



Martin and Ware Inc.
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10 May 2021

To: Criminal Justice and Public Safety Committee

Re: LD 1307 An Act to Restrict the Sale, Purchase and Use of Fireworks in the State

LD 1348 An Act to Limit the Decibel Level of Fireworks Near Working Farms

My name is Steven Marson, and I am the owner of Martin & Ware, Inc, the parent company of Central Maine Pyrotechnics and Pyro City Maine. My businesses employ 20 full-time people, 50 licensed fireworks technicians and dozens of people who assist them on their shows.

I am writing as part of my oral testimony from 7 May 2021 opposing LD 1307 and 1348. Having 50 years' experience with commercial display fireworks and operating multiple consumer firework stores since the prohibition was ended in 2012, decibel level regulations have been something that is often discussed. While serving on committees with both the American Pyrotechnic Association and National Fireworks Association this topic has been a concern. There have been limits to the efficacy of testing or standardizing decibel levels produced by consumer fireworks and every situation is different in the field. The environment, both physical and weather conditions have great impact of perceived decibel levels and measuring these levels consistently is difficult.

The decibel level requirements being at 75 or below when discharging fireworks on an abutting property to a farm are difficult if not unattainable. Where is the sound measurement to be taken from? Who's going to bring the equipment? Even our fountains emit noise greater than 75 dBA with crackles and whistles. European consumer fireworks are capped at 120 DBA; a 2020 study on European fireworks noise levels and impacts indicates. I will have a link to that study at the end of this document. It should be known that European and American consumer fireworks are different. The maximum allowable powder weights in American fireworks are actually less than what Europe allows. Another point of interest is that Central Maine Pyrotechnics performs fireworks displays at over a dozen agricultural fairs across the state; 90% of them have racehorses or livestock present.

Consumer fireworks users need to be good neighbors and my employees do their part in trying to ensure the customers are doing just that. We can and will provide information in our stores to advocate to be a good neighbor, specifically relating to use around farms.



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As for LD 1307 and reinstating a prohibition on consumer fireworks, I'm sure you can determine where I stand. Google indicates there are 15 active consumer fireworks stores across the state, Pyro City Maine operates 5 of them. Since 2012, my business has paid the state approximately \$924,000 in sales tax and \$121,000 in permit fees to the State Fire Marshal's Office for the retail locations alone. Our display company has paid \$594,000 in Use Tax for this same period of time. Obviously, there is more revenue generated through personal income tax of my employees and for the business. As a rule, I try to source my service and support functions from Maine companies as well; there are dozens of businesses that I rely on to keep mine running smoothly. I'm the largest client for my inventory and point-of-sale software company, they might not be Google and I'm not Amazon, but the relationship is beneficial to both parties. Everyone loses out with enactment of consumer fireworks prohibition.

My employees all receive medical benefits to include dental and eye care, 401k plans with 6% matching contributions, vacation and personal time, and a work environment that is generally great. With the revocation of the 2012 law, all of my employees will be laid off and my stores closed. Good paying jobs, millions of dollars in infrastructure and an enjoyable business venture all erased as a product of LD 1307. For what? Tourists will still come to Maine with their fireworks from out of state, they'll still shoot them off at their camps or summer properties and the police/fire departments will be out chasing their tails trying to get from point A to point B before the show is over; just like what happened prior to consumer fireworks being permissible.

At last tally, there are 51 municipalities that prohibit the use and/or sale of consumer fireworks. The sponsor of this bill indicates that municipalities are incapable of enforcing their own ordinances and that these ordinances vary from place to place. She has also called this "patchwork" of ordinances confusing to consumers, why should different places have different ordinances? That was the whole point of the fireworks law from 2012; the state empowered the towns, cities, and plantations to enact what they felt was prudent.

My company, my employees, and the thousands of customers we provide a product for are all vested stakeholders in this debate. We do our best when informing customers of safe use, respecting neighbors and being a good custodian of the environment. We are all relying on each other to keep this hobby from being legislated out of existence again. In a typical year, we would provide dozens of displays to organizations in the form of donations or for very little fee through the use of consumer fireworks.



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When permissible at the local level, I elect to forego a State Fire Marshal's Permit to use consumer fireworks in order to keep costs down for the sponsors or myself when donating a show. Over the last nine years we've done hundreds of shows like this to the benefit of everyone; graduations, state championship celebrations, tree lightings, Christmas parades. We have provided demonstrations for new channels to illustrate the safe use of fireworks, how to properly dispose of them afterwards, fire hazards before, during and after a show.

In closing, I urge the committee to vote no on both of these proposed bills (LD 1307 and 13478) as it will cause the loss of good paying jobs with benefits, tax revenue and business will be forced to close their doors. By repealing the consumer fireworks law, the state will revert back to times when people illegally imported fireworks from out of state and enforcement costs will be shifted to different, equally time-consuming avenues. All the while, the state losses revenue in the process.

Respectfully Submitted,

Steven Marson , CEO
Martin & Ware Inc.
DBA/ Central Maine Pyrotechnics
Pyro City Maine Consumer Fireworks Stores

Office for Product Safety and Standards – Fireworks: Noise levels and impacts on health and the environment. (UK)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929161/fireworks-evidence-submission-opss-noise-levels.pdf



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