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H.P. 454

House of Representatives, March 1, 2021

An Act Regarding the Outdoor Release or Abandonment of Balloons

Received by the Clerk of the House on February 25, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17 MRSA §2263, sub-§2**, as amended by PL 2019, c. 620, §1, is further
3 amended to read:

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

15 For the purposes of this subsection, "tobacco product" has the same meaning as in Title 22,
16 section 1551, subsection 3.

17 **Sec. 2. 17 MRSA §2263-A, sub-§1**, as enacted by PL 2003, c. 452, Pt. I, §32 and
18 affected by Pt. X, §2, is amended by enacting before the first blocked paragraph a new
19 blocked paragraph to read:

20 It is a violation of this chapter for a person to intentionally release outdoors a balloon that
21 is inflated or filled with a gas that is lighter than air, except that it is not a violation of this
22 chapter for a person to intentionally release outdoors a balloon carrying scientific
23 instrumentation, a balloon used for meteorological observation by a governmental or
24 scientific organization or a hot air balloon that is recovered after launching.

25 **Sec. 3. 17 MRSA §2264-A**, as amended by PL 2011, c. 208, §4, is further amended
26 to read:

27 **§2264-A. Penalties**

28 Unless otherwise indicated, a person who disposes of litter in violation of this chapter
29 commits a civil violation for which the following fines apply.

30 **1. Disposal of 15 pounds or less or 27 cubic feet or less of litter; intentional release**
31 **of 10 or fewer balloons.** A person who intentionally releases 10 or fewer balloons at one
32 time in violation of this chapter or who disposes of 15 pounds or less or 27 cubic feet or
33 less of litter commits a civil violation for which a fine of not less than \$100 and not more
34 than \$500 may be adjudged.

35 **1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; intentional**
36 **release of 10 or fewer balloons; subsequent offenses.** A person who violates subsection
37 1 after having previously violated subsection 1 commits a civil violation for which a fine
38 of not less than \$500 and not more than \$1,000 may be adjudged.

39 **2. Disposal of more than 15 pounds or more than 27 cubic feet of litter; intentional**
40 **release of more than 10 balloons.** A person who intentionally releases more than 10
41 balloons at one time in violation of this chapter or who disposes of more than 15 pounds or
42 more than 27 cubic feet of litter commits a civil violation for which the court:

- 1 A. Shall impose a fine of not less than \$500;
- 2 B. Shall require the person to pay a party sustaining damages arising out of a violation
3 of this subsection treble the actual damages or \$200, whichever amount is greater, plus
4 the injured party's court costs and attorney's fees if action results in a civil proceeding;
- 5 C. Shall require the person to perform not less than 100 hours of public service relating
6 to the removal of litter or to the restoration of an area polluted by litter disposed of in
7 violation of this section. The court shall consult with the Commissioner of Inland
8 Fisheries and Wildlife to determine if there is an opportunity for public service that
9 may improve landowner and sportsman relations;
- 10 D. When practical, shall require the person to remove the litter dumped in violation of
11 this subsection;
- 12 E. May suspend the person's motor vehicle operator's license for a period of not less
13 than 30 days or more than one year, except as provided in paragraph F.
14 Notwithstanding paragraph F, the court shall suspend all licenses and permits issued
15 under Title 12, Part 13, subpart 4 and recreational vehicle registrations and certificates
16 issued to that person under Title 12, Part 13, subpart 6 for a period of not less than 30
17 days or more than one year; and
- 18 F. May suspend any license, permit, registration or certification issued by a state
19 agency or municipality to the person. A professional license, permit, registration or
20 certification required for that person to operate or establish a business or necessary for
21 the person's primary source of employment may not be suspended unless the items
22 dumped were related to the person's profession or occupation.

23 **2-A. Disposal of more than 15 pounds or more than 27 cubic feet of litter;**
24 **intentional release of more than 10 balloons; subsequent offenses.** A person who
25 violates subsection 2 after having previously violated subsection 2 commits a civil violation
26 for which the penalty provisions under subsection 2 apply except for subsection 2,
27 paragraph A, and a fine of not less than \$2,000 must be adjudged.

28 **3. Disposal of more than 500 pounds or more than 100 cubic feet of litter for a**
29 **commercial purpose.** A person who disposes of more than 500 pounds or more than 100
30 cubic feet of litter for a commercial purpose is subject to the penalties under Title 38,
31 section 349.

32 **SUMMARY**

33 This bill amends the State's litter control law to clarify that waste materials resulting
34 from the outdoor release or abandonment of a balloon constitute litter under that law. It
35 also provides that it is a violation of the litter law for a person to intentionally release
36 outdoors a balloon that is inflated or filled with a gas that is lighter than air, except for a
37 balloon carrying scientific instrumentation, a balloon used for meteorological observation
38 by a governmental or scientific organization or a hot air balloon that is recovered after
39 launching. It applies a civil penalty of not less than \$100 and not more than \$500 for the
40 illegal intentional release of up to 10 balloons and a civil penalty of not less than \$500 for
41 the illegal intentional release of more than 10 balloons.