



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1208

H.P. 826

House of Representatives, April 2, 2015

An Act Concerning Pavement Sealing Products

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

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

ROBERT B. HUNT
Clerk

Presented by Representative DAUGHTRY of Brunswick.
Cosponsored by Representatives: CHIPMAN of Portland, HARLOW of Portland,
JORGENSEN of Portland, MAKER of Calais, McCREIGHT of Harpswell, TEPLER of
Topsham, TUCKER of Brunswick, WHITE of Washburn.

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

2 **Sec. 1. 30-A MRSA §4452, sub-§7**, as amended by PL 2011, c. 655, Pt. FF, §9
3 and affected by §16, is further amended to read:

4 **7. Natural resources protection laws.** A code enforcement officer, authorized by a
5 municipality to represent that municipality in District Court and certified by the former
6 State Planning Office or the Department of Economic and Community Development,
7 Office of Community Development under section 4453 as familiar with court procedures,
8 may enforce the provisions of Title 38, section 419-D, Title 38, section 420-C, Title 38,
9 chapter 3, subchapter 1, article 5-A and Title 38, chapter 13-D by instituting injunctive
10 proceedings or by seeking civil penalties in accordance with Title 38, section 349,
11 subsection 2.

12 **Sec. 2. 38 MRSA §419-D** is enacted to read:

13 **§419-D. Coal tar sealant products**

14 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
15 following terms have the following meanings.

16 A. "Coal tar" means a viscous substance obtained by the destructive distillation of
17 coal and containing levels of polycyclic aromatic hydrocarbons in excess of 10,000
18 milligrams per kilogram. "Coal tar" includes, but is not limited to, refined coal tar,
19 high temperature coal tar, coal tar pitch and coal tar pitch volatiles.

20 B. "Coal tar sealant product" means a surface-applied sealant product that contains
21 coal tar and is for use on an asphalt or concrete surface, including a driveway or
22 parking area.

23 **2. Sale of coal tar sealant products prohibited.** Beginning October 1, 2016, a
24 person may not sell or offer for sale a coal tar sealant product that is labeled as containing
25 coal tar.

26 **3. Application of coal tar sealant products prohibited.** Beginning October 1,
27 2016, a person may not apply a coal tar sealant product on a driveway or parking area.

28 **4. Exemptions.** A person may request an exemption from the prohibitions in
29 subsections 2 and 3 by submitting a written request to the commissioner. The request
30 must include the reason an exemption is needed. The commissioner may exempt a
31 person from the prohibitions in subsections 2 and 3 if the commissioner determines that
32 the person is researching the effects of a coal tar sealant product on the environment or
33 the person is developing an alternative technology and the use of a coal tar sealant
34 product is required for research or development.

35 **5. Penalties.** A person who violates the provisions of this section is subject to
36 penalties under section 349.

SUMMARY

1

2

3

This bill prohibits the sale and use of coal tar sealant products beginning October 1, 2016.