



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 141

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H.P. 123

House of Representatives, January 17, 2019

**An Act To Promote Highway Safety by Restricting the Use of  
Marijuana and Possession of an Open Marijuana Container in a  
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 ROSEN of Hancock and  
Representatives: ARATA of New Gloucester, BRYANT of Windham, COSTAIN of  
Plymouth, PIERCE of Falmouth, RECKITT of South Portland, Senators: CYRWAY of  
Kennebec, DESCHAMBAULT of York, DIAMOND of Cumberland.

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 vehicle is in operation and any area readily accessible to the operator or a  
11 passenger, including, but not limited to, the glove compartment, while in their seated  
12 positions.

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

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

17 A. Consumes marijuana or a marijuana product;

18 B. Possesses an open container; or

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

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

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

25 B. 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.

28 **SUMMARY**

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