

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



**STATE OF MAINE
132nd LEGISLATURE
SECOND REGULAR SESSION**

REPORT OF THE STATE FIRE MARSHAL'S OFFICE ON THE SALE AND USE OF CONSUMER FIREWORKS IN MAINE FOR 2024

Joint Standing Committee on Criminal Justice and Public Safety

March 1, 2025

MEMBERS:

SEN. Anne Beebe-Center, Chair
SEN. Chip Curry
SEN. Scott Cyrway
REP. Tavis Hasenfus, Chair
Rep. Mana Abdi
Rep. Donald Ardell
Rep. Stephan Bunker
Rep. Michael Lajoie
Rep. Grayson Lookner
Rep. Mathew McIntyre
Rep. Nina Milliken
Rep. Robert Nutting
Rep. Chad Perkins

Staff:

Will Tew, OPLA Analyst
Suzanne Voynik, OPLR Analyst
Bernice Nadler, Committee Clerk

Committee on Criminal Justice and Public Safety
c/o Legislative Information
100 State House Station
Augusta, Maine 04333

**Prepared by Richard E. Taylor, Senior Planning and Research Analyst
Office of the Maine State Fire Marshal**

Table of Contents

	Page
Executive Summary	1
Licensing	1
Town Ordinances.....	1
Consumer Fireworks-Related Injuries and Fires	2
Regulating Fireworks	2-3
Consumer Fireworks and Animals	3-4
Summary and Recommendations	4
Appendix A: NFIRS Fireworks Fire Data for 2023	
Appendix B: EMS Fireworks Injury Data for 2023	
Appendix C: Maine Forest Service Fireworks Fire Reports for 2023	
Appendix D: Sales Values and Taxes	
Appendix E: Medical Form for Fireworks Injuries (Hospital Form)	

EXECUTIVE SUMMARY

This report is presented to the Maine Legislature pursuant to Title 9-A, §223-A, §§13 requiring the Office of the Maine State Fire Marshal to report 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.

The use, possession or sale of consumer fireworks became legal with the passage of Chapter 416, LD 83 “An Act to Legalize the Sale, Possession and Use of Fireworks” during the first session of the 125th Maine Legislature. The law took effect on January 1, 2012. An amendment to that allowed plantations to adopt consumer fireworks ordinances with the passage of LD 3 “An Act to Grant Plantations the Power to Control Consumer Fireworks” during the first session of the 128th Maine Legislature in 2017. That law took effect on March 24, 2017.

Each year in Maine several individuals are injured using consumer fireworks. The last known fatality occurred in 2015.¹ The Office of State Fire Marshal (FMO) gathers data on fireworks-related injuries, burns and fires working with the Bureau of Emergency Medical Services (EMS), Maine Forestry, Maine’s Department of Revenue, and data drawn from Maine’s Fire Incident Reporting System (NFIRS). Each year the NFIRS system records numerous incidents of fires where the heat source was identified as a firework. On January 22, 2014, EMS began sending data on fireworks related injuries to the FMO. Any EMS reports that are entered with a code involving fireworks are now automatically sent to the FMO. However, the drawback to this data source is that the EMS data only records those injured people that are transported by an ambulance.

LICENSING, SALES AND TAX

The number of licensed businesses selling consumer fireworks has declined since legalization in 2012. As of January 2025, there were fifteen licensed and operating consumer fireworks retail stores in Maine in 2024. Down from seventeen in 2023. Totaling \$22,500 in license fees. The number of licensed consumer sales outlets has declined from a high of twenty-seven active stores to the current fifteen. In 2024 the fifteen licensed stores earned \$6.2 million in taxable sales and paid \$ 339,151 in sales tax.² An increase of 2.5% percent in tax revenue from 2023 and 2.2% from 2020.³

TOWN ORDINANCES

As required in statute, Maine 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 FMO with a copy of the ordinance. Currently 120 towns have an ordinance. Some municipalities prohibit use and sale of consumer fireworks, while some just prohibit use. Other municipalities have modified state statutes to restrict use and sale. Documents are available from the FMO website on this webpage:
<https://www.maine.gov/dps/fmo/inspections/fireworks/ordinances>

¹ “Maine Man Killed After Trying to Launch Firework from Top of His Head” [The Guardian](https://www.theguardian.com/us-news/2015/jul/05/maine-firework-kills-man-head), July 5, 2015
<https://www.theguardian.com/us-news/2015/jul/05/maine-firework-kills-man-head>

² Maine Revenue Services

³ Tax amounts may change due to late or amended sales tax returns.

