

**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN**

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**H.P. 406 - L.D. 523**

**An Act To Modify the Regulation of Fireworks**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** there is a movement to bring historical artillery pieces to Maine to promote a unique cottage industry for Maine craftspeople that will meet the global demand for antique cannons; and

**Whereas,** this cottage industry employs workers in shipbuilding trades and creates jobs that help strengthen Maine's economy; and

**Whereas,** Maine has a proud and vibrant maritime history that includes the use of signal cannons at sunset, in celebration of our country and during times of nautical celebration; and

**Whereas,** ceremonial uses of signal, antique and replica cannons for public entertainment, yachting events and historical reenactment promotes tourism; and

**Whereas,** to promote tourism, this legislation must go into effect before tourism season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 8 MRSA §221-A, sub-§4,** as enacted by PL 1999, c. 671, §2, is amended to read:

**4. Fireworks.** "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;

C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;

D. Fireworks containing any explosive or flammable compound; or

E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture ~~or~~, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor