

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

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.