CONSUMER FIREWORKS-RELATED FIRES AND INJURIES

The Fire Marshal's Office collected fireworks related fire and injury data through its National Fire Incident Reporting System (NFIRS), the Maine Emergency Medical Management system (EMS) and Maine's Forest Service. Sales and revenue data was provided by Maine Revenue Services.

As of February 20, 2024, there were seven fires reported by Maine's fire departments where fireworks were identified as the heat source of the fire (Appendix A). This was a decrease of ten incidents from 2023.⁴ These fires required the attention of an average of seven first responders working a total of 61 hours. In addition to property losses, an average three apparatus responded to these incidents to put out the fire. A final summary of fire causes will be published in the 2024 Annual Report of the Maine State Fire Marshal in the spring of 2025. At the time of this report, fifty-seven percent of these fires were determined to be unintentional. The fires cost an estimated \$18,000 in and contents loss.

In 2024 six out of the seven fireworks related fires occurred outside hence the minimum property contents losses. Fireworks related fires occur seasonally primarily during the summer months or Christmas/New Years time frame.

The Maine Forest Service reported eight fires destroying two acres in 2024 costing \$1,000 in natural resource property damage, \$1,500 in real property and \$8,124.65 in costs to extinguish the fires (see Appendix C). In the last nine years the Maine Forest Service has recorded eighty-six fires caused by fireworks. An average of nine 9.5 each year.

EMS reported seventeen individuals injured in fireworks incidents. There were twelve males and five females ranging in age from nineteen to ninety-three with an average age of thirty-eight. Because the EMS data only provides the count of individuals injured and transported to a hospital for fireworks related injuries, the data is considered baseline data. This is more likely to be an undercount of actual injuries. (See Appendix B)

Maine's hospitals reported two fireworks related injuries in 2024.

REGULATING FIREWORKS

Since the use and sale of fireworks were legalized in 2012, there has been little change in the basic structure of the law and how consumer fireworks are regulated. The most significant change of law was a 2017 law granting Maine Plantations permission to adopt consumer fireworks regulations.⁵

A number of efforts were made to legalize consumer fireworks prior to its eventual legalization in 2012. Since passage, there have been several attempts to amend the legislation to rectify perceived problems with the use of consumer fireworks. Since legalization, successful efforts have focused largely on safe disposal, items to include/exclude within the definition of consumer fireworks, adjusting times of use and location. There have been recurring and unsuccessful efforts to address the impact of consumer fireworks on animals.

In Maine, as in most states, commercial (display) and consumer fireworks are regulated in different ways. The biggest difference in the regulatory scheme is that display fireworks require the licensing of those conducting the display and transporting the fireworks in addition to a permitting process for putting on the display. Within that framework are numerous rules focused on containers, distance, and other requirements necessary to put on a large show safely. Display fireworks are much larger and more dangerous than consumer fireworks. Though still very dangerous, use and possession of consumer fireworks is granted to most individuals over the age of eighteen without any restrictions or requirements to be trained or licensed to use them.

⁴ Fire department reports for 2024 can continue to be submitted to the Fire Marshal's Office until July of 2023.

⁵ 30-A §7501, Chapter 141

Maine's Chapter 416 provides Maine municipalities with the option to choose to restrict or prohibit the sale and/or use of consumer fireworks. Municipalities may require a permit for the sale of consumer fireworks. Those municipalities making their own regulations must provide the Fire Marshal's Office with a copy of the ordinance. There were no new ordinances or towns added in 2024. All town ordinances are made available to the public on the FMO website. Sellers of consumer fireworks are required to provide customers with a copy of a given town's consumer fireworks ordinance at the point of sale if one exists.

