

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

and Human Services, Administration for Children and Families, Office of Regional Operations, pursuant to 45 Code of Federal Regulations, Section 1356.20. The commissioner shall report by January 1, 2008 to the Joint Standing Committee on Judiciary whether the United States Department of Health and Human Services, Administration for Children and Families, Office of Regional Operations has approved the plan pursuant to 45 Code of Federal Regulations, Section 1356.20.

**Sec. 5. Effective date.** This Act takes effect February 1, 2008, except that section 4 of this Act, relating to the Maine State Plan, takes effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

Effective February 1, 2008, unless otherwise indicated.

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**CHAPTER 336  
H.P. 579 - L.D. 758**

**An Act To Protect Household  
Pets and Other Animals from  
Poisoning**

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

**Sec. 1. 10 MRSA §2630** is enacted to read:

**§2630. Sale of engine coolants and antifreeze**

**1. Aversive agent required.** A person may not sell or offer to sell in this State any engine coolant or antifreeze that contains more than 10% ethylene glycol unless it includes denatonium benzoate at a minimum of 30 parts per million as a bittering agent within the product so as to render it unpalatable.

**2. Substitute aversive agent authorized.** Notwithstanding subsection 1, an aversive agent other than denatonium benzoate may be used in engine coolant or antifreeze if it meets or exceeds the degree of aversion in test subjects obtained by using the formulation of 30 parts per million of denatonium benzoate in antifreeze.

**3. Records of manufacturer and packager.** Any manufacturer or packager of engine coolant or antifreeze subject to this section shall maintain a record of the trade name, scientific name and active ingredients of the bittering agent used pursuant to this section. Information and documentation maintained pursuant to this subsection must be furnished to any member of the public upon request.

**4. Limitation of liability.** A manufacturer, distributor, recycler or seller of any engine coolant or antifreeze that contains more than 10% ethylene glycol and is required to contain an aversive agent under this

section is not liable to any person for any personal injury, death, property damage, damage to the environment or natural resources or economic loss that results from the inclusion of denatonium benzoate or a substitute aversive agent if the aversive agent is included in ethylene glycol engine coolant or antifreeze in concentrations mandated by this section. This subsection does not provide immunity to any person for liability to the extent that the cause of the liability is not related to the inclusion of an aversive agent.

**5. Misconduct negates limitation of liability.** The limitation of liability under subsection 4 does not apply if the personal injury, death, property damage, damage to the environment or natural resources or economic loss described under subsection 4 results from willful or reckless misconduct by the manufacturer, distributor, recycler or seller of the ethylene glycol engine coolant or antifreeze.

**6. Exceptions.** This section does not apply to the sale of a motor vehicle that contains engine coolant or antifreeze.

**7. Effective date.** This section does not take effect until one year after 3 other northeastern states in addition to this State have enacted laws that prohibit the sale of engine coolant or antifreeze that contains more than 10% ethylene glycol unless it contains a bittering agent. For purposes of this section, "northeastern states" means the 6 New England states plus New York, New Jersey and Pennsylvania. The Commissioner of Agriculture, Food and Rural Resources shall notify the Revisor of Statutes when 3 other northeastern states in addition to this State have adopted laws that prohibit the sale of engine coolant or antifreeze that contains more than 10% ethylene glycol unless it contains a bittering agent.

See title page for effective date.

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**CHAPTER 337  
S.P. 275 - L.D. 882**

**An Act To Create a 10-year  
Statute of Limitations for  
Certain Environmental  
Violations**

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

**Sec. 1. 38 MRSA §347-A, sub-§8** is enacted to read:

**8. Limitations on air and wastewater discharge enforcement actions.** The following limitations apply to air and wastewater discharge enforcement actions.