



STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY

PAUL R. LePAGE  
GOVERNOR

JOHN E. MORRIS  
COMMISSIONER

<b>SUBJECT:</b>	<b>PROHIBITION ON THE USE AND POSSESSION OF MEDICINAL AND RECREATIONAL MARIJUANA BY DEPARTMENT OF PUBLIC SAFETY EMPLOYEES</b>	<b>NO.: 19</b>
<b>EFFECTIVE DATE: 01.12.2017</b>		<b>RECENT HISTORY: NEW (01.12.2017)</b>
<b>DISTRIBUTION CODE: 2</b>		
<b>SIGNATURE OF COMMISSIONER:</b>		

**I. PURPOSE**

1. The purpose of this policy is to establish the Department of Public Safety's prohibition on the use and possession of medicinal and recreational marijuana by Department of Public Safety employees, as specified in the policy.

**II. POLICY**

1. 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 ultimately reflects on the integrity of the department as a whole.

This is especially the case for employees of the department who in the course of their duties routinely give sworn testimony in administrative, legal, or judicial proceedings, or in legal instruments such as affidavits.

The strength and reliability of a department employee's word – be it given on a witness stand or in a court filing – cannot be left vulnerable to questions raised by enterprising parties of whether the employee chooses arbitrarily to follow some, but not all, Federal and State laws.

Accordingly:

Regardless of any provision of any Maine law, and whereas the use and possession of medicinal and recreational marijuana is unlawful under Federal law, a Department of Public Safety employee shall not use or possess marijuana if:

- A. The employee is appointed by and serves at the pleasure of the Governor or Commissioner;
- B. The employee is a sworn law enforcement officer;
- C. The employee is in a position in which, based on the nature and historical duties of the position:
  - (1) There is a virtual certainty that the employee will routinely give sworn testimony in administrative, legal, or judicial proceedings and/or in legal instruments such as affidavits; or
  - (2) There is a reasonable possibility that the employee will routinely give sworn testimony in administrative, legal, or judicial proceedings and/or in legal instruments such as affidavits.

Such positions include, but are not limited to, Emergency Communications Specialists of the Bureau of Consolidated Emergency Communications, nonsworn Forensic Analysts, Quality Managers, and Technicians of the Maine State Police Crime Laboratory, 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.

- 2. A violation of this policy is grounds for termination of employment.

### **III. DEFINITIONS**

- 1. For the purposes of this policy, the terms included in this section are defined as follows, unless otherwise indicated in the policy.
  - A. None.

### **IV. PROCEDURE**

- 1. None.

**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.**