



## STATE OF MAINE

### DEPARTMENT OF PUBLIC SAFETY

JANET T. MILLS  
GOVERNOR

MICHAEL J. SAUSCHUCK  
COMMISSIONER

Policy No. 19:

PROHIBITION ON THE USE AND POSSESSION OF MEDICINAL AND RECREATIONAL  
MARIJUANA/CANNABIS BY DEPARTMENT OF PUBLIC SAFETY EMPLOYEES

EFFECTIVE DATE: 03.20.2024

PREVIOUS HISTORY: 01.12.2017

DISTRIBUTION CODE: 2

SIGNATURE OF COMMISSIONER

A handwritten signature in blue ink, appearing to read "MJS", is written over a horizontal line.

#### I. PURPOSE

The purpose of this policy is to establish the Department of Public Safety's prohibition on the use and possession of medicinal and recreation cannabis by covered Department of Public Safety employees.

#### II. DEFINITIONS

1. Cannabis means the leaves, stems, flowers, and seeds of the cannabis plant and includes cannabis concentrate and cannabis product by whatever name. It does NOT include hemp or cannabidiols (CBD) derived from hemp or CBD containing 0.3% THC or less.
2. Marijuana includes the leaves, stems, flowers and seeds of all species of the plant genus Cannabis, whether growing or not; but does not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant that is incapable of germination. "Marijuana" does not include hemp.
3. Covered employees are those employees who in the course of their duties,
  - A. have taken an oath to uphold the United States Constitution and laws of the United States and to uphold the Maine State Constitution and the laws of the State of Maine,
  - B. give sworn testimony in administrative, legal, or judicial proceedings or in legal documents,
  - C. appear publicly as a representative of the Department, or

D. have been appointed by and serves at the pleasure of the Governor or Commissioner.

Examples of employees covered by this policy, include, but are not limited to, Sworn Law Enforcement Officers, Emergency Communications Specialists of the Bureau of Consolidated Emergency Communications, non-sworn Forensic Analysts, Quality Managers, and Technicians of the Maine State Police Crime Laboratory or of the Maine State Police Computer Crime Unit, Identification Specialists of the State Bureau of Identification, Intelligence Analysts of the Maine Information and Analysis Center, and Public Safety Inspectors of the Department of Public Safety. It is also intended to apply to people providing services to the Department as identified in this summary or provide substantially similar services pursuant to contracts, grants, and MOU who are not direct employees of the Department.

### III. CONSIDERATIONS

1. This policy is to complement the State's Drug Free Workplace policies 15.1 and 15.3 promulgated by the Bureau of Human Resources. For the reasons explained below, and others, the use of cannabis by covered employees will adversely affect the mission of the agency or purpose of the employee's position.
2. Maine has legalized medical use of cannabis (Title 22 chapter 558-C) and has authorized some cannabis use and possession (Title 28-B).
3. As employees of the largest law enforcement agency in the State of Maine, Department of Public Safety personnel must abide by the highest standards of legal and ethical behavior. The integrity of each employee is ultimately a reflection on the integrity of the Department as a whole. This is especially true for covered employees. The strength and reliability of a covered employee's word and therefore of the Department cannot be left vulnerable to questions raised about whether the employee chooses to arbitrarily follow some but not all Federal or State laws.
4. Cannabis as used in this policy is synonymous with marijuana and marijuana is synonymous with cannabis. They may be used interchangeably.
5. The use and possession of marijuana has been a federal crime since 1970 and remains so today. Federal law prohibits marijuana users from owning or possessing firearms.

---

Offices Located At:  
Central Maine Commerce Center  
45 Commerce Drive  
Augusta, Maine 04333

(207) 626-3800 (Voice)

(207) 287-3659 (Fax)

(207) 287-3659 (TTY)

#### IV. POLICY

1. A Department of Public Safety employee covered by this policy shall not use or possess cannabis/marijuana.
2. Violation of this policy is grounds for discipline up to and including termination of employment.

NOTICE: THIS POLICY IS FOR THE USE OF THE DEPARTMENT OF PUBLIC SAFETY AND NOT FOR ANY OTHER AGENCY. THE POLICY IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE POLICY EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD PARTY CLAIMS. VIOLATIONS OF THIS POLICY ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE DEPARTMENT OF PUBLIC SAFETY.

---

Offices Located At:  
Central Maine Commerce Center  
45 Commerce Drive  
Augusta, Maine 04333

(207) 626-3800 (Voice)

(207) 287-3659 (Fax)

(207) 287-3659 (TTY)