

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 963 - L.D. 1307

An Act Regarding the Sale and Use of Consumer Fireworks

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

Sec. 1. 8 MRSA §223-A, sub-§10, as amended by PL 2019, c. 646, §1, is further amended to read:

10. Disclosures to customers. A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines, which must be published or approved by the commissioner before distribution, describing the safe and proper use of consumer fireworks, ~~which must include, but are~~ including, but not limited to, guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals. 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.~~

A. "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS";

B. "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE"; and

C. "LOCAL ORDINANCES MAY PROHIBIT OR RESTRICT THE USE OF CONSUMER FIREWORKS WITHIN A MUNICIPALITY. INFORMATION REGARDING LOCAL PROHIBITIONS OR RESTRICTIONS IS AVAILABLE THROUGH THE OFFICE OF THE MAINE STATE FIRE MARSHAL."

Sec. 2. 17 MRSA §2263, sub-§2, as amended by PL 2021, c. 374, §1, is further amended to read:

2. Litter. "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing. "Litter" includes waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, ~~and~~ all waste materials resulting from the outdoor release or abandonment of a balloon and all waste materials resulting from the use of consumer fireworks.

For the purposes of this subsection, "tobacco product" has the same meaning as in Title 22, section 1551, subsection 3 and "consumer fireworks" has the same meaning as in Title 8, section 221-A, subsection 1-A.

Sec. 3. 17-A MRSA §501-A, sub-§1, ¶A, as enacted by PL 2007, c. 144, §3, is amended by amending subparagraph (1) to read:

(1) Making loud and unreasonable noises noise, including, but not limited to, loud and unreasonable noise resulting from the use of consumer fireworks;

Sec. 4. 17-A MRSA §501-A, sub-§1, ¶C, as enacted by PL 2007, c. 144, §3, is amended to read:

C. In a private place, the person makes loud and unreasonable noise, including, but not limited to, loud and unreasonable noise resulting from the use of consumer fireworks, that can be heard by another person, who may be a law enforcement officer, as unreasonable noise in a public place or in another private place, after having been ordered by a law enforcement officer to cease the noise; or

Sec. 5. 17-A MRSA §501-A, sub-§2, ¶C is enacted to read:

C. "Consumer fireworks" has the same meaning as in Title 8, section 221-A, subsection 1-A.