



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 596

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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**

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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.