




STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY

JANET T. MILLS  
GOVERNOR

MICHAEL J. SAUSCHUCK  
COMMISSIONER

<b>SUBJECT:</b>	<b>MAINE DEPARTMENT OF PUBLIC SAFETY POLICY REGARDING THE USE BY DEPARTMENT EMPLOYEES OF MOBILE ELECTRONIC COMMUNICATION DEVICES WHEN OPERATING STATE-OWNED VEHICLES</b>	<b>NO.: 111</b>
<b>EFFECTIVE DATE:</b> 09.03.2019	<b>RECENT HISTORY:</b> REISSUED (09.03.2019); NEW (03.07.2012)	
<b>DISTRIBUTION CODE:</b> 2		
<b>SIGNATURE OF COMMISSIONER:</b>		

**I. PURPOSE**

1. The purpose of this policy is to state the policy of the Maine Department of Public Safety ("Department") regarding the use by Department employees of mobile electronic communication devices when operating State-owned vehicles.

**II. POLICY**

1. As a matter of personal safety, and the safety of the general public:
  - A. When operating a State-owned vehicle, an employee of the Department must close and not use any mobile data terminal in the vehicle;
  - B. When operating a State-owned vehicle, an employee of the Department shall only use a cellular telephone in a "hands-free" mode;
  - C. When operating a State-owned vehicle, an employee of the Department shall not use any mobile electronic communication device for the purpose of text messaging.

*Note: The use of any electronic mobile communications device when operating a motor vehicle - even in a "hands-free" mode - presents inherent safety risks. Accordingly, when operating a vehicle, Department employees should only use such devices when necessary or warranted, and only then to the extent any such use is permitted by this policy and applicable law.*

**III. DEFINITIONS**

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Mobile electronic communication device. "Mobile electronic communication device" means a device that is not part of the operating equipment of a motor vehicle, including, but not limited to, a cellular telephone, an electronic game, a device for sending or receiving electronic mail or instant messaging, a device that may be used for text messaging, or a computer (such as a mobile data terminal).
  - B. Operating. "Operating" means the active use of a motor vehicle, including, but not limited to, the driving of a motor vehicle on a public or private way. "Operating" includes circumstances in which a motor vehicle is temporarily idling at a traffic control device such as a traffic light or stop sign. "Operating" does not include the use of a motor vehicle, with or without its motor running, when the vehicle is in a stationary location to the side of, or off, a public or private way, or in a location where a motor vehicle may be temporarily parked such as a parking lot.
  - C. Text messaging. "Text messaging" (also known as "texting") means reading from or entering data in any mobile electronic communications device, including, but not limited to, e-mailing, instant messaging, accessing the Internet, or engaging in any form of electronic data retrieval or electronic data communication.

#### **IV. PROCEDURE**

1. Effective as of the "effective date" indicated above:
  - A. When operating a State-owned vehicle, an employee of the Department must close and not use any mobile data terminal in the vehicle;
  - B. When operating a State-owned vehicle, an employee of the Department shall only use a cellular telephone in a "hands-free" mode;
  - C. When operating a State-owned vehicle, an employee of the Department shall not use any mobile electronic communication device for the purpose of text messaging.
2. This policy does not prohibit the use of a State-issued or personal mobile electronic communication device by a passenger riding in a State-owned vehicle.
3. A violation of this policy is grounds for disciplinary action, 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.**