumer or person not engaged in the business of making sales of fireworks.

### 2. Incorporation

This rule incorporates by reference Chapter 7, *Retail Sales of Consumer Fireworks*, of the National Fire Protection Association Standard #1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection

### 3. Consumer Fireworks Retail Sales License

1. An application for license can be made by submitting the following to the Office of the State Fire Marshal:
  - A. Application form SFMO CF # 11 completed by the applicant;
  - B. Applicants other than natural persons will be required to provide, as applicable, the names and addresses of officers, board members, members and/or partners; a Certificate of Existence or good standing; and the most recent audited financial statement or most recently filed federal tax return.
  - C. A license fee of \$5,000. A fee of \$100 will be required to apply and the balance of \$4,900 shall be due upon satisfying the licensing criteria prior to issuance of the license. After the initial inspection, a \$50 fee is required for reinspections necessary to determine if licensing criteria have been met.
  - D. A copy of the applicant's federal permit to sell fireworks under 18 United States Code, Section 843, as required by 8 MRSA §223-A sub-§1(A);
  - E. Where required by municipal ordinance, a copy of the municipal permit to sell fireworks within the municipality.
  - F. A certificate of insurance evidencing commercial general liability coverage inclusive of products/completed operations. This coverage shall have minimum limits of \$2,000,000 and shall list the Maine Department of Public Safety, Office of the State Fire Marshal, 52 State House Station, Augusta, Maine 04333-0052 as certificate holder.
  - G. Where required by municipal ordinance a copy of the municipal permit to construct a consumer fireworks retail sales and storage facility.
  - H. Floor plan and layout of storage and displays to indicate compliance with this rule and applicable state and local laws.
2. A license issued pursuant to this chapter expires one calendar year from the date of issuance. Applications for renewal should be made 60 days prior to expiration of the current license. An inspection will be performed as part of the renewal process.

### 4. General Provisions

1. A consumer fireworks license issued pursuant to 8 M.R.S.A §§ 221-A – 236 and this chapter does not authorize the purchase or sale of the following:
  - A. Missile-Type Rockets as defined in Section 1, subsection 3;
  - B. Helicopters and aerial spinners as defined in Section 1, subsection 4;
  - C. Sky rockets and bottle rockets as defined in Section 1, subsection 5;
2. Any person licensed to sell consumer fireworks may do so only from a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks. The building must be fully sprinkled with a sprinkler system compliant with NFPA 13, *Standard for the Installation of Sprinkler Systems*( 2007 edition) or another system based on item part 2, number 5, of the Office of

State Fire Marshal Fire Sprinkler Technical Policy. A building sprinkled with a system other than an NFPA 13 system shall have a fire alarm system with automatic emergency forces notification which is also consistent with NFPA 72, *National Fire Alarm Code* (2007 edition). All consumer fireworks retail sales facilities must be not less than 60 feet from any other occupancy or occupiable area as defined by the National Fire Protection Association, 2009 *Life Safety Cod* (2009 edition) sections 3.3.178 and 3.3.19.6 and not less than 300 feet from a structure at which gasoline, propane, or other flammable material is sold or dispensed.

3. Any building or structure used for the retail sale of consumer fireworks, including their related storage, shall comply with Chapter 36, *New Mercantile Occupancies*, of NFPA 101, *Life Safety Code*, 2009 edition for mercantile occupancies. NFPA 101 has been adopted in Maine under Chapter 20, *Fire Safety in Building and Structures*, of the rules of the State Fire Marshal's Office.
4. No trailer, semi-trailer or metal shipping container used for temporary storage of consumer fireworks shall be parked for more than 90 days on the premises of the consumer fireworks retail sales facility.
5. A license to sell fireworks does not authorize the licensee to engage in the manufacture or use of fireworks.
6. When transporting fireworks, licensees shall comply with all applicable federal, state, and local transportation requirements. Nothing in this rule shall restrict the right of any person to transport, in a private vehicle, fireworks that have been purchased from a retail sales fireworks licensee.
7. Required Public Posting: Each licensed facility shall prominently post for public viewing the following documents:
  - A. The original state license;
  - B. Any required municipal permit;
  - C. A list of towns prohibiting or restricting the use of consumer fireworks in Maine;
  - D. A copy of the federal permit;
  - E. A safety pamphlet; and
  - F. A copy of the insurance certificate that complies with 8 M.R.S.A 223-A (5) in this chapter.


