

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 353

H.P. 249

House of Representatives, January 14, 1999

**An Act Regarding the Administration of Polygraph Tests to Prospective  
Law Enforcement Personnel.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MUSE of South Portland.  
Cosponsored by Representatives: BOLDUC of Auburn, HATCH of Skowhegan, QUINT of  
Portland, RICHARDSON of Brunswick, SAXL of Portland, WHEELER of Bridgewater,  
Senators: MURRAY of Penobscot, RAND of Cumberland.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 32 MRSA §7166**, as enacted by PL 1979, c. 209, §2, is amended to read:

6 **§7166. Limitations on uses in employment**

8 **1. Preemployment screening.** ~~No~~ An employer may not, directly or indirectly, require, request or suggest that any an applicant for employment submit to a polygraph examination as a condition of obtaining employment, or administer or cause to be administered to an applicant ~~any-such a polygraph~~ a polygraph examination, or use or refer to the results of ~~sueh-an a polygraph~~ a polygraph examination for hiring purposes. For purposes of this subsection, "employer" ~~shall-include~~ includes an employment agency and "applicant" ~~shall include--any~~ includes a person seeking to use an employment agency's services.

18 **2. Current employees.** ~~No~~ An employer may not, directly or indirectly, require, request or suggest that any an employee submit to a polygraph examination as a condition of employment, or administer or cause to be administered to any an employee ~~any sueh a polygraph~~ a polygraph examination, or use or refer to the results of ~~sueh-an a polygraph~~ a polygraph examination for employment purposes.

26 **3. Exceptions.**

28 **A.** This section ~~shall~~ does not apply to ~~employees-of law enforcement officers~~ or applicants for employment with-law enforcement-agencies as law enforcement officers;

32 **B.** Nothing in subsection 2 ~~shall-prehibit~~ prohibits either an employee from voluntarily requesting a polygraph examination in connection with ~~his~~ the employee's employment or an employer from using or referring to the results of any an examination so requested, provided that the results of that examination may not be used against the employee by the employer for any purpose, that the employer shall give the employee a copy of this Act when the employee requests the examination, and that the examination is recorded or that a witness of the employee's choice is present during the examination, or both, as the employee requests.

44 **SUMMARY**

46 The bill eliminates employees of or applicants for employment with law enforcement agencies from the list of exceptions for which employers may request polygraph tests. The

2 bill specifies that only law enforcement officers or applicants for employment as law enforcement officers may be asked to undergo polygraph tests.