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Copies of proposed amendments to constitution.

*Approved May 14, 1943.*

AN ACT TO RESTRICT THE SALE, USE, AND THE KEEPING OR OFFERING FOR SALE OF FIREWORKS.

*Chap. 291*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter one hundred and forty-eight of the General Laws is hereby amended by striking out section thirty-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 39.* No person shall sell, or keep or offer for sale, or use, explode, or cause to explode, any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article, which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including in the above terms blank cartridges or toy cannons in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, Roman candles, bombs, sparklers, rockets, wheels, colored fires, fountains, mines, serpents, or other fireworks of like construction or any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance; provided, that the term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times; and provided, further, that this section shall not apply (1) to the sale of any article herein named to be shipped directly out of the commonwealth, or (2) to the sale of any such article for the use of, and its use by, persons having obtained a permit for a supervised display of fireworks from the marshal or some officer designated by him therefor, under any provision of section thirty-nine A, or (3) to the sale of flares, lanterns or fireworks for the use of, and their use by, railroads, railways, boats, motor vehicles or other transportation agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise, or (4) to the sale or use of blank cartridges for a duly licensed show or theatre or for signal or ceremonial purposes in athletics or sports, or (5) to experiments at a factory for

G. L. (Ter. Ed.), 148, § 39, amended.

Sale, etc., of fireworks regulated.

explosives, or (6) to the sale of blank cartridges for the use of, or their use by, the militia or any organization of war veterans or other organizations authorized by law to parade in public a color guard armed with firearms, or (7) in teaching the use of firearms by experts, or (8) to the sale of shells for firearms, cartridges, gunpowder and explosives for the purpose of using, and their use, in or in connection with the hunting of game or in target practice with firearms.

SECTION 2. Said chapter one hundred and forty-eight is hereby further amended by inserting after section thirty-nine, as amended, the following section:— *Section 39A*. The marshal shall make rules and regulations for the granting of permits for supervised displays of fireworks by municipalities, fair associations, amusement parks and other organizations or groups of individuals. Such rules and regulations shall provide in part that (a) every such display shall be handled by a competent operator to be approved by the chiefs of the police and fire departments, or officer or officers having similar powers and duties, of the municipality in which the display is to be held and shall be of such a character, and so located, discharged or fired as, in the opinion of the chief of the fire department or the officer or officers having similar powers and duties, after proper inspection, not to be hazardous to property or to endanger any person or persons, (b) application for permits shall be made in writing at least fifteen days in advance of the date of the display, and (c) no permit so granted shall be transferable.

SECTION 3. Section fifty of said chapter one hundred and forty-eight, as so appearing, is hereby amended by inserting after the word "fluids" in the fifth line the words: —, or any of the articles named in section thirty-nine, — so as to read as follows:— *Section 50*. Upon complaint made to a court or justice authorized to issue warrants in criminal cases that the complainant has probable cause to suspect and does suspect that gunpowder, dynamite or any other explosives, crude petroleum or any of its products, or explosive or inflammable fluids, or any of the articles named in section thirty-nine, are kept or are to be found in any place contrary to this chapter or regulations made hereunder, such court or justice may issue a search warrant in conformity with chapter two hundred and seventy-six, so far as applicable, commanding the officer to whom the warrant is directed to enter any shop, building, manufactory, vehicle or vessel specified in the warrant, and there make diligent search for the articles specified in the warrant, and make return of his doings forthwith to the court or justice having jurisdiction thereof. Such warrants may be directed to an inspector or to the head of the fire department.

SECTION 4. Said chapter one hundred and forty-eight is hereby further amended by striking out section fifty-three, as so appearing.

*Approved May 18, 1943.*

G. L. (Ter. Ed.), 148, new § 39A, added.

Permits for displays of fireworks.

G. L. (Ter. Ed.), 148, § 50, amended.

Search warrants for explosives illegally kept.

G. L. (Ter. Ed.), 148, § 53, repealed.