

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 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.