

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

B. "Passenger area" means the area designed to seat the operator and passengers while a vehicle is in operation and any area readily accessible to the operator or a passenger, including, but not limited to, the glove compartment, while in their seated positions.

C. "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 commits a traffic infraction if the operator or a passenger in the passenger area of the vehicle:

A. Consumes marijuana or a marijuana product;

B. Possesses an open container; or

C. Places marijuana or a marijuana product in a container labeled by the manufacturer of the container as containing a nonmarijuana substance.

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

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

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

## **SUMMARY**

HP0123, LD 141, item 1, 129th Maine State Legislature  
An Act To Promote Highway Safety by Restricting the Use of Marijuana  
and Possession of an Open Marijuana Container in a Vehicle

This bill makes it a traffic infraction to consume marijuana or a marijuana product, to possess an open container of marijuana or a marijuana product in the passenger area of a vehicle or to place marijuana or a marijuana product in a container labeled by the manufacturer of the container as containing a nonmarijuana substance. This bill is similar to the provisions of law making consuming alcohol or having an open container of alcohol in the passenger area of a vehicle a traffic infraction.