

MAINE STATE LEGISLATURE

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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.

A handwritten signature in cursive script that reads "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:

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 1995, c. 667, Pt. A, §37, is
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
11 or remains resulting from the normal field dressing of lawfully harvested wild game or
12 the lawful use of waste parts or remains of wild game as bait, feathers, except feathers
13 from live birds while being transported, abandoned ice-fishing shacks, old automobiles or
14 parts of automobiles or similar refuse, or disposable packages or containers thrown or
15 deposited as prohibited in this chapter, but not including the wastes of the primary
16 processes of mining, logging, sawmilling, farming or manufacturing. "Litter" includes all
17 waste materials resulting from the outdoor release or abandonment of a balloon.

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

22 B. The person displays in a conspicuous place at each purchase counter the warning
23 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:

28 A. The risks to the environment and to wildlife posed by waste materials resulting
29 from the outdoor release of balloons;

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
33 wholly or partly from latex; and

34 D. The penalties for littering resulting from the outdoor release of balloons that may
35 be imposed under Title 17, chapter 80.

36 **3. Violations.** A person who violates this section commits a civil violation for which
37 a fine of not more than \$250 may be adjudged.

