

### §7365. Confidentiality of polygraph examination results and related records

**1. Disclosure prohibited.** A polygraph examiner may not disclose information acquired from a polygraph examination, or records resulting from a polygraph examination, to another person other than:

- A. The subject of the examination or the subject's attorney; [PL 2015, c. 316, §2 (AMD).]
- B. Any other person specifically designated in writing by the subject of the examination; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- C. A member or agent of the department that licenses polygraph examiners; [PL 2015, c. 316, §2 (AMD).]
- C-1. A member or agent of a criminal justice agency that employs or contracts with the polygraph examiner. [PL 2015, c. 316, §2 (NEW).]
- C-2. A member or agent of a criminal justice agency, if the polygraph examiner conducts a polygraph examination in the course of a criminal investigation; [PL 2015, c. 316, §2 (NEW).]
- D. Another licensed polygraph examiner in private, professional consultation; [PL 2015, c. 316, §2 (AMD).]
- D-1. A person employed by or working as an intern with the polygraph examiner; [PL 2015, c. 316, §2 (NEW).]
- D-2. The Maine Criminal Justice Academy and its board of trustees, if the subject of the polygraph examination is an applicant for admission to the academy or for law enforcement certification that is being considered by the academy or board; [PL 2015, c. 316, §2 (NEW).]
- E. The Department of Health and Human Services pursuant to section 7361, subsection 1, paragraph F; or [PL 2015, c. 316, §2 (AMD).]

F. As otherwise required or authorized by law. [PL 2015, c. 316, §2 (NEW).]  
[PL 2015, c. 316, §2 (AMD).]

**2. Further disclosure prohibited.** A polygraph examiner or other person to whom information acquired from a polygraph examination is disclosed under subsection 1 may not further disclose the information or records, except as otherwise required or authorized by law.  
[PL 2015, c. 316, §3 (AMD).]

**3. Examination records.** Notwithstanding any other provision of law, the pre-test, in-test and post-test records associated with the administration of a polygraph examination that is administered for preemployment screening purposes or in association with a law enforcement investigation are confidential for the purposes of Title 1, chapter 13 and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is expressly waived, in writing, by the subject of the examination. For purposes of this subsection, "records" includes, but is not limited to, video and audio recordings, graphs and examination results.  
[PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

**4. Records in custody of commissioner.** Records in the custody of the commissioner pursuant to this chapter are confidential if those records contain:

- A. Personal medical information of an applicant or licensee under this chapter; or [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- B. Personally identifying information of a minor to whom a polygraph examination has been administered. [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

Nothing in this chapter prohibits the use of statements or disclosures voluntarily made by the subject of a polygraph examination from being used in the course of a criminal investigation or prosecution, to the fullest extent permitted by law.

[PL 2015, c. 316, §3 (AMD).]

#### SECTION HISTORY

PL 2013, c. 316, §3 (NEW). PL 2013, c. 316, §5 (AFF). PL 2015, c. 316, §§2, 3 (AMD).

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