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STATUTORY AUTHORITY: 8 M.R.S.A. §236, 25 M.R.S.A. §2452

EFFECTIVE DATE:

February 6, 2012 – filing 2012-11

**Appendix 3: Application for License to Sell Consumer Fireworks & Checklist**

	<p><b>STATE OF MAINE</b>  <b>DEPARTMENT OF PUBLIC SAFETY</b>  <b>OFFICE OF STATE FIRE MARSHAL</b></p>	<p><b>APPLICATION FOR</b>  <b>LICENSE TO SELL</b>  <b>CONSUMER</b>  <b>FIREWORKS</b>  <small>(SFMO CF#11)</small></p>
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Applicant is: Check One:  A Natural Person  Corporation  Partnership  Other (please describe)

Business Name (please print)

City	State	Zip
------	-------	-----

Physical Address

City	State	Zip
------	-------	-----

*Please attach detailed driving directions*

Phone Number of Facility	Fax Number of Facility
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E-Mail address of Facility

24/7 Contact Person	Phone Number
---------------------	--------------

E-Mail Address	Fax Number
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Please provide full name and address, date of birth, and social security number of applicant if owned by an individual. If partnership, association, or corporation, full name provide names of all persons in such entity. If additional space is needed please attach a blank sheet with the required information. (please print)

Name	Title	
Address		
City	State	Zip
Date of Birth	Social Security #:	
Has the applicant ever violated a state, federal, or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name	Title	
Address		
City	State	Zip
Date of Birth	Social Security #:	
Has the applicant ever violated a state, federal, or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name	Title	
Address		
City	State	Zip

Date of Birth	Social Security #:
Has the applicant ever violated a state, federal, or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No	

If any persons listed above answered yes to being convicted of violating a state, federal, or municipal law, rule or regulation involving fireworks within the 2 years prior to this application, please provide the following:

Date of Violation:

\_\_\_\_\_

Is this matter currently pending or has it been finally resolved? (circle one) Pending      Resolved

Date of conviction or adjudication:

\_\_\_\_\_

Location and Name of Court:

\_\_\_\_\_

Sanction:

**A. Maine Department of Public Safety, Office of State Fire Marshal Information**

The applicant or any person may contact the Office of the State Fire Marshal at the following address for questions related to this application or any license requested pursuant to this application:

Maine Department of Public Safety	Telephone:	207-626-3873
Office of State Fire Marshal	Fax:	207-287-6251
Attn: Richard E. Taylor	E-Mail:	Richard.e.taylor@maine.gov
45 Commerce Center Dr., Ste. 1		
Augusta, Maine 04333		

**B. Applicants acknowledgements**

The Applicant acknowledges the following:

1. Application for licensure is made pursuant to 8 M.R.S.A. §§ 221-A – 236 (as amended by Public Law 2011, Chapter 416) and any rules adopted by the Commissioner of the Department of Public Safety. The applicant has received a copy of Public Law Chapter 416 with this application packet.
2. The facility is in compliance with Maine’s Uniform Building Code if applicable, and any other local or state laws. Proof of compliance, including proof such as a copy of the building permit if it was required or a letter from the local inspection official.
3. The facility shall remain in compliance with all applicable federal, state and local laws, ordinance, and regulations at all time while the license is in effect. If the facility is not in such compliance, the Applicant shall notify the Fire Marshal within 24 hours of learning about the noncompliant condition, advise the Fire Marshal of the specific noncompliant condition and provide a timetable for rectifying the condition.
4. No display fireworks or other products unrelated to the sale of consumer fireworks shall be stored or located at the facility.

5. The Fire Marshal's Office may, as part of its consideration of this application, or in its role as licensor, request such additional information, access and records as are reasonably necessary to determining whether the Applicant or licensee is in compliance with the statute and the conditions of licensure. The Applicant or licensee will cooperate with the Fire Marshal in this regard.

**C. License Fee and Attachments.**

A check or money order made payable to the Treasurer State of Maine shall be made in the amount of \$100.00 with this application. The balance of \$4,900.00 will be due upon an inspection that verifies the applicant has met all requirements in Chapter 416 for licensure. The check or money order with the applicants name shall be enclosed with this application. In addition, the following documents are attached and incorporated herein by reference:

1. Attachment 1: Driving directions to the facility
2. Attachment 2: Floor plan and layout of storage and displays to indicate compliance with the applicable rules and regulations of the State of Maine or local ordinances. Plans shall be in paper form.
3. Attachment 3: Local or state building permit if required.
4. Attachment 3: A copy of certificate of insurance evidencing commercial general liability coverage inclusive of products/completed operations. This coverage shall have minimum limits of \$2,000,000 each occurrence and aggregate and shall list the Maine Department of Public Safety, Office of the Fire Marshal, 52 State House Station, Augusta, Maine 04333-0052 as certificate holder.
5. Attachment 4: Copy of municipal permit to sell consumer fireworks if required by municipality in which the facility is located.
6. Attachment 5: Copy of the federal permit to sell fireworks under Title 18 USC § 843.

Additional attachments, such as corporate resolutions or partnership agreements, may be required as part of the signature process, below.

**D. Signature**

I certify that the signature of the person below is legally sufficient to bind the Applicant and that the statements contained in this application are correct to the best of my knowledge. I also understand that making a false statement that I do not believe to be true on this application or knowingly creating or attempting to create a false impression by omitting information necessary to prevent this application from being misleading constitutes a criminal offense, and may be prosecuted as, among other offenses, unsworn falsification pursuant to 17-A M.R.S.A § 453 (class D) and may also result in disciplinary action against my license.

**If the Applicant is an Individual Person:**

Signature of Applicant: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Printed name of Witness: \_\_\_\_\_

**If the Applicant is a Corporation and the *Corporate Officers are signing*:**

Complete Name of Corporation: \_\_\_\_\_

Signature of Corporate President or Vice President  
(indicate which) \_\_\_\_\_

Printed name of Signer: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Signature of Secretary or Treasurer  
(indicate which) \_\_\_\_\_

Printed Name of Signer: \_\_\_\_\_

**If the Applicant is a Corporation and the *Authorized Representative is signing*:**

Complete Name of Corporation: \_\_\_\_\_

Signature of Authorized  
Corporate Representative: \_\_\_\_\_

Printed name of Signer: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Signature of Witness \_\_\_\_\_

Printed Name of Witness: \_\_\_\_\_

*ATTACH A COPY OF A CORPORATE RESOLUTION GRANTING THE SIGNER AUTHORITY TO  
BIND THE CORPORATION.*

**If the Applicant is a Partnership, all Partners must sign:**

Name of Partnership: \_\_\_\_\_

**Signature of Partner:** \_\_\_\_\_

Printed Name of Partner: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

**Signature of Partner:** \_\_\_\_\_

Printed Name of Partner: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

**Signature of Partner:** \_\_\_\_\_

Printed Name of Partner: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

**Signature of Partner:** \_\_\_\_\_

Printed Name of Partner: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

**Signature of Partner:** \_\_\_\_\_

Printed Name of Partner: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

*ATTACH A COPY OF THE PARTNERSHIP AGREEMENT AND ALL DOCUMENTATION  
DEMONSTRATING IDENTITY OF THE PARTNERS.*

\* The following statement is made pursuant to the Privacy Act of 1974, Section 7, Subsection (b): Disclosure of your social security number is mandatory. Solicitation of your social security number is solely for tax administration purposes pursuant to 36 MRSA § 175, as authorized by the Tax Reform Act of 1976 (42 USC § 405(c)(2)(C)(i) and for child support enforcement purposes pursuant to 42 USC § 666(a)(13)(A) and 19-A MRSA §§ 2104, 2201. Your social security number will be disclosed to the State Tax Assessor or an authorized agent for use in determining filing obligations and tax liability pursuant to Title 36 of the Maine Revised Statutes and/or to the Department of Human Services Division of Support Enforcement and Recovery for use in child support enforcement procedures. No further use will be made of your social security number. It shall be treated as confidential tax information pursuant to 36 MRSA § 191 and confidential support enforcement information pursuant to 19-A MRSA § 2152.



