

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 electronic originals
(may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 596

H.P. 412

House of Representatives, February 16, 2017

**An Act To Promote Highway Safety by Restricting the Use of
Marijuana and Possession of an Open Marijuana Container in a
Motor Vehicle**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COREY of Windham.
Cosponsored by Senator COLLINS of York, Senator ROSEN of Hancock and
Representatives: DENNO of Cumberland, GERRISH of Lebanon, HARRINGTON of Sanford,
HERRICK of Paris, McCREA of Fort Fairfield, TUCKER of Brunswick, TUELL of East
Machias, Senator: CYRWAY of Kennebec.

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

2 **Sec. 1. 29-A MRSA §2112-B** is enacted to read:

3 **§2112-B. Open container; using marijuana in a vehicle prohibited**

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

6 A. "Open container" means a receptacle that contains any amount of marijuana or
7 consumable products made from marijuana and has a broken seal or a receptacle from
8 which the contents have been partially removed.

9 B. "Passenger area" means the area designed to seat the operator and passengers
10 while a motor vehicle is in operation and any area readily accessible to the operator
11 or a passenger, including the glove compartment, while in their seated positions.

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

14 **2. Violation.** The operator of a vehicle on a public way commits a traffic infraction
15 if the operator or a passenger in the passenger area of the vehicle:

16 A. Consumes marijuana or a marijuana product; or

17 B. Possesses an open container.

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

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

22 B. A passenger transported for a fee consumes marijuana or a marijuana product or
23 possesses an open container in a vehicle designed for the for-hire transportation of
24 passengers other than a taxicab;

25 C. A passenger possesses an open container or a passenger consumes marijuana or a
26 marijuana product in the living quarters of a motor home, trailer, semitrailer or truck
27 camper; or

28 D. A passenger possesses an open container and is a cardholder for medical
29 marijuana as defined in Title 22, section 2422, subsection 1.

30 **SUMMARY**

31 This bill makes it a traffic infraction to consume marijuana or a marijuana product or
32 to possess an open container of marijuana or a marijuana product in the passenger area of
33 a motor vehicle. This bill is similar to the provisions of law making consuming alcohol
34 or having an open container of alcohol in the passenger area of a motor vehicle a traffic
35 infraction.