

§221-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 671, §2 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Public Safety or a designee. [PL 1999, c. 671, §2 (NEW).]

1-A. Consumer fireworks. "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

A. Missile-type rockets, as defined by the State Fire Marshal by rule; [PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]

B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and [PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]

C. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight. [PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]
[PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]

2. Department. "Department" means the Department of Public Safety. [PL 1999, c. 671, §2 (NEW).]

3. Display. "Display" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks, flame effects or special effects. "Display" includes a special effects display. [PL 2019, c. 249, §1 (AMD).]

3-A. Fire safety official. "Fire safety official" means a state or municipal official who has authority to enforce life and fire safety laws, statutes, ordinances, rules or regulations. [PL 2011, c. 416, §2 (NEW); PL 2011, c. 416, §9 (AFF).]

4. Fireworks. "Fireworks" means any:

A. Combustible or explosive composition or substance; [PL 1999, c. 671, §2 (NEW).]

B. Combination of explosive compositions or substances; [PL 1999, c. 671, §2 (NEW).]

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; [PL 1999, c. 671, §2 (NEW).]

D. Fireworks containing any explosive or flammable compound; or [PL 1999, c. 671, §2 (NEW).]

E. Tablets or other device containing any explosive substance or flammable compound. [PL 1999, c. 671, §2 (NEW).]

The term "fireworks" does not include consumer fireworks or 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, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

[PL 2011, c. 416, §3 (AMD); PL 2011, c. 416, §9 (AFF).]

5. Fireworks technician. "Fireworks technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks to conduct a display or special effects display. A fireworks technician is the person who is responsible for safety, setting up and conducting the display.

[PL 1999, c. 671, §2 (NEW).]

5-A. Flame effect. "Flame effect" means an effect caused by the use of a solid, liquid or gaseous fuel to produce a flame in front of an audience.

[PL 2013, c. 56, §1 (NEW).]

5-B. Flame effect technician. "Flame effect technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use of flame effects to conduct a display or special effects display. A flame effect technician is the person who is responsible for the safe use of flame effects and setting up and conducting the flame effects display.

[PL 2013, c. 56, §1 (NEW).]

6. Permit. "Permit" means the nontransferable permission granted by the commissioner pursuant to section 227-A to hold a display.

[PL 1999, c. 671, §2 (NEW).]

7. Person. "Person" means any individual, combination of individuals, association, municipality, amusement park or other legal or commercial entity.

[PL 1999, c. 671, §2 (NEW).]

8. Possession. "Possession" means the intentional or knowing possession of what the possessor knows or believes to be fireworks.

[PL 1999, c. 671, §2 (NEW).]

8-A. Proximate audience technician. "Proximate audience technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks proximate to an audience to conduct a display or special effects display proximate to an audience. A proximate audience technician is the person who is responsible for the safety of the proximate audience and setting up and conducting the display.

[PL 2013, c. 56, §2 (NEW).]

9. Sale or sell. "Sale" or "sell" means any transfer or delivery of fireworks to a person for consideration.

[PL 1999, c. 671, §2 (NEW).]

10. Special effects display. "Special effects display" means an entertainment feature using pyrotechnics manufactured or designed to be used with or discharged in conjunction with theatrical, musical or similar productions. "Special effects display" includes the indoor use of pyrotechnics before a proximate audience.

[PL 1999, c. 671, §2 (NEW).]

11. Value. "Value" is determined in accordance with Title 17-A, section 352, subsection 5.

[PL 2003, c. 452, Pt. C, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1999, c. 671, §2 (NEW). PL 2003, c. 452, §C1 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 202, §1 (AMD). PL 2011, c. 416, §§1-3 (AMD). PL 2011, c. 416, §9 (AFF). PL 2013, c. 56, §§1, 2 (AMD). PL 2019, c. 249, §1 (AMD).

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