At present there are only two municipalities with ordinances that prohibit just the use of consumer fireworks. Fifty municipalities prohibit both the use and sale in the given community. Sixty-five municipalities restrict use and/or sale in various ways. Such restrictions include limiting the time and area in which fireworks can be used. Ordinances focused on areas of use generally forbid the use of consumer fireworks in areas zoned residential, public lands, on the street and other areas identifiable by borders, or as described within that communities' incorporated area. The town of Calais has included in its ordinance a clause referencing animals. The Calais ordinance reads as follows: "The use of Consumer Fireworks outside of the Urban Area shall follow the laws of the State of Maine-except that the use of consumer fireworks in any livestock zone shall be prohibited." The Calais ordinance defines a livestock zone as, "...any area within 1,500 feet of a facility where livestock is being raised or boarded."

In general, legislation, rules, and ordinances in Maine and across the nation vary regarding what types of consumer fireworks are permitted for use. Today, consumer fireworks are legal in forty-six states. Washington, D.C., Ohio, Vermont and Illinois only allow the purchase of sparklers or novelty-type fireworks. Massachusetts bans the sale of all consumer fireworks. States also vary in terms of the age at which an individual can use fireworks. Age requirements range from sixteen to twenty-one and older. Details regarding what type of consumer fireworks can be used are guided by definitions established by organizations such as the National Fire Protection Association, the Consumer Products Safety Commission, and the American Pyrotechnics Association Standards.

CONSUMER FIREWORKS AND ANIMALS

In 2022, L.D. 1348 "An Act to Limit the Decibel Level of Fireworks Near Working Farms" was introduced that would have prohibited the user from discharging "...fireworks or consumer fireworks that results in a noise that exceeds 75 decibels at a boundary of a farm actively engaged in agricultural production and containing livestock." Testimony in support of the bill cited incidents of consumer fireworks causing stress and panic to animals and even costs to first responders responding to animals running loose because of consumer fireworks being discharged. Those opposing the bill, primarily from the firework industry, cited the difficulty enforcing such a regulation, as well as previous failed attempts to pass such a law. Chief among the difficulties mentioned, would be how to measure decibels and distance. Opponents also cited potential unemployment and revenue losses.

Discussion over enforcement difficulties resulted in amendments to the original bill. The amendments recognized the complexities of enforcing distances and decibels requirements and sought to remedy the problem by removing references to decibel levels in the title. Another amendment, worked out between the sponsor of the bill and the fireworks industry, would require an individual using the fireworks "within 250 feet of neighboring property owners' livestock pen...to notify the owner...no less than five days in advance.." of that use, which would allow owners a chance to prepare. Other potential changes would allow only the use, of lower noise fireworks within certain distances from animals. It was also mentioned that, absent the capacity of local law enforcement to enforce such laws, a state level approach would be necessary.

Faced with such uncertainties the Committee replaced the original bill with a "Resolve, to Study the Impacts of Consumer Fireworks Use" directing the State Fire Marshal to convene a stakeholder group to review matters relating to the impacts of consumer fireworks use and provide the Committee with the findings,

recommendations, and any proposed legislation of this review.

The stakeholder group presented the following recommendations Criminal Justice and Public Safety Committee in the spring of 2023. The recommendations included:

1. Create a report form for law enforcement officers to report violations of local and state ordinances and laws including incidents involving animals. This will provide documentation on incidents involving animals.
2. Designate livestock zones where consumer fireworks use is prohibited.

The legislature did not act on any of these recommendations.

