

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 761 - L.D. 1023

An Act Regarding the Outdoor Release or Abandonment of Balloons

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

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

2. Litter. "Litter" means all waste materials including, but not limited to, bottles, 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 the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or 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 processes of mining, logging, sawmilling, farming or manufacturing. "Litter" includes waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, and all waste materials resulting from the outdoor release or abandonment of a balloon.

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

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

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

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

§2264-A. Penalties

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

1. Disposal of 15 pounds or less or 27 cubic feet or less of litter; intentional release of 16 to 24 balloons A person who intentionally releases 16 to 24 balloons at one time in violation of this chapter or who disposes of 15 pounds or less or 27 cubic feet or less of litter commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; intentional release of 16 to 24 balloons; subsequent offenses. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

2. Disposal of more than 15 pounds or more than 27 cubic feet of litter; intentional release of more than 24 balloons. A person who intentionally releases more than 24 balloons at one time in violation of this chapter or who disposes of more than 15 pounds or more than 27 cubic feet of litter commits a civil violation for which the court:

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

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

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