

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1 and inserting the following:

‘**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.'

SUMMARY

This amendment reallocates the provisions requiring engine coolants containing more than 10% ethylene glycol to contain a bittering agent to the statutes administered by the Department of Agriculture, Food and Rural Resources. It removes the requirement in the bill that engine coolant or antifreeze containing more than 10% propylene glycol must include an aversive agent. It adds a limitation on liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. It delays the effective date until one year after 3 other northeastern states have enacted similar legislation.