

129th MAINE LEGISLATURE

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H.P. 692	House of Representatives, February 21, 2019

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An Act Regarding the Sale and Release or Abandonment of Balloons

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative DEVIN of Newcastle.

- 1 Be it enacted by the People of the State of Maine as follows:
- 2 Sec. 1. 17 MRSA §2263, sub-§1-E is enacted to read:

<u>1-E. Balloon.</u> "Balloon" means a flexible, nonporous bag made from materials such
 as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with gas or
 <u>fluid</u>, such as helium, hydrogen, nitrous oxide, oxygen, air or water, and then sealed at the
 <u>neck of the bag.</u>

Sec. 2. 17 MRSA §2263, sub-§2, as amended by PL 1995, c. 667, Pt. A, §37, is
 further amended to read:

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

- 18 Sec. 3. 38 MRSA §1611 is enacted to read:
- 19 **§1611. Balloons**
- 20 **1. Sales requirement.** A person may not sell or offer to sell a balloon unless:
- 21 A. The person registers with the department as a seller of balloons; and
- B. The person displays in a conspicuous place at each purchase counter the warning
 information made available by the department pursuant to subsection 2.

24 2. Warning information. The department shall develop and make available to
 25 sellers of balloons the warning information that must be displayed pursuant to subsection
 26 1, paragraph B. The warning information made available under this subsection must
 27 describe, but is not limited to:

- A. The risks to the environment and to wildlife posed by waste materials resulting
 from the outdoor release of balloons;
- 30B. The choking and suffocation risks to children posed by the unsupervised use of
balloons;
- 32 C. The risks to individuals with latex allergies posed by exposure to balloons made
 33 wholly or partly from latex; and
- D. The penalties for littering resulting from the outdoor release of balloons that may
 be imposed under Title 17, chapter 80.
- 36 3. Violations. A person who violates this section commits a civil violation for which
 a fine of not more than \$250 may be adjudged.

4. Rules. The department may adopt rules to implement this section. Rules adopted
 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
 subchapter 2-A.

4 For the purposes of this section, "balloon" has the same meaning as in Title 17,
 5 section 2263, subsection 1-E.

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SUMMARY

7 This bill amends the State's litter law to provide that a person who releases or abandons a balloon outdoors is subject to penalties under that law regarding the waste 8 materials resulting from that release or abandonment. It also requires a seller of balloons 9 to register with the Department of Environmental Protection and to display in a 10 conspicuous place at each purchase counter warning information developed by the 11 department concerning the risks to the environment and to wildlife posed by waste 12 materials resulting from the outdoor release of balloons; the choking and suffocation risks 13 to children posed by the unsupervised use of balloons; the risks to individuals with latex 14 allergies posed by exposure to balloons made wholly or partly from latex; and the 15 penalties for littering resulting from the outdoor release of balloons that may be imposed 16 by the State's litter laws. 17

18 The intent of this legislation is to prevent the release into the environment of balloons 19 that pose a danger and a nuisance to the environment, particularly to wildlife and marine 20 animals, and that cause hardship for the municipalities that must clean up the debris from 21 balloons.