SUMMARY AND RECOMMENDATIONS

In the years since consumer sales, use and possession were legalized in Maine, the data on licensed stores and taxes from sales has been reliable. These numbers indicate that the count of stores, sales value and taxes on sales from store operations have been relatively steady though both have slowed. Total sales values and taxes on sales grew 79% and 96% from 2012 – 2021 but have slowed considerably to 42% sales values and 42% taxes on sales from 2015 – 2024. (Appendix D)

Unfortunately, data on injuries and fires has been less reliable due to forestry and fire department reports being duplicated. The same can be said for EMS, fire department, and hospital reports also being duplicated. Again, the data we do have indicates a downward trend.

Most fires, where the primary heat source was fireworks, occur outdoors mostly around a residence. Items first ignited are natural as opposed to manufactured. More often than not, human error has been behind fires and injuries.

The data in this report began being collected when consumer fireworks were legalized and therefore provided the baseline data from which to measure the impact of legal consumer fireworks as opposed to those used illegally prior to 2012. Subsequently, the data on the count of stores and sales taxes tells an accurate story of the impact of consumer fireworks in terms of revenues and a proxy for employment.

Because there is little data on injuries and fires prior to the legalization of consumer fireworks, it is difficult to measure the true impact of that legalization. Measuring the impact of legalization has been made more difficult because injury and fire incident data related to consumer fireworks has been subject to duplication and reporting inconsistency.

In order to better understand the fire incident and injuries related to the use of consumer fireworks, it is recommended that:

1. It be mandated that all hospital staff complete the medical form shown in Appendix D to further accurate counting of injuries.
2. Develop methods to identify and remove duplication in the injury and fire data.

Appendix A

Fires

NFIRS 5.0 National Reporting System: Fireworks 2024

Manpower and Equipment Used to Fight Fireworks Related Fire Incidents 2024

Code	Description	Frequency		Exposures	Average Number								Total Man Hours	Average Response Time (min)			
		Personnel			Apparatus				Man Hours								
		#	%		Suppression	EMS	Other	Suppression	EMS	Other	Other						
54	Fireworks	7	0.30%	0	5.43	0.57	0.57	2.57	0.29	0.57	8.80	61.62	7.57				

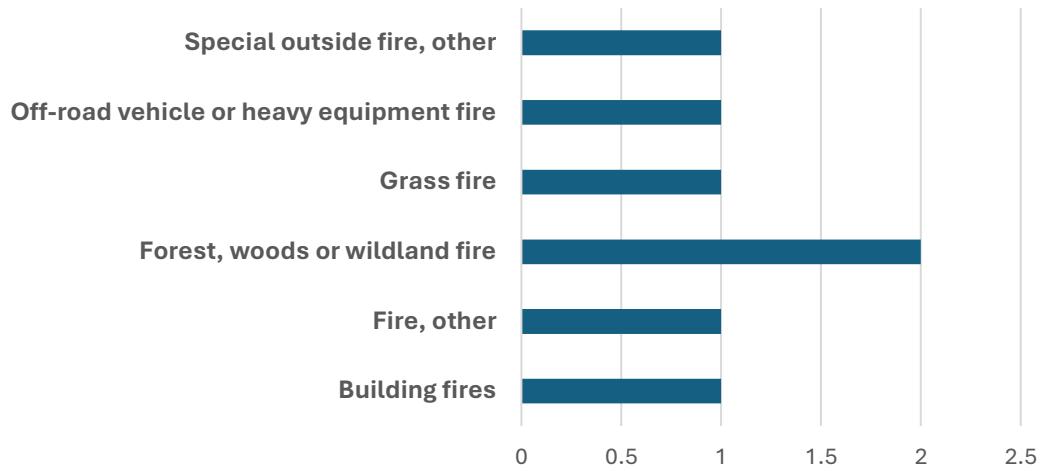
Selected Coded Field: Fire: Heat Source Fireworks

