

LD 1307

An Act to Restrict the Sale, Purchase and Use of Fireworks in the State

Oral Testimony for 5/7/21 Public Hearing

From Katie Bryant

Note that the 2 sections highlighted in yellow below had to be dropped from the ORAL testimony in order to abide by the 3-minute limit on speaking.

I'm Katie Bryant of Wiscasset, and I appreciate the opportunity to speak here today. My home in Wiscasset abuts a fireworks warehouse that has caused our home to become unmortgageable.

There's a reason for that. Consumer fireworks are Division 1.4G explosives, considered Hazardous materials by the US Dept of Transportation. Their explosiveness, should not be played down as it was in work sessions for LD-180. A warehouse filled with tons of consumer fireworks is WAY more scary than a warehouse full of paper towels. The legalization of fireworks in Maine was opposed by the previous Fire Marshal, John Dean, in 2012.

According to Superior Court Judge Murphy's May-2020 ruling, the off-site warehouse needs a separate license to sell fireworks. That's a **RETAIL** license (to sell)—because the fireworks are possessed with the intent to sell. That retail license has not been obtained.

You might expect the public to be protected by rulings like this and other laws. The problem is that the laws are ignored on a regular basis. In Wiscasset, the 60-ft separation requirement was ignored at both the store & warehouse.

State law also says a person under age 21 may not be admitted to the storage bldg. unless accompanied by a parent or guardian. That one was broken. We encountered a young boy standing alone outside the open door of the warehouse—unsupervised until a woman came along in a car a while later & picked him up. A scenario of this sort **could** result in disaster.

State law also prohibits flame-producing devices to be in the building with the fireworks. However, the warehouse next to us has propane-fired forklifts & **propane tanks** in with the fireworks!

Laws get broken. Another example: Local ordinance requires a Planning Bd site plan review for storage of Hazardous materials in Wiscasset's rural zone. That was never

done. Local ordinance also requires people to obtain a permit before shooting off their fireworks, but how often does that happen?

The other bill – LD 180 – won't help people in our situation because although fireworks storage will be prohibited in a "Residential Area," the term isn't defined, leaving some people equating the term Residential Area with Residential ZONE, and the kicker is that there can be heavy residential use in a Rural zone. Even though the word ZONE isn't used at all in NFPA 1124, and even though Judge Lance Walker ruled that the matter was under the jurisdiction of the State and NOT the local planning board, confusion and misinformation persists. ALSO, LD-180 won't provide for formal inspections of storage facilities, AND doesn't address the issue of setback to a road, also pointing us to conflicting definitions of highway anyway.

LD 1307 WILL SOLVE this nightmare of inadequate laws, laws being ignored, and the Fire Marshal's Office being stretched too thin to be responsible for it all. In our situation, we're essentially boxed in by a warehouse storing tons of explosives, with the potential of NO EGRESS past a burning fireworks warehouse, or no ambulance being able to reach us. This could happen anywhere in the state; LD 1307 would put the danger to rest.

Katie Bryant
Wiscasset

Here's a draft of Katie's oral testimony at today's Public Hearing for LD 1307.