**Checklist for State of Maine  
Office of the State Fire Marshal  
LICENSE TO SELL CONSUMER FIREWORKS**

- Application Form SMFO CF #11 (download and complete)**
- Copy of the valid federal permit to sell fireworks pursuant to title 18 of the US Code.**
- An application fee paid in the form of a check or money order made out to the Treasurer State of Maine in the Amount of \$100.00. (this will be subtracted from your license fee of \$5,000 only upon completion of a satisfactory inspection).**
- Copy of the local or municipal permit if required by local ordinance.**
- A copy of the certificate of public and product liability insurance with the minimum coverage limits of \$2,000,000.00 which lists the Maine Department of Public Safety, Fire Marshal's Office, 52 State House Station, Augusta, Maine 04333-0052 as certificate holder.**
- A copy of the permit to construct a consumer fireworks retail sales and storage facility where required by local or municipal ordinance.**
- Floor plan and layout of the storage and displays to indicate compliance with this rule and applicable state or local laws, ordinances or regulations.**

**Send to: Richard E. Taylor, Research and Planning Analyst  
45 Commerce Drive, Ste. 1  
Augusta, Maine 04330**

**\* Be advised that no license for the sale of consumer fireworks shall be issued to any person who has been convicted of an offense or violated state, federal or municipal law, rule, or regulation involving fireworks or explosives within the 2 years prior to this application. No license shall be issued to any person under 21 years of age.**

**\* No application will be accepted unless documentation includes the exact location where sales are to take place.**

Appendix 4: Municipal Prohibitions and Restrictions (as of March 13, 2013)



Community	RESTRICTIONS	PROHIBITED	Effective Date
South Portland		Use, sell or possess with intent to use or sell consumer fireworks.	November 6, 2011
		No person or group may sell, possess with the intent to sell or offer for sale consumer fireworks or fireworks.	October 18, 2011
North Yarmouth		No person or group shall use, display, fire or cause to be exploded fireworks or any said items in enumerated in Section 38-101 "consumer fireworks." No person shall use, display, throw, drop or cause to be discharged or exploded, any consumer fireworks or fireworks at any time, within fifty feet of any public way.	
		No person or group may sell, possess with intent to sell or offer for sale consumer fireworks or fireworks.	October 4, 2011
Freeport		No person or group of persons shall use, display, fire or cause to be exploded fireworks or any of said items enumerated in section 38-101 "Consumer Fireworks."	
		No person shall use, display, throw, drop or cause to be discharged or exploded, any consumer fireworks	

or fireworks or fireworks at any time, within fifty feet of any public way.

<b>Bangor</b>		No person shall use, possess with the intent to use in the City of Bangor, sell, possess with the intent to sell in the City of Bangor, or offer for sale consumer fireworks.	October 24, 2011
<b>Hollis</b>		Use and sale	November 9, 2011
<b>Frye Island</b>		Use unless sanctioned by the Town of Frye Island Board of Selectman.	November, 2011
<b>Cape Elizabeth</b>		Use, possession with intent to use, sale possession with intent to sell or offer for sale consumer firewoks.	December 14, 2011
<b>Holden</b>	To sell must possess municipal permit. .	none	October 5, 2011
<b>Falmouth</b>		Use and sale.	November, 2011
<b>Yarmouth</b>		The use, sale, and possession with intent to use of all consumer fireworks is prohibited except for sparklers that do not contain certain elements specified in ordinance.	November 22, 2011
<b>Westbrook</b>	Sale is allowed with municipal permit required. No restrictions on use.		December 6, 2011

<b>Rockland</b>	Use and sale	December 14, 2011
<b>Fairfield</b>	There are area and time restrictions on use. Sale requires a permit. Contact town office for detailed description.	October 10, 2012
<b>Ellsworth</b>	Consumer fireworks shall not be used when the fire danger class is 4 or greater. See ordinance for other use restrictions. A permit from the city is required in order to sell consumer fireworks.	April 16, 2012
<b>Eliot</b>	Use is prohibited.	December 16, 2011
<b>Wells</b>	Use and sale	January 20, 2012
<b>Gardiner</b>	180 moratorium prohibiting the sale and use of consumer fireworks.	December 21, 2011
<b>Orono</b>	No person shall sell, use or possess with intent to sell or use consumer fireworks.	January 11, 2012
<b>Portland</b>	No person shall sell, use or possess with intent to sell or use consumer fireworks.	August 17, 2011