Report Period: From 01/01/2024 to 12/31/2024

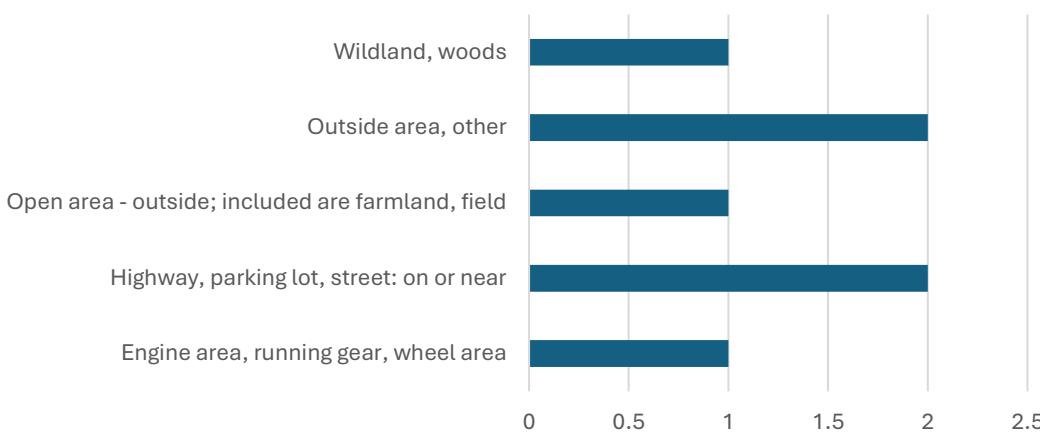
Property and Contents Dollar Losses from Fireworks Related Fires 2024

Code	Description	Frequency		EXPs	Property Loss		Contents Loss		Total Loss	
		#	%		#	%	#	%	#	%
429	Multifamily dwellings	1	14.3%	0	0	0.0%	0	0.0%	0	0.0%
669	Forest, timberland, woodland	1	14.3%	0	0	0.0%	0	0.0%	0	0.0%
900	Outside or special property, other	1	14.3%	0	0	0.0%	0	0.0%	0	0.0%
931	Open land or field	1	14.3%	0	0	0.0%	0	0.0%	0	0.0%
961	Highway or divided highway	1	14.3%	0	0	0.0%	0	0.0%	0	0.0%
962	Residential street, road or residential driveway	1	14.3%	0	0	0.0%	0	0.0%	0	0.0%
965	Vehicle parking area	1	14.3%	0	0	0.0%	18,000	100.0%	18,000	100.0%
Totals		7	100.0%	0	0	0.0%	18,000	100.0%	18,000	100.0%

