

## Maine's New Consumer Fireworks Law Takes Effect on January 1, 2012

By N. Joel Moser | December 8, 2011

The 125th Maine Legislature passed and the Governor signed into law Public Law, Chapter 416, "An Act to Legalize the Sale, Possession and Use of Fireworks." The new law creates a category of fireworks called "consumer fireworks," which has a uniquely defined legal meaning separate from "fireworks." Within certain restrictions, the law legalizes the sale and use of consumer fireworks. Possession and sale of "fireworks" will remain prohibited. The law takes effect on January 1, 2012.

The new law also provides that "the legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality." If a municipality chooses to prohibit or restrict the sale and/or use of consumer fireworks, the municipality must provide a copy of the relevant restrictions and prohibitions to the Office of the Fire Marshal with sixty days of an ordinance's adoption.

These ordinances can raise practical difficulties for a municipality, such as potential conflict between a consumer fireworks ordinance and noise abatement ordinances, sprinkler ordinances, fireworks ordinances, and building codes, just to name a few. The regulations pertaining to consumer fireworks also are quickly evolving. The State Fire Marshal's Office has proposed rules regarding consumer fireworks sales licenses and announced general guidance pertaining to the new law on its website, which is available at <http://www.maine.gov/dps/fmo/fireworks/index.html>.

We have experience drafting local consumer fireworks ordinances that prohibit the use and sale entirely, impose restrictions on either sale or use, or include a permitting requirement. If you have any questions on the laws and regulations pertaining to consumer fireworks, the process for obtaining a state consumer fireworks permit, or would like assistance drafting a local ordinance, please contact [N. Joel Moser](mailto:jmoser@bernsteinshur.com) at [jmoser@bernsteinshur.com](mailto:jmoser@bernsteinshur.com) or any member of our [Municipal and Regulatory Practice Group](#) at our Portland office, 774-1200 or Augusta office, 623-1596.