

CHAPTER 318

EXPLOSIVES AND FLAMMABLE LIQUIDS

SUBCHAPTER 1

EXPLOSIVES

§2471. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 652, §9 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Public Safety.
[PL 1999, c. 652, §9 (NEW).]

2. Explosive. "Explosive" means any chemical compound, mixture or device that is designed to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords and igniters.
[PL 1999, c. 652, §9 (NEW).]

3. Magazine. "Magazine" means a specially constructed building or structure approved for the storage of explosive materials.
[PL 1999, c. 652, §9 (NEW).]

4. Permit. "Permit" means the nontransferable permission granted by the commissioner containing one or more of the following endorsements: use, storage and intrastate transportation of explosives.
[PL 1999, c. 652, §9 (NEW).]

5. Person. "Person" means any individual, partnership, corporation, combination of these entities or any other legal entity.
[PL 1999, c. 652, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW).

§2472. Explosives; rules

1. Rules. The commissioner shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, necessary for the proper oversight of explosives and the enforcement of the provisions of this chapter.
[PL 1999, c. 652, §9 (NEW).]

2. Waivers. The commissioner may waive the requirements of any rule to cover any special circumstances.
[PL 1999, c. 652, §9 (NEW).]

3. Exceptions. This section does not apply to:

A. The possession, use, storage or intrastate transportation of 50 pounds or less of smokeless powder or black powder; [PL 2013, c. 57, §1 (AMD).]

B. The possession, use, storage or intrastate transportation of 10,000 or fewer primers; or [PL 2013, c. 57, §1 (AMD).]

C. The possession of 5 pounds or less of mixed binary target material for the purpose of sport shooting. [PL 2013, c. 57, §1 (NEW).]
[PL 2013, c. 57, §1 (AMD).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW). PL 2013, c. 57, §1 (AMD).

§2473. Permits; requirements

A person may not possess, use, store or transport explosives without a permit. The commissioner shall issue a permit to an applicant who: [PL 1999, c. 652, §9 (NEW).]

1. Application. Completes an application form furnished by the commissioner;
[PL 1999, c. 652, §9 (NEW).]

2. Financial responsibility. Includes proof in the application that the applicant maintains financial responsibility in the form of liability insurance or a surety bond as follows:

A. To obtain a permit with endorsements to possess, use or store explosives, a person must maintain financial responsibility in the form of liability insurance in an amount not less than \$500,000; and [PL 1999, c. 652, §9 (NEW).]

B. To obtain a permit with an endorsement for intrastate transportation of explosives, a person must comply with the requirements in rules adopted pursuant to section 2103-A or 2110, as applicable; [PL 1999, c. 652, §9 (NEW).]
[PL 1999, c. 652, §9 (NEW).]

3. Examination. Passes a written examination administered by the Department of Public Safety; [PL 1999, c. 652, §9 (NEW).]

4. Citizenship. Is a citizen or resident alien of the United States; and
[PL 1999, c. 652, §9 (NEW).]

5. Character. Demonstrates good moral character and has not been convicted of a crime punishable by a maximum term of imprisonment equal to or exceeding one year. The determination of good moral character must be made in writing by the commissioner, based upon evidence recorded by a governmental entity. The commissioner shall consider matters recorded within the previous 5 years, including, but not limited to, the following:

A. Records of incidents of abuse of family or household members by the applicant provided pursuant to Title 19-A, section 4114, subsection 1; [PL 2021, c. 647, Pt. B, §55 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations; [PL 1999, c. 652, §9 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

C. Records of 3 or more convictions of the applicant for Class D or E crimes; [PL 1999, c. 652, §9 (NEW).]

D. Records of 3 or more civil violations by the applicant; and [PL 1999, c. 652, §9 (NEW).]

E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others. [PL 1999, c. 652, §9 (NEW).]

[PL 2021, c. 647, Pt. B, §55 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW). PL 2003, c. 689, §B6 (REV). PL 2021, c. 647, Pt. B, §55 (AMD).
PL 2021, c. 647, Pt. B, §65 (AFF).

§2474. Suspension or revocation of permit

The commissioner may, after a hearing in conformance with applicable provisions of the Maine Administrative Procedure Act, suspend or revoke a permit issued under this subchapter. The following are grounds for suspension or revocation of a permit: [PL 1999, c. 652, §9 (NEW).]

1. Fraud or deceit. The practice of fraud or deceit in obtaining a permit under this subchapter or in the performance of services within the scope of the permit issued; [PL 1999, c. 652, §9 (NEW).]

2. Conviction of certain crimes. Conviction of a crime that relates directly to the practice for which the person is permitted, or conviction of any crime for which incarceration for one year or more may be imposed; [PL 1999, c. 652, §9 (NEW).]

3. Violation of subchapter or rule. Any violation of this subchapter or any rule adopted by the commissioner; and [PL 1999, c. 652, §9 (NEW).]

4. Incompetence. Incompetence in the practice of storing, using or transporting explosives. A permittee is deemed incompetent in the practice if the permittee has:

A. Engaged in professional conduct that evidences a lack of ability or fitness to perform the duties for which the person is permitted; or [PL 1999, c. 652, §9 (NEW).]

