

**TESTIMONY
OF
JOSEPH E. THOMAS, STATE FIRE MARSHAL
MAINE DEPARTMENT OF PUBLIC SAFETY**

Before the Joint Standing Committee on Criminal Justice and Public Safety

Public Hearing: March 24, 2021

“An Act to Establish and Promote a System of Safe Disposal of Expired Marine
Flares”

Senator Deschambault, Representative Warren and members of the Criminal Justice and Public Safety Committee. My name is Joseph Thomas and I am the State Fire Marshal. I am here today to present testimony Neither For Nor Against LD 514 “An Act to Establish and Promote a System of Safe Disposal of Expired Marine Flares.

The Office of State Fire Marshal has been involved in the disposal of marine flares as well as other explosive materials since 2004. Prior to the presentation of LD 252 and LD 430, An Act to Improve Safety in the Disposal of Expired Marine Flares in previous sessions of the legislature, the FMO could provide this service as we received expired flares in quantities that were manageable for disposal. After this program was more broadly publicized during the previous hearings, the scope of the demand for this service has increased dramatically. At the present time the FMO has over two tons of expired marine flares awaiting proper disposal. However, we are unable to do so until we have acquired the necessary disposal unit capable of incinerating such quantities.

Upon experiencing the scope and demand for this disposal service, the FMO performed a risk assessment with the Maine Department of Inland Fisheries and Wildlife. IF&W registers approximately 52,600 boats used in tidal waters. The U.S. Coast Guard requires visual distress signals be on board any boat 16 feet or more in length and operating in these tidal waters. State of Maine rules require a minimum of three flares if pyrotechnic visual distress signals are used. The useful life span of a pyrotechnic flare is 3.5 years. Therefore, we can expect at least 45,677 flares to expire every year.

Our existing disposal unit purchased 12 years ago, for the incineration of confiscated fireworks that were illegal in the State at that time, is designed to dispose of .20 to .50 caliber ammunition and up to 30 pounds of Class C fireworks. If the Office of State Fire Marshal is to continue providing such a disposal service, a larger capacity disposal unit designed specifically for the classifications of explosives contained in marine flares will need to be acquired. The Mobile Thermal Destruction unit designed to handle such a capacity costs \$41,500.00 and funding for such a purchase will be needed.

The Office of State Fire Marshall appreciates the importance of the issue the sponsor has raised, and we recognize that regardless of whether legislation is passed or not, the Office of State Fire Marshal is going to be the primary agency conducting these disposal efforts. However, if we are to continue this service, it must be conducted in a safe and efficient manner for personnel safety and the proper equipment acquired.

I will be happy to answer any questions or provide further details for work session if needed.