



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

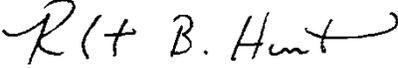
No. 1534

H.P. 1117

House of Representatives, April 9, 2019

An Act To Amend Maine Fireworks Laws To Include Flame Effects

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Hallowell.

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

2 **Sec. 1. 8 MRSA §221-A, sub-§3**, as enacted by PL 1999, c. 671, §2, is amended
3 to read:

4 **3. Display.** "Display" means an entertainment feature where the public or a private
5 group is admitted or permitted to view the display or discharge of fireworks, flame effects
6 or special effects. "Display" includes a special effects display.

7 **Sec. 2. 8 MRSA §227-A, sub-§1**, as amended by PL 2003, c. 521, §1, is further
8 amended to read:

9 **1. Permits; requirements.** A person may not conduct a display without a permit.
10 The commissioner shall issue a permit to possess and conduct a fireworks or flame effects
11 display to an applicant who:

12 A. Applies in writing to the commissioner for a permit at least 20 days in advance of
13 the proposed display;

14 B. Applies on forms furnished by the department. An application for a permit must
15 include:

16 (1) A certificate of public liability insurance in the amount of \$1,000,000 to
17 cover loss, damage or injuries to persons or property that might result from the
18 display; and

19 (2) A site plan for the proposed display depicting a diagram of the grounds or
20 facilities at which or in which the display will be held. The diagram must show
21 points of discharge, fallout areas, any buildings or other structures in proximity to
22 the display site and the location of any audience that may be present. Distances
23 of and distances between the points of discharge and any buildings or structures
24 must be stated on the diagram; and

25 C. Submits with the application fees set out in subsection 3.

26 **Sec. 3. 8 MRSA §227-A, sub-§3**, as amended by PL 2003, c. 521, §2, is further
27 amended to read:

28 **3. Fees.** The fee for a permit is \$30 per display and the fee for a site inspection is
29 \$111. The fee for all ~~monitored~~ inspected indoor pyrotechnic and flame effects events
30 that occur outside of normal business hours is \$100.

31 **Sec. 4. 8 MRSA §227-A, sub-§§4 and 5**, as enacted by PL 2003, c. 452, Pt. C,
32 §6 and affected by Pt. X, §2, are amended to read:

33 **4. Permits; violation.** A person may not conduct a fireworks or flame effects
34 display in violation of the permit issued under subsection 1.

35 **5. Penalties.** The following penalties apply.

36 A. A person who conducts a fireworks or flame effects display without a permit
37 commits a Class D crime.

1 B. A person who conducts a fireworks or flame effects display in violation of a
2 permit issued under subsection 1 commits a Class E crime.

3 **Sec. 5. 8 MRSA §227-A, sub-§7**, as enacted by PL 2003, c. 521, §3, is amended
4 to read:

5 **7. Indoor pyrotechnics and flame effects.** All indoor pyrotechnic and flame effects
6 events must be ~~monitored~~ inspected by the State Fire Marshal or the State Fire Marshal's
7 designee.

8 **SUMMARY**

9 This bill amends fireworks laws in the following ways:

- 10 1. By adding the term "flame effects" to the definition of "display";
- 11 2. By adding flame effects to the types of displays for which a permit must be
12 obtained; and
- 13 3. By removing the requirement that indoor pyrotechnic events be monitored by the
14 State Fire Marshal or the State Fire Marshal's designee and instead requiring that indoor
15 pyrotechnic and flame effects events be inspected by the State Fire Marshal or the State
16 Fire Marshal's designee.