

16 DEPARTMENT OF PUBLIC SAFETY

219 OFFICE OF STATE FIRE MARSHAL

**Chapter 36: CONSUMER FIREWORKS SALES LICENSE**

**SUMMARY:** This chapter describes the licensing process and safety regulations for the sale of consumer fireworks in Maine.

**1. Definitions**

**Consumer Fireworks.** “Consumer fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.111, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with the United States Consumer Products Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

**Chemical Composition.** All pyrotechnic and explosive composition contained in a fireworks device.

**Missile-Type Rocket.** A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than 20 grams of total chemical composition.

**Helicopter and Aerial Spinners.** A tube containing more than 20 grams of chemical composition, with a propeller blade attached. Upon ignition the rapidly spinning device rises into the air. A visible or audible effect may be produced at or near the height of flight.

**Sky Rockets and Bottle Rockets.** Cylindrical tube containing not more than 20 grams of chemical composition as prescribed under section 3.7 and Table 4.3-1 of the *American Pyrotechnics Association* Standard 87-1 with a wooden stick attached for guidance and stability. Rockets rise into the air upon ignition. A burst of color and/or sound may be produced at or near the height of flight.

**Reloadable Aerial Shells Kits.** A package containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube and more than one small aerial shell limited to a maximum of 60 g of total chemical composition including lift charge, burst charge, and visible audible effect composition. The maximum diameter of each shell shall not exceed 1.75 inches.

**NFPA.** National Fire Protection Association.

**Retail.** Type of sale to any consumer or person not engaged in the business of making sales of fireworks.

**2. Incorporation**

This rule incorporates by reference Chapter 7, *Retail Sales of Consumer Fireworks*, of the National Fire Protection Association Standard #1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 edition. All rights reserved by the National Fire Protection Association. Copies of this standard are available through the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.

### **3. Consumer Fireworks Retail Sales License**

An application for license can be made by submitting the following to the Office of the State Fire Marshal:

Application form SFMO CF # 11 completed by the applicant;

Applicants other than natural persons will be required to provide, as applicable, the names and addresses of officers, board members, members and/or partners; a Certificate of Existence or good standing; and the most recent audited financial statement or most recently filed federal tax return.

A license fee of \$5,000. A fee of \$100 will be required to apply and the balance of \$4,900 shall be due upon satisfying the licensing criteria prior to issuance of the license. After the initial inspection, a \$50 fee is required for reinspections necessary to determine if licensing criteria have been met.

A copy of the applicant's federal permit to sell fireworks under 18 United States Code, Section 843, as required by 8 MRSA §223-A sub-§1(A);

Where required by municipal ordinance, a copy of the municipal permit to sell fireworks within the municipality.

A certificate of insurance evidencing commercial general liability coverage inclusive of products/completed operations. This coverage shall have minimum limits of \$2,000,000 and shall list the Maine Department of Public Safety, Office of the State Fire Marshal, 52 State House Station, Augusta, Maine 04333-0052 as certificate holder.

Where required by municipal ordinance a copy of the municipal permit to construct a consumer fireworks retail sales and storage facility.

Floor plan and layout of storage and displays to indicate compliance with this rule and applicable state and local laws.

A license issued pursuant to this chapter expires one calendar year from the date of issuance. Applications for renewal should be made 60 days prior to expiration of the current license. An inspection will be performed as part of the renewal process.

### **4. General Provisions**

A consumer fireworks license issued pursuant to 8 M.R.S.A §§ 221-A – 236 and this chapter does not authorize the purchase or sale of the following:

- A. Missile-Type Rockets as defined in Section 1, subsection 3;
- B. Helicopters and aerial spinners as defined in Section 1, subsection 4;
- C. Sky rockets and bottle rockets as defined in Section 1, subsection 5;

Any person licensed to sell consumer fireworks may do so only from a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks. The building must be fully sprinkled with a sprinkler system compliant with NFPA 13, *Standard for the Installation of Sprinkler Systems* (2007 edition) or another system based on item part 2, number 5, of the Office of State Fire Marshal Fire Sprinkler Technical Policy. A building sprinkled with a system other than an NFPA 13 system shall have a fire alarm system with automatic emergency forces notification which is also consistent with NFPA 72, *National Fire Alarm Code* (2007 edition). All consumer fireworks retail sales facilities must be not less than 60 feet from any other occupancy or occupiable area as defined by the National Fire Protection Association, 2009 *Life Safety Code* (2009 edition) sections 3.3.178 and 3.3.19.6 and not less than 300 feet from a structure at which gasoline, propane, or other flammable material is sold or dispensed.

3. Any building or structure used for the retail sale of consumer fireworks, including their related storage, shall comply with Chapter 36, *New Mercantile Occupancies*, of NFPA 101, *Life Safety Code*, 2009 edition for mercantile occupancies. NFPA 101 has been adopted in Maine under Chapter 20, *Fire Safety in Building and Structures*, of the rules of the State Fire Marshal's Office.

4. No trailer, semi-trailer or metal shipping container used for temporary storage of consumer fireworks shall be parked for more than 90 days on the premises of the consumer fireworks retail sales facility.

5. A license to sell fireworks does not authorize the licensee to engage in the manufacture or use of fireworks.

6. When transporting fireworks, licensees shall comply with all applicable federal, state, and local transportation requirements. Nothing in this rule shall restrict the right of any person to transport, in a private vehicle, fireworks that have been purchased from a retail sales fireworks licensee.

7. Required Public Posting: Each licensed facility shall prominently post for public viewing the following documents:

The original state license;

Any required municipal permit;

A list of towns prohibiting or restricting the use of consumer fireworks in Maine;

A copy of the federal permit;

A safety pamphlet; and

A copy of the insurance certificate that complies with 8 M.R.S.A 223-A (5) in this chapter.

STATUTORY AUTHORITY: 8 M.R.S.A. §236, 25 M.R.S.A. §2452

EFFECTIVE DATE:

February 6, 2012 – filing 2012-11