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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 963, L.D. 1307, “An Act To Restrict the Sale, Purchase and Use of Fireworks in the State”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding the Sale and Use of Consumer Fireworks'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 8 MRSA §223-A, sub-§10, as amended by PL 2019, c. 646, §1, is further amended to read:

10. Disclosures to customers. A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines, which must be published or approved by the commissioner before distribution, describing the safe and proper use of consumer fireworks, ~~which must include, but are including, but~~ not limited to, guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals. The guidelines must also include the following statements in a conspicuous location: ~~"MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS" and "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE."~~ Such guidelines must be ~~published or approved by the commissioner prior to distribution.~~

A. "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS";

B. "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE"; and

COMMITTEE AMENDMENT

1 C. "LOCAL ORDINANCES MAY PROHIBIT OR RESTRICT THE USE OF
2 CONSUMER FIREWORKS WITHIN A MUNICIPALITY. INFORMATION
3 REGARDING LOCAL PROHIBITIONS OR RESTRICTIONS IS AVAILABLE
4 THROUGH THE OFFICE OF THE MAINE STATE FIRE MARSHAL."

5 **Sec. 2. 17 MRSA §2263, sub-§2**, as amended by PL 2021, c. 374, §1, is further
6 amended to read:

7 **2. Litter.** "Litter" means all waste materials including, but not limited to, bottles,
8 glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts
9 or remains resulting from the normal field dressing of lawfully harvested wild game or the
10 lawful use of waste parts or remains of wild game as bait, feathers, except feathers from
11 live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts
12 of automobiles or similar refuse, or disposable packages or containers thrown or deposited
13 as prohibited in this chapter, but not including the wastes of the primary processes of
14 mining, logging, sawmilling, farming or manufacturing. "Litter" includes waste materials
15 resulting from or associated with the use of tobacco products, including, but not limited to,
16 cigarette butts, ~~and~~ all waste materials resulting from the outdoor release or abandonment
17 of a balloon and all waste materials resulting from the use of consumer fireworks.

18 For the purposes of this subsection, "tobacco product" has the same meaning as in Title 22,
19 section 1551, subsection 3 and "consumer fireworks" has the same meaning as in Title 8,
20 section 221-A, subsection 1-A.

21 **Sec. 3. 17-A MRSA §501-A, sub-§1, ¶A**, as enacted by PL 2007, c. 144, §3, is
22 amended by amending subparagraph (1) to read:

23 (1) Making loud and unreasonable noises noise, including, but not limited to, loud
24 and unreasonable noise resulting from the use of consumer fireworks;

25 **Sec. 4. 17-A MRSA §501-A, sub-§1, ¶C**, as enacted by PL 2007, c. 144, §3, is
26 amended to read:

27 C. In a private place, the person makes loud and unreasonable noise, including, but not
28 limited to, loud and unreasonable noise resulting from the use of consumer fireworks,
29 that can be heard by another person, who may be a law enforcement officer, as
30 unreasonable noise in a public place or in another private place, after having been
31 ordered by a law enforcement officer to cease the noise; or

32 **Sec. 5. 17-A MRSA §501-A, sub-§2, ¶C** is enacted to read:

33 C. "Consumer fireworks" has the same meaning as in Title 8, section 221-A,
34 subsection 1-A.'

35 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
36 number to read consecutively.

37 SUMMARY

38 This amendment replaces the bill. It requires sellers of consumer fireworks to provide
39 to customers a statement that local ordinances may prohibit or restrict the use of consumer
40 fireworks within a municipality and that information on such prohibitions or restrictions is
41 available through the Office of the State Fire Marshal. It amends litter control law to
42 provide that litter includes all waste materials resulting from the use of consumer fireworks.

1 It amends disorderly conduct law to provide that the making of loud and unreasonable
2 noise, which can be an element of the crime of disorderly conduct, includes loud and
3 unreasonable noise resulting from the use of consumer fireworks.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**