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H.P. 761

House of Representatives, March 10, 2021

An Act To Define Intentional Balloon Releases as Litter

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative McDONALD of Stonington.

Cosponsored by Representatives: BERRY of Bowdoinham, FAY of Raymond, GROHOSKI of Ellsworth, HARNETT of Gardiner, HEPLER of Woolwich, O'NEIL of Saco, STOVER of Boothbay.

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:

3 **1-E. Balloon.** "Balloon" means a flexible, nonporous bag made from materials such
4 as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with gas or
5 fluid, such as helium, hydrogen, nitrous oxide, oxygen, air or water, and then sealed at the
6 neck of the bag.

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

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

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

21 **Sec. 3. 17 MRSA §2263-A, sub-§1**, as enacted by PL 2003, c. 452, Pt. I, §32 and
22 affected by Pt. X, §2, is amended to read:

23 **1. Prohibited acts.** A person may not throw, drop, deposit, discard, dump, release or
24 otherwise dispose of litter in any manner or amount:

25 A. In or on public highway, road, street, alley, public right-of-way or other public
26 lands, except in a container or receptacle or on property that is designated for disposal
27 of garbage and refuse by the State or its agencies or political subdivisions;

28 B. In freshwater lake, river, stream, tidal or coastal water or on ice over the water.
29 When any litter is thrown or discarded from a watercraft, a person is in violation of this
30 section if that person is:

31 (1) The operator of the watercraft, unless it is a watercraft being used for the
32 carriage of passengers for hire; or

33 (2) The person actually disposing of the litter.

34 This paragraph does not prohibit persons who fish, lobster or otherwise harvest from
35 the water from returning to the water harvested products, bait and similar materials that
36 naturally originate in the water;

37 C. In or on any private property, unless:

38 (1) Prior consent of the owner has been given; and

39 (2) The litter is not a public nuisance or in violation of any state law or local rule;

40 D. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that
41 the load may drop, sift, leak or otherwise escape. This paragraph applies to vehicles

1 or trailers carrying trash, rubbish or other materials that may be construed as "litter";
2 or

3 E. From a vehicle. When any litter is thrown or discarded from a vehicle, a person is
4 in violation of this section if that person is:

5 (1) The operator of the vehicle, unless it is a vehicle being used for the carriage of
6 passengers for hire; or

7 (2) The person actually disposing of the litter.

8 It is a violation of this chapter for a person to intentionally release or cause to be released
9 outdoors a balloon.

10 In addition to any penalty under section 2264-A, violation of this subsection is a traffic
11 infraction under Title 29-A, chapter 23, subchapter ~~VI~~ 6.

12 A record of a violation of this subsection must be forwarded to the Secretary of State who,
13 in accordance with Title 29-A, section 2607, shall add the violation to the department's
14 point system. The violation is counted in determining an individual's total points under the
15 point system of the Department of the Secretary of State, Bureau of Motor Vehicles.

16 **SUMMARY**

17 This bill prohibits the intentional release outdoors of balloons.