<b>Farmingdale</b>	Fireworks may only be used between 5:00 PM and 10:00PM. Fireworks may not be used when the fire danger class, as designated by the Maine Forest Service, is a class 4 or 5 fire danger day.		January 1, 2012
<b>Farmingdale (cont'd)</b>	Three complaints on any user will result in that user not being allowed to use fireworks in Farmingdale.		January 1, 2012
<b>Cumberland</b>	A person may use consumer fireworks on July 3 – 5 at specified times in addition to December 31 <sup>st</sup> and January 1 <sup>st</sup> at specified times.	A person may not sell consumer fireworks in Cumberland.	December 12, 2011
<b>Owls Head</b>		No person or group shall use or sell consumer fireworks in Owls Head.	December 19, 2011
<b>Brunswick</b>		No sale or use of consumer fireworks.	January 1, 2012
<b>Bath</b>		The use, discharge, ignition, sale, or offer for sale, of consumer fireworks in the City of Bath is prohibited.	January 25, 2012
<b>Buxton</b>		The use and sale of consumer fireworks in Buxton is prohibited.	March 2, 2012

<b>Scarborough</b>	Consumer fireworks may be sold but can only be used during the days of 7/3, 7/4, 7/5, 12/31 and 1/1 during times established in ordinance.	March 7, 2012
<b>Hallowell</b>	Use restricted to certain areas of the municipality. Contact city officials for more information. Sale is permitted.	February 23, 2012
<b>Winthrop</b>	No person shall sell, possess with intent to sell, or offer for sale consumer fireworks in Winthrop. No person shall use, possess with intent to use, display, fire or cause to be exploded consumer fireworks in Winthrop.	February 6, 2012
<b>Wayne</b>	No person or group shall sell or use consumer fireworks in Wayne.	February 14, 2012
<b>North Berwick</b>	Use restrictions: Must be 50 ft. from combustibles and can only use during Maine Forest Service Class conditions 1, 2, or 3. Sales facilities must comply with local zoning ordinances.	March 31, 2012
<b>Biddeford</b>	No person shall use, possess with intent to use, sell, possess with intent to sell or offer for sale consumer fireworks in the City of Biddeford.	April 3, 2012
<b>Woodstock</b>	Selling, or offering for sale, consumer fireworks are prohibited.	March 26, 2012

<b>Wiscasset</b>	Sale of consumer fireworks is limited to certain areas of Wiscasset only.	Use of consumer fireworks prohibited in Wiscasset.	January 1, 2012
<b>Winslow</b>	In order to sell consumer fireworks a person must obtain (purchase) a permit from the Town of Winslow and follow town rules pertaining to storage and sprinkler systems.		March 12, 2012
<b>Caribou</b>	In order to store or sell consumer fireworks a person must obtain a permit from the Caribou Fire Chief. Sales facilities may only be operated in areas designated in ordinance. In order to use consumer fireworks in Caribou a person must obtain a permit from the Fire Department. Use is restricted to areas designated in ordinance.		March 12, 2012
<b>Boothbay Harbor</b>		Sale and Use of consumer fireworks are prohibited.	May 4, 2012
<b>Old Orchard Beach</b>		Sale and use are prohibited.	March 6, 2012
<b>York</b>		Sale and use are prohibited.	May 19, 2012

<b>Sanford</b>		Use prohibited.	NOT GIVEN
<b>Auburn</b>		Use, sale, and possession with intent to sell are prohibited.	NOT GIVEN
<b>Mount Desert</b>		Use, sale, and possession with intent to sell are prohibited.	May 8, 2012
<b>Augusta</b>		Use, sale and offering for sale consumer fireworks are prohibited.	November 17, 2011
<b>Lewiston</b>	Use is restricted to certain areas, times, and there are also additional distance requirements for use within the City of Lewiston. See ordinance for details.	Sale of consumer fireworks is prohibited.	April 5, 2012
<b>Kennebunkport</b>		Use, sale, possession with intent to sell are prohibited.	NOT GIVEN
<b>Damariscotta</b>		Use is prohibited in the area between School Street (west side of the road) and the Damariscotta River from Castner Brook to Chase Point Road (north side of road). Sale is prohibited throughout the town.	June 13, 2012
<b>Boothbay Harbor</b>		Use and sale are prohibited in town and on, in, or over its waters.	May 5, 2012



