

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

The provisions of this section apply even if Medicaid coverage is limited during the period of incarceration. Nothing in this section requires or permits the department to maintain an incarcerated person's Medicaid eligibility if the person no longer meets eligibility requirements.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office for Family Independence Z020

Initiative: Provides one-time appropriation and allocation for required technology changes to add a presumptive eligibility group when eligibility is determined by a provider other than a hospital.

Table with 3 columns: Fund Name, 2019-20, 2020-21. Rows include GENERAL FUND All Other, GENERAL FUND TOTAL, OTHER SPECIAL REVENUE FUNDS All Other, OTHER SPECIAL REVENUE FUNDS TOTAL.

See title page for effective date.

CHAPTER 493 H.P. 670 - L.D. 906

An Act Concerning Pavement Sealing Products

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

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

§419-E. Coal tar sealant products

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

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

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

C. "Polycyclic aromatic hydrocarbons" means a group of compounds that are by-products of incomplete combustion, that include several carcinogens and that are designated as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 United States Code, Section 9602(a).

2. Sale of coal tar sealant products prohibited. Beginning October 1, 2023, a person may not sell at wholesale or retail a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

3. Application of coal tar sealant products prohibited. Beginning October 1, 2024, a person may not apply on a driveway or parking area a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

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

See title page for effective date.

CHAPTER 494 S.P. 267 - L.D. 913

An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶I, as repealed and replaced by PL 2011, c. 691, Pt. A, §13, is amended to read:

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other per-