

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 896

H. P. 720

House of Representatives, March 5, 1975

On motion of Mr. McMahon of Kennebunk, referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. McMahon of Kennebunk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Open Containers of Alcoholic Beverages in Motor
Vehicles.

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

29 MRSA c. 11, sub-c. VA is enacted to read:

SUBCHAPTER V-A

PROHIBITION OF OPEN CONTAINERS OF ALCOHOLIC
BEVERAGES IN MOTOR VEHICLES

§ 1331. Possession of an opened container

No person, while in a motor vehicle upon a public way, shall have in his possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened or a seal of which has been broken.

§ 1332. Storage of an opened container

It is unlawful for any person to keep in a motor vehicle, when such vehicle is upon a public way, any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal of which has been broken, unless such bottle, can or other receptacle is kept in some area of the vehicle not normally occupied by or readily accessible to the driver or passengers. A utility compartment or glove compartment is deemed to be within the area occupied by the driver or passengers. It is prima facie evidence that the operator of any motor vehicle, unless it is a motor vehicle being used for the carriage of passengers for hire, is the possessor of any such open container as described herein.

§ 1333. Penalties

Whoever violates any provision of this subchapter shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both.

STATEMENT OF FACT

The purpose of this Act is to provide for a "so-called" open bottle law for the State of Maine.