<b>Hermon</b>		Sale, use, possession with intent use of consumer fireworks are prohibited.	December 15, 2011
<b>Andover</b>		Sale and use of consumer fireworks are prohibited.	March 17, 2012
<b>Harrison</b>		Sale and use of consumer fireworks are prohibited.	June 19, 2012
<b>Saco</b>		Sale, use, possession with intent to use or sell, offer for sale consumer fireworks are prohibited.	September 17, 2012
<b>Harpswell</b>	Use is restricted to 7/3-4-5; 12/31 & 1/1 and at times specified in the ordinance.	Sale or possession with intent to sell is prohibited.	March 10, 2012.
<b>Greenwood</b>	Use restricted to July 3,4, & 5; the Saturday and Sunday before Labor Day Monday; December 31 <sup>st</sup> and January 1 <sup>st</sup> at specified times. Use restricted to Class 1 & 2 days as determined by the Maine Forestry Service	No sale.	October 30, 2012
<b>Mechanic Falls</b>	Use restricted to Friday & Saturday nights; July 3 & 4; December 31 & January 1 at specified times.		November 6, 2012
<b>Waldoboro</b>	Consumer fireworks may not be used during ME Forest Service 4 or 5 fire danger class days. Must obtain		June 12, 2012

permit from town.  
Fireworks may not be used within 50 ft. of public land.  
No use in Downtown Business district, Route 1 Commercial B district, Historic Village district.  
Fireworks shall only be discharged between 5PM and 10PM except on Memorial Day, Fourth of July, New Years Eve when they can be used up to 12:30AM.

Use is restricted to July 3,4,5, December 31, January 1, Memorial Day, two days prior to Memorial Day, Labor Day and two days prior to Labor day.

Consumer Fireworks may only be used between 5 PM and 10 PM.

Users must obtain a permit from the Town of Gorham to use fireworks there. No permit will be issued during days in which the Fire Danger Class is 3,4, or 5.

Users may not discharge products within 150 ft. of any building or structure.

Users may only discharge consumer fireworks on July 3<sup>rd</sup> and 4<sup>th</sup>; December 31<sup>st</sup> and January 1<sup>st</sup>; and, every Saturday. Call Gorham Town Offices for the specific

January 1, 2013

September 6, 2012

**Monmouth**

**Gorham**

times you may discharge  
products.

**Note: For a more complete explanation of municipal ordinances referenced above you can contact the town or this office at 626-3873. If your community has adopted an ordinance, you must submit a copy of the ordinance to the Office of the Fire Marshal within 60 days. 8 M.R.S.A. §223-A (2). Submit the ordinance to:**

**Richard E. Taylor  
Office of the State Fire Marshal  
52 State House Station  
Augusta, Maine 04333-0052**

**Appendix 5: Sample Municipal Sales Permit**

**MUNICIPAL FIREWORKS RETAIL SALES PERMIT**

Applicant is: Check One: <input type="checkbox"/> A Natural Person <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other (please describe)		
Business Name (please print)		
City	State	Zip
Physical Address		
City	State	Zip

*Please attach detailed driving directions*

Phone Number of Facility	Fax Number of Facility
E-Mail address of Facility	
24/7 Contact Person	Phone Number
E-Mail Address	Fax Number

(put municipality name here)

Please provide full name and address, date of birth, and social security number of applicant if owned by an individual. If partnership, association, or corporation, full name provide names of all persons in such entity. If additional space is needed please attach a blank sheet with the required information. (please print)

Name	Title	
Address		
City	State	Zip
Date of Birth	Social Security #:	
Has the applicant ever violated a state, federal, or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name	Title	
Address		
City	State	Zip
Date of Birth	Social Security #:	
Has the applicant ever violated a state, federal, or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name	Title	
Address		
City	State	Zip
Date of Birth	Social Security #:	
Has the applicant ever violated a state, federal, or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to this application? <input type="checkbox"/> Yes <input type="checkbox"/> No		

## PLANS AND MINIMUM DISTANCES

Provide plans for facilities that include the following:

1. Minimum distances from the following:
  - a. Public Ways
  - b. Buildings
  - c. Other CFRS buildings
  - d. Motor vehicle fuel-dispensing facilities
  - e. Retail propane-dispensing station dispensers
  - f. Flammable and combustible liquid aboveground tank storage
  - g. Flammable gas and flammable liquefied gas bulk aboveground storage and dispensing
2. Vehicle access and parking areas
3. Location and type of portable fire extinguishers
4. Floor plan and layout of storage and displays to indicate compliance with state and local laws and Regulations
5. Means of egress
6. Construction details

