

**Title 38: WATERS AND NAVIGATION**  
**Chapter 16-C: ARSENIC-TREATED WOOD PRODUCTS**

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**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 16-C: ARSENIC-TREATED WOOD PRODUCTS**

**§1681. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, "arsenic-treated wood" means lumber, timber, piles, poles, posts, plywood, shakes, shingles or other wood or forest products intended for outdoor use that have been pressure treated to reduce decay with a wood preservative containing inorganic arsenic or inorganic arsenic compounds, including, but not limited to, chromated copper arsenate, commonly referred to as "CCA," or similar arsenic-based wood-preserving chemical mixtures. [ 2003, c. 457, §2 (NEW) . ]

SECTION HISTORY  
2003, c. 457, §2 (NEW) .

**§1682. RESTRICTION ON SALE**

The following restrictions apply to the sale of arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency as published in the Federal Register on April 9, 2003. [ 2003, c. 457, §2 (NEW) . ]

**1. Purchase of arsenic-treated wood by retail business.** Retail businesses that sell wood for residential use may not purchase arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency as published in the Federal Register on April 9, 2003.

[ 2003, c. 457, §2 (NEW) . ]

**2. Sale of arsenic-treated wood.** Beginning April 1, 2004, a person may not sell or offer for sale arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency as published in the Federal Register on April 9, 2003. This prohibition does not apply to structures already built containing arsenic-treated wood that are included as part of a residential real estate transaction.

[ 2003, c. 457, §2 (NEW) . ]

SECTION HISTORY  
2003, c. 457, §2 (NEW) .

**§1683. STATUTE NOT ADMISSIBLE IN EVIDENCE**

This chapter may not be admitted in evidence or offered as an exhibit for any purpose in any civil trial against any wholesaler, retailer or installer of arsenic-treated wood. This section does not apply in cases of enforcement actions brought by the State. [ 2003, c. 457, §2 (NEW) . ]

SECTION HISTORY  
2003, c. 457, §2 (NEW) .

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