

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 277

S.P. 137

Received by the Secretary, February 1, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by Representative RICHARDSON of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

### An Act to Prohibit Drinking in Motor Vehicles.



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

2  
4  
17 MRSA §2003-B is enacted to read:

6  
§2003-B. Drinking in motor vehicles

8  
1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

10  
12 A. "Motor vehicle" has the same definition as set forth in Title 29, section 1, subsection 7.

14 B. "Open container" means not having a cap, stopper or other cover in place.

16 C. "Public place" means:

18 (1) Public way as defined in Title 17-A, section 505;  
20 and

22 (2) Private way or parking area, physically adjacent to a public way and designed primarily for vehicular  
24 traffic.

26 2. Crime. A person is guilty of drinking in a motor vehicle if after being forbidden to do so personally by a law enforcement officer, the person, knowing that the person is not licensed or privileged to do so, drinks liquor while in a motor vehicle that is located in a public place.

32 3. Evidence. The possession of an open container of liquor in a motor vehicle located in a public place is prima facie evidence that the person in possession of the open container violated this section.

36 4. Violation. Violation of this section is a Class E crime.

38  
40 **STATEMENT OF FACT**

42 The purpose of this bill is to criminalize drinking liquor in a motor vehicle. It is modeled on the public drinking law.

44 The prohibition on drinking liquor in a motor vehicle applies to all persons in the vehicle, regardless of who is driving. It applies to motor vehicles located on public ways or on private ways or parking areas adjacent to public ways.

50 To be charged with the crime of drinking in a motor vehicle, the person first must have been warned by a law enforcement officer to stop drinking in a motor vehicle. Possession of an

open liquor container in a motor vehicle in a public place is  
2 prima facie evidence that the person in possession is drinking  
4 liquor in the motor vehicle.

Drinking in a motor vehicle is a Class E crime.