

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



OFFICE OF
THE GOVERNOR

NO. 2015-002
DATE February 5, 2015

**AN ORDER CLARIFYING STATE MANAGEMENT'S RESPONSE TO CERTAIN
PROHIBITED MISCONDUCT**

WHEREAS, state agencies provide services to the people of Maine and employ those interested in public service;

WHEREAS, the employees of state agencies are compensated for their public service by the taxpayers of the State of Maine;

WHEREAS, the taxpayers of the State of Maine have a right to expect these employees to spend their work time and to use State owned, leased, or controlled resources in the furtherance of the official business of the State;

WHEREAS, the taxpayers of the State of Maine have a right to expect that during work hours these employees will not act in such a way as to embarrass or discredit the State or the Maine taxpayers;

WHEREAS, unless required to do so in the performance of official duties, State employees using State-owned, leased, or controlled equipment or other resources to create, record, store, copy, transmit, distribute, image, modify, print, download, or display materials that are sexually explicit or pornographic in nature embarrasses and discredits the State and its taxpayers; and

WHEREAS, unless required to do so in the performance of official duties, State employees using State-owned, leased, or controlled equipment or other resources to create, record, store, copy, transmit, distribute, image, modify, print, download, or display materials that are sexually explicit or pornographic in nature is contrary to and inconsistent with furthering the official business of the State;

WHEREAS, the creation, recording, storing, copying, transmitting, distributing, imaging, modifying, printing, downloading, or displaying sexually explicit or pornographic material by State employees using State-owned, leased, or controlled resources constitutes misconduct for which disciplinary action is warranted;

WHEREAS, based on practices developed by previous administrations, there may be some confusion about the appropriate management response to such misconduct;

NOW, THEREFORE, I, Paul R. LePage, Governor of the State of Maine, hereby order as follows:

1. For purposes of this Executive Order, "accessing pornography" means creating, recording, storing, copying, transmitting, distributing, imaging, modifying, printing, downloading, or displaying sexually explicit or pornographic materials but excludes doing so in the performance of one's official duties;
2. For purposes of this Executive Order, "State resources" includes State-owned, State-leased, or State-controlled I.T. equipment or other resources;
3. All Executive Branch policies prohibiting State employees from using State resources to access pornography will be amended to provide specifically that such misconduct will not be tolerated even when it is incidental in nature, or when it is committed off-duty;
4. All Executive Branch policies prohibiting State employees from using State resources to access pornography will be amended to provide clear and unequivocal notice that such misconduct will constitute just cause for termination;
5. All Executive Branch agencies will take any additional managerial action deemed necessary to ensure that all Executive Branch employees receive adequate notice that using State resources to access pornography constitutes just cause for the termination of his/her employment from the Executive Branch.

The effective date of this Executive order is February 5, 2015.


Paul R. LePage, Governor