

**§502. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 541, Pt. A, §46 (RPR).]

**1. Commissioner.** "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry and the commissioner's agents.

[RR 2021, c. 1, Pt. B, §78 (COR).]

**2. Corrosive.** "Corrosive" means any substance which in contact with living tissue causes destruction of tissue by chemical action; but does not refer to action on inanimate surfaces.

[PL 1965, c. 65 (NEW).]

**3. Department.** "Department" means the Department of Agriculture, Conservation and Forestry.

[PL 1965, c. 65 (NEW); PL 1979, c. 731, §19 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

**4. Flammable.** "Flammable" means any substance which has a flashpoint of above 20 degrees to and including 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, except that the flammability of solids and of the contents of self-pressurized containers is determined by methods generally applicable to such containers and established by regulations issued by the commissioner and "extremely flammable" means any substance which has a flashpoint at or below 20 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester.

[PL 1965, c. 65 (NEW).]

**5. Hazardous substance.** "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during any customary or reasonable anticipated handling or use including reasonably foreseeable ingestion by children and also means any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the commissioner determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this subchapter in order to protect the public health.

[PL 1965, c. 65 (NEW).]

**6. Highly toxic.** "Highly toxic" means any substance which produces death within 14 days in at least half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, when a single dose of 50 milligrams or less per kilogram of body weight, is orally administered or when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas, vapor, mist or dust, or which produces death within 14 days in at least half of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less.

If the commissioner finds that available data on human experience with any substance indicate results different from those on animals in the above-named dosages or concentrations, the human data shall take precedence.

[PL 1965, c. 65 (NEW).]

**7. Household use.** "Household use" means any use, or intended use of an article in or about the living area or living quarters of a house, apartment house or other place of abode.

[PL 1965, c. 65 (NEW).]

**8. Immediate container.** "Immediate container" does not include package liners.

[PL 1965, c. 65 (NEW).]

**9. Irritant.** "Irritant" means any substance, not corrosive, which on immediate, prolonged or repeated contact with normal living tissue will induce inflammatory reaction.

[PL 1965, c. 65 (NEW).]

**10. Label.** "Label" means a display of written, printed or graphic matter upon or attached to the immediate package or container of any substance; and a requirement made by or under authority of this subchapter that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement or other information also appears on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper, and on all accompanying literature where there are directions for use, written or otherwise.

[PL 1965, c. 65 (NEW).]

**11. Misbranded package.** "Misbranded package" or "misbranded package of a hazardous substance" means a hazardous substance in a container intended or suitable for household use unless the product bears a label with the information specified in section 507, except as otherwise provided by or pursuant to this subchapter.

[PL 1965, c. 65 (NEW).]

**12. Person.** "Person" means and includes any corporation, association, copartnership or one or more individuals.

[PL 1965, c. 65 (NEW).]

**13. Radioactive substance.** "Radioactive substance" means any substance which emits ionizing radiation.

[PL 1965, c. 65 (NEW).]

**14. Strong sensitizer.** "Strong sensitizer" means any substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the commissioner. Before designating any substance as a strong sensitizer, the commissioner shall find that the frequency of occurrence and severity of the reaction indicate a significant potential for causing hypersensitivity.

[PL 1965, c. 65 (NEW).]

**15. Toxic.** "Toxic" means any substance other than a radioactive substance that has the inherent capacity to produce bodily injury or illness to humans through ingestion, inhalation or absorption through any body surface.

[RR 2021, c. 1, Pt. B, §79 (COR).]

#### SECTION HISTORY

PL 1965, c. 65 (NEW). PL 1979, c. 541, §A46 (AMD). PL 1979, c. 731, §19 (AMD). PL 2011, c. 657, Pt. W, §§5, 6 (REV). RR 2021, c. 1, Pt. B, §§78, 79 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.