



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1307

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H.P. 963

House of Representatives, March 30, 2021

### **An Act To Restrict the Sale, Purchase and Use of Fireworks in the State**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CLOUTIER of Lewiston.  
Cosponsored by Senator LIBBY of Androscoggin and  
Representatives: BROOKS of Lewiston, CRAVEN of Lewiston, FAY of Raymond, HEPLER  
of Woolwich, RECKITT of South Portland, Senator: DESCHAMBAULT of York.

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

2 **Sec. 1. 8 MRSA §221-A, sub-§1-A**, as enacted by PL 2011, c. 416, §1 and affected  
3 by §9, is repealed.

4 **Sec. 2. 8 MRSA §221-A, sub-§3-A**, as enacted by PL 2011, c. 416, §2 and affected  
5 by §9, is repealed.

6 **Sec. 3. 8 MRSA §221-A, sub-§4**, as amended by PL 2011, c. 416, §3 and affected  
7 by §9, is further amended by amending the first blocked paragraph to read:

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

15 **Sec. 4. 8 MRSA §223, sub-§1**, as amended by PL 2011, c. 416, §4 and affected by  
16 §9, is further amended to read:

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

20 **Sec. 5. 8 MRSA §223-A**, as amended by PL 2019, c. 646, §1, is repealed.

21 **Sec. 6. 8 MRSA §236**, as repealed and replaced by PL 2011, c. 416, §6 and affected  
22 by §9, is repealed and the following enacted in its place:

23 **§236. Adoption of rules**

24 The commissioner shall adopt reasonable rules relative to the use, storage,  
25 transportation and display of fireworks and special effect pyrotechnics. Rules adopted  
26 pursuant to this section are routine technical rules pursuant to Title 5, chapter 375,  
27 subchapter 2-A.

28 **Sec. 7. 30-A MRSA §7051, sub-§11**, as amended by PL 2019, c. 138, §1, is further  
29 amended to read:

30 **11. Ordinances.** Chapter 141, but only with respect to animal control ordinances,  
31 subject to Title 7, section 3950, ~~the sale and use of consumer fireworks within the~~  
32 ~~plantation, subject to Title 8, section 223-A,~~ and the accumulation of garbage, refuse,  
33 rubbish or trash or unwanted or discarded material of any kind or source on private  
34 property.

35 **Sec. 8. PL 2011, c. 416, §7** is repealed.

36 **SUMMARY**

37 This bill repeals the provisions of law enacted in Public Law 2011, chapter 416 that  
38 permit the sale, purchase and use of consumer fireworks.