

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1235

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H.P. 858

House of Representatives, March 30, 2017

### An Act Concerning Pavement Sealing Products

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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 Senator CHIPMAN of Cumberland and  
Representatives: DUCHESNE of Hudson, HARLOW of Portland, O'NEIL of Saco, TUCKER  
of Brunswick, Senator: GRATWICK of Penobscot.

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

2 **Sec. 1. 38 MRSA §419-E** is enacted to read:

3 **§419-E. Coal tar sealant products**

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

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

10 B. "Coal tar sealant product" means a surface-applied sealant product that contains  
11 coal tar or coal tar pitch volatiles.

12 C. "Polycyclic aromatic hydrocarbons" means a group of compounds that are  
13 by-products of incomplete combustion that includes several carcinogens and, when in  
14 high quantities, are characterized as toxic hazardous waste.

15 **2. Sale of coal tar sealant products prohibited.** Beginning October 1, 2019, a  
16 person may not sell at wholesale or retail a coal tar sealant product that is labeled as  
17 containing coal tar.

18 **3. Application of coal tar sealant products prohibited.** Beginning October 1,  
19 2020, a person may not apply a coal tar sealant product on a driveway or parking area.

20 **4. Exemptions.** A person may request an exemption from the prohibitions in  
21 subsections 2 and 3 by submitting a written request to the commissioner. The request  
22 must include the reason an exemption is needed. The commissioner may exempt a  
23 person from the prohibitions in subsections 2 and 3 if the commissioner determines that  
24 the person is researching the effects of a coal tar sealant product on the environment or  
25 the person is developing an alternative technology and the use of a coal tar sealant  
26 product is required for research or development.

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

29 **SUMMARY**

30 This bill prohibits the sale of coal tar sealant products beginning October 1, 2019 and  
31 prohibits the application of coal tar sealant products on driveways or parking areas  
32 beginning October 1, 2020. The Commissioner of Environmental Protection may grant  
33 an exemption from the prohibitions for research or development purposes.