

## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 937

H.P. 692

House of Representatives, February 21, 2019

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.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative DEVIN of Newcastle.

## 6 neck of the bag. Sec. 2. 17 MRSA §2263, sub-§2, as amended by PL 1995, c. 667, Pt. A, §37, is 7 8 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 Sec. 3. 38 MRSA §1611 is enacted to read: 18 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 22 B. The person displays in a conspicuous place at each purchase counter the warning information made available by the department pursuant to subsection 2. 23 2. Warning information. The department shall develop and make available to 24 25 sellers of balloons the warning information that must be displayed pursuant to subsection 1, paragraph B. The warning information made available under this subsection must 26 describe, but is not limited to: 27 A. The risks to the environment and to wildlife posed by waste materials resulting 28 from the outdoor release of balloons; 29 30 B. The choking and suffocation risks to children posed by the unsupervised use of 31 balloons; 32 C. The risks to individuals with latex allergies posed by exposure to balloons made wholly or partly from latex; and 33 34 D. The penalties for littering resulting from the outdoor release of balloons that may be imposed under Title 17, chapter 80. 35

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

Sec. 1. 17 MRSA §2263, sub-§1-E is enacted to read:

1-E. Balloon. "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

fluid, such as helium, hydrogen, nitrous oxide, oxygen, air or water, and then sealed at the

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a fine of not more than \$250 may be adjudged.

3. Violations. A person who violates this section commits a civil violation for which

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.

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

6 SUMMARY

 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 materials resulting from that release or abandonment. It also requires a seller of balloons to register with the Department of Environmental Protection and to display in a conspicuous place at each purchase counter warning information developed by the department concerning the risks to the environment and to wildlife posed by waste materials resulting from the outdoor release of balloons; the choking and suffocation risks to children posed by the unsupervised use of balloons; the risks to individuals with latex allergies posed by exposure to balloons made wholly or partly from latex; and the penalties for littering resulting from the outdoor release of balloons that may be imposed by the State's litter laws.

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