B. Engaged in professional conduct that evidences a lack of knowledge or an inability to apply appropriate principles or skills to carry out the practice for which the person is permitted. [PL 1999, c. 652, §9 (NEW).]
[PL 1999, c. 652, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW).

§2475. Suspension by commissioner

1. Immediate suspension. If the commissioner has probable cause to believe that a person permitted under this section poses an immediate threat to the public because of gross negligence in the performance of duties associated with the permit, the commissioner shall immediately suspend that person's permit. [PL 1999, c. 652, §9 (NEW).]

2. Duration of suspension. The suspension remains in effect for 30 days unless a revocation procedure under section 2474 is commenced within 30 days, in which case the suspension continues until the revocation proceeding is complete. [PL 1999, c. 652, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW).

§2476. Fees; permits; required inspections

1. Fees. All fees received by the Department of Public Safety under this subchapter must be used for carrying out the purposes of this subchapter. Any balance of these fees does not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years. [PL 1999, c. 652, §9 (NEW).]

2. Permit. A permit is valid for 3 years from the date of issue. The fee for a permit is \$30. [PL 1999, c. 652, §9 (NEW).]

3. Inspection of storage magazines and vehicles used to transport explosives. All storage magazines and vehicles used to transport explosives in intrastate commerce must be inspected prior to issuance of a permit. The fee for an inspection of a storage magazine is \$78. The fee for the inspection of a vehicle used to transport explosives is \$83 except that the fee for the inspection of a vehicle used to transport fireworks explosives is \$98. Reinspection of storage magazines and vehicles used to transport explosives must be conducted upon renewal of a permit.

[PL 2001, c. 437, §5 (AMD); PL 2001, c. 437, §8 (AFF).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW). PL 2001, c. 437, §5 (AMD). PL 2001, c. 437, §§6,8 (AFF).

§2477. Violations

A person who violates a provision of this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime. [PL 1999, c. 652, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW).

SUBCHAPTER 2

FLAMMABLE LIQUIDS

§2481. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 652, §9 (NEW).]

1. Aboveground flammable liquid storage facility. "Aboveground flammable liquid storage facility" means any aboveground storage tank or tanks containing flammable liquids, together with associated piping, transfer and dispensing facilities.

[PL 1999, c. 652, §9 (NEW).]

2. Commissioner. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee.

[PL 1999, c. 652, §9 (NEW).]

3. Department. "Department" means the Department of Public Safety.

[PL 1999, c. 652, §9 (NEW).]

4. Flammable liquid. "Flammable liquid" means either a combustible liquid having a flash point at or above 100° Fahrenheit or any volatile liquid having a flash point below 100° Fahrenheit.

[PL 1999, c. 652, §9 (NEW).]

5. Permit. "Permit" means the nontransferable permission granted by the commissioner for a person to install, construct or otherwise establish an aboveground flammable liquid storage facility or a retail motor fuel facility dispensing flammable liquids to the public.

[PL 2007, c. 182, §1 (AMD).]

6. Person. "Person" means any individual, combination of individuals, partnership, corporation or any other legal entity and any nonfederal governmental entity.

[PL 1999, c. 652, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW). PL 2007, c. 182, §1 (AMD).

§2482. Rules

1. Rules. The commissioner shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, for the storage, handling, dispensing and secure transportation of flammable liquids.

[PL 1999, c. 652, §9 (NEW).]

2. Exceptions. The following exceptions apply.

A. This section does not apply to the storage in underground tanks of flammable liquids and other hazardous substances that are regulated by the Department of Environmental Protection under Title 38. [PL 1999, c. 652, §9 (NEW).]

B. This section does not apply to the storage or dispensing of propane and natural gas that is regulated by the Department of Professional and Financial Regulation under Title 32. [PL 2007, c. 182, §2 (AMD).]

[PL 2007, c. 182, §2 (AMD).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW). PL 2007, c. 182, §2 (AMD).

§2483. Permits; requirements; fees

A person may not install, construct or otherwise establish an aboveground flammable liquid storage facility or a retail motor fuel facility dispensing flammable liquids to the public without a permit. The commissioner shall issue a permit to a person who: [PL 2007, c. 182, §3 (AMD).]

1. Application. Submits to the commissioner a completed application form furnished by the commissioner accompanied by any required fees; and [PL 2007, c. 182, §3 (AMD).]

2. Construction plans; technical specifications. Submits with the application a complete set of construction plans and technical specifications showing the layout of the aboveground flammable liquid storage facility or retail motor fuel facility dispensing flammable liquids to the public, demonstrating compliance with all rules adopted pursuant to this subchapter.

[PL 2007, c. 182, §3 (AMD).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW). PL 2007, c. 182, §3 (AMD).

§2484. Fees; permits

1. Fees. All fees received by the department under this subchapter must be used for carrying out the purposes of this subchapter. Any balance of these fees does not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

[PL 1999, c. 652, §9 (NEW).]

2. Permit. The cost of a permit and an inspection of an aboveground flammable liquid storage facility is \$15.

[PL 1999, c. 652, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW).

§2485. Violations

A person who violates a provision of this subchapter or a rule adopted pursuant to this subchapter commits a civil violation for which a forfeiture of not less than \$100 or more than \$500 may be adjudged for each offense. [PL 1999, c. 652, §9 (NEW).]

SECTION HISTORY

PL 1999, c. 652, §9 (NEW).

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