## SIGNATURES

\_\_\_\_\_  
Signature of Fire Chief                      Date

\_\_\_\_\_  
Printed Name of Fire Chief

\_\_\_\_\_  
Signature of Code Enforcement Officer      Date

\_\_\_\_\_  
Printed Name of Code Enforcement Officer

**Appendix 6: Injury Reporting Forms**

**MAINE FIRE MARSHAL'S OFFICE  
CONSUMER FIREWORKS INJURY REPORT**



The Office of the Fire Marshal would greatly appreciate the assistance of Maine's medical community in tracking consumer fireworks related injuries. The purpose of reporting these injuries is to assist the Fire Marshal in developing any necessary statutory, rule, or policy changes essential to minimizing the frequency of fireworks injuries in Maine. For more information call (207) 626-3873. Thank you.

**Demographic Information:**

**Hospital/Clinic Name:**

**Date of Injury (mo/day/year):**

Type of Device:	Reason for Injury:
<input type="checkbox"/> Hand Held (sparkler, firecracker, roman Candle, smoke bomb, ground spinner)  <input type="checkbox"/> Display (stationary mortar, wheel, missile rocket, fountain)  <input type="checkbox"/> Other _____ _____	<input type="checkbox"/> Bystander (not involved with igniting device)  <input type="checkbox"/> User error (mishandled, relit fuse, device not set up correctly, throwing, etc)  <input type="checkbox"/> Device Malfunctioned (errant flight pattern, uncontained explosion)  <input type="checkbox"/> Other _____

Severity of Injury (circle one only)	Body Part Injured (check one):
1. No injury  2. Minor (1 <sup>st</sup> degree burn, minor cut (no stitches), bruising)  3. Moderate (2 <sup>nd</sup> degree burn, laceration (stitches), broken bone)  4. Significant injury (3 <sup>rd</sup> degree burn, partial or total loss of digit, hearing or sight)  5. Fatality	<input type="checkbox"/> Head/face  <input type="checkbox"/> Extremity  <input type="checkbox"/> Torso

**Comments**

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MAIL/FAX COMPLETED FORMS TO: Richard E. Taylor, Senior Research and Planning Analyst  
 Office of the Maine State Fire Marshal  
 52 SHS  
 Augusta, Maine 04333-0052  
 Phone: (207) 626-3873 Fax: (207) 287-6251  
[Richard.e.taylor@maine.gov](mailto:Richard.e.taylor@maine.gov)

**MAINE FIRE MARSHAL'S OFFICE  
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<b>Demographic Information:</b>	
Hospital/Clinic Name: _____	
Date of Injury (mo/day/year): _____	
Municipality in which the injury occurred: _____	
<b>Age</b>	
<input type="checkbox"/> 0 – 4 <input type="checkbox"/> 5 – 14 <input type="checkbox"/> 15 – 20 <input type="checkbox"/> 21 - 25 <input type="checkbox"/> 26 – 44 <input type="checkbox"/> 45 and older	
<b>Type of Device:</b>	<b>Reason for Injury:</b>
<input type="checkbox"/> Hand Held (sparkler, firecracker, roman candle, smoke bomb, ground spinner)  <input type="checkbox"/> Display (stationary mortar, wheel, missile rocket, fountain)  <input type="checkbox"/> Other _____ _____	<input type="checkbox"/> Bystander (not involved with igniting device)  <input type="checkbox"/> User error (mishandled, relit fuse, device not set up correctly, throwing, etc)  <input type="checkbox"/> Device Malfunctioned (errant flight pattern, uncontained explosion)  <input type="checkbox"/> Other _____
<b>Severity of Injury (circle one only)</b>	<b>Body Part Injured (check one):</b>
1. No injury  2. Minor (1 <sup>st</sup> degree burn, minor cut (no stitches), bruising)  3. Moderate (2 <sup>nd</sup> degree burn, laceration (stitches), broken bone)  4. Significant injury (3 <sup>rd</sup> degree burn, partial or total loss of digit, hearing or sight)  5. Fatality	<input type="checkbox"/> Head/face  <input type="checkbox"/> Extremity  <input type="checkbox"/> Torso
<b>Comments</b>	
_____ _____ _____	

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FOR AN ONLINE POSTING OF THIS FORM AND MORE INFORMATION ON CONSUMER  
FIREWORKS IN MAINE SEE: <http://www.maine.gov/dps/fmo/fireworks/index.html>