**§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).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025
 . The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.