

MAINE STATE LEGISLATURE

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DATE: 3-31-99

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 154, L.D. 216, Bill, "An Act to Prohibit the Transportation of Open Containers that Contain Liquor"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Sec. 1. 29-A MRSA §2112, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 2. 29-A MRSA §2112-A is enacted to read:

§2112-A. Open container; drinking in a vehicle prohibited

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

A. "Alcohol" means spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption that contains more than 1/2 of 1% of alcohol by volume.

B. "Open alcoholic beverage container" means a bottle, can or other receptacle that contains any amount of alcohol, and that is open or has a broken seal, or the contents of which are partially removed.

C. "Passenger area" means the area designed to seat the operator and passengers while a motor vehicle is in operation and any area readily accessible to the operator

COMMITTEE AMENDMENT

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or a passenger, including the glove compartment, while in their seating positions.

D. "Public way" means a way, including a right-of-way, owned and maintained by the State, a county or a municipality over which the general public has a right to pass.

2. Violation. The operator of a vehicle on a public way is in violation of this section if the operator or a passenger in the passenger area of the vehicle:

A. Consumes alcohol; or

B. Possesses an open alcoholic beverage container.

3. Exceptions. An operator of a vehicle is not in violation of this section if:

A. The operator or a passenger possesses an open alcoholic beverage container in a vehicle not equipped with a trunk if the open alcoholic beverage container is located behind the last upright seat of the vehicle or in an area not normally occupied by the operator or passenger;

B. A passenger transported for a fee consumes alcohol or possesses an open alcoholic beverage container in a vehicle designed for the for-hire transportation of passengers other than a taxicab; or

C. A passenger possesses an open alcoholic beverage container or a passenger consumes alcohol in the living quarters of a motor home, trailer, semitrailer or truck camper.'

Further amend the bill by inserting at the end before the summary the following:

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FISCAL NOTE

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If the State of Maine does not enact legislation that prohibits the transportation of open containers that contain liquor by October 1, 2000, it may result in the State being out of conformity with federal law and, consequently, may result in federal highway funds being shifted from highway and bridge reconstruction to intoxication enforcement purposes and the elimination of highway hazards. These amounts are estimated to be \$1,260,000 and \$1,270,000 in federal fiscal years 2000-01 and

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COMMITTEE AMENDMENT "A" to H.P. 154, L.D. 216

2 2001-02, respectively. The amount of federal highway funds that
may be shifted will increase to \$2,540,000 for federal fiscal
4 year 2002-03 and each subsequent year.

6 This bill may increase the number of traffic infractions
7 filed in the court system. The additional workload and
8 administrative costs associated with the minimal number of new
cases filed can be absorbed within the budgeted resources of the
10 Judicial Department. The collection of additional fines may also
increase General Fund revenue by minor amounts.'

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SUMMARY

16 The amendment replaces the bill. It prohibits the operator
of and passengers in a vehicle on a public way, including a
18 right-of-way, from consuming alcohol or possessing an open
alcoholic beverage container. The operator is responsible for
20 the violation. Exceptions are allowed for vehicles without
trunks, vehicles designed for hire other than taxicabs and
22 vehicles with living quarters. It also adds a fiscal note to the
bill.

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