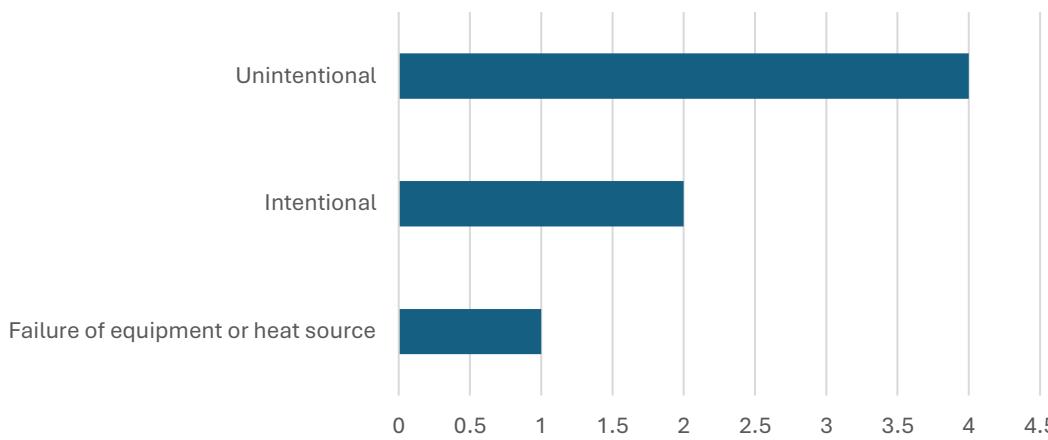
Fireworks Fires by Incident Type 2024



Fireworks Fires Area of Origin 2024



Fireworks Fires by Cause 2024



Appendix B

EMS Fireworks Injury Reports for 2024

Incident Date	Gender	Age	Code
1/1/2024	Female	27	Fire/Explosion - Firework(W39)
4/29/2024	Female	28	Fire/Explosion - Firework(W39)
5/1/2024	Male	33	Fire/Explosion - Firework(W39)
5/2/2024	Male	37	Fire/Explosion - Firework(W39)
5/2/2024	Male	40	Fire/Explosion - Firework(W39)
5/16/2024	Female	44	Fire/Explosion - Firework(W39)
7/3/2024	Male	36	Fire/Explosion - Firework(W39)
7/5/2024	Female	93	Fire/Explosion - Firework(W39)
7/5/2024	Male	48	Fire/Explosion - Firework(W39)
7/5/2024	Male	24	Fire/Explosion - Firework(W39)
7/8/2024	Male	44	Fire/Explosion - Firework(W39)
7/12/2024	Female	57	Fire/Explosion - Firework(W39)
7/18/2024	Male	13	Fire/Explosion - Firework(W39)
11/23/2024	Male	19	Fire/Explosion - Firework(W39)
12/3/2024	Male	61	Fire/Explosion - Firework(W39)
12/8/2024	Male	22	Fire/Explosion - Firework(W39)
12/12/2024	Male	24	Fire/Explosion - Firework(W39)

Appendix C

Maine Forest Service Fireworks Fire Reports for 2024

	Southern Region		Central Region		Northern Region		Statewide	
CAUSE	Fires	Acres	Fires	Acres	Fires	Acres	Fires	Acres
Fireworks	7	1.7	1	0.3	0	0	8	2

Damages			
Natural Resource Property Damage (damage to wildlands)	Real Property Damage (homes, sheds, automobiles)	Total Cost of Extinguishing Fires	
\$1,000.00	\$1,500.00	\$8,124.65	

Appendix D

Sales and Taxes 2012 - 2024

Sales by Licensed Consumer Fireworks Retailers		
Calendar Year	Total sales	Sales tax
2012	\$4,544,278	\$227,214
2013	\$4,182,874	\$210,843
2014	\$3,941,988	\$216,810
2015	\$4,332,822	\$238,305
2016	\$4,378,866	\$240,838
2017	\$6,073,415	\$334,038
2018	\$5,270,046	\$289,853
2019	\$4,998,037	\$274,926
2020	\$7,874,452	\$433,095
2021	\$8,111,625	\$446,139
2022	\$7,400,423	\$407,023
2023	\$6,017,605	\$330,968
2024	\$6,166,378	\$339,151

Appendix E

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 (month/day/year): _____

Municipality in which the injury occurred: _____

Age

0 - 4 5 - 14 15 - 20 21 - 25 26 - 44 45 and older

Type of Device:

Hand-held (sparkler, firecracker, roman candle, smoke bomb, ground spinner)
 Display (stationary mortar, wheel, missile rocket, fountain)
 Other _____

Reason for Injury:

Bystander (not involved with igniting device)
 User error (mishandled, relit fuse, device not set up correctly, throwing, etc.)
 Device malfunctioned (errant flight pattern, uncontained explosion)
 Other _____

Severity of Injury (circle one only)

1. No injury
2. Minor (1st degree burn, minor cut (no stitches), bruising)
3. Moderate (2nd degree burn, laceration (stitches), broken bone)
4. Significant injury (3rd degree burn, partial or total loss of digit, hearing or sight)
5. Fatality

Body Part Injured (check one):

Head/face
 Extremity
 Torso

Comments

MAIL/FAX COMPLETED FORMS TO:

Richard E. Taylor, Senior Research and Planning Analyst
Office of the Maine State Fire Marshal
52 State House Station
Augusta, Maine 04333-0052
Phone: (207) 626-3873 Fax: (207) 287-6251
Richard.e.taylor@maine.gov

FOR AN ONLINE POSTING OF THIS FORM AND MORE INFORMATION ON CONSUMER