

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2015**

B. Notwithstanding this subsection, leg or waist restraints may not be used at any time, and restraints may not be used on a prisoner or juvenile in labor or childbirth.

**3. Procedures.** If restraints are used on a pregnant prisoner or pregnant juvenile pursuant to subsection 2:

A. The corrections officer must apply the least restrictive type of restraints in the least restrictive manner necessary; and

B. The chief administrative officer or the designee of the chief administrative officer shall make written findings within 10 days as to the extraordinary circumstance that required the use of the restraints. These findings must be kept on file by the correctional facility or detention facility for at least 5 years and must be made available for public inspection, except that individually identifying information of any prisoner or juvenile may not be made public under this paragraph without the prior written consent of the prisoner or juvenile.

**4. Privacy.** When a prisoner or juvenile is admitted to a medical facility or birthing center for labor or childbirth, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. If a corrections officer's presence is requested by medical personnel, the corrections officer must be female if practicable.

#### **§3103. Rulemaking**

The department shall adopt rules necessary to implement this article. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### **§3104. Notice**

A correctional facility or detention facility shall inform all female prisoners and juveniles of the rules developed pursuant to section 3103 upon admission to the correctional facility or detention facility and shall include the rules in any handbook provided to female prisoners or juveniles.

**Sec. 5. Commissioner to establish standards.** Pursuant to the Maine Revised Statutes, Title 30-A, section 1583, subsection 1, the Commissioner of Corrections shall establish minimum standards to implement Title 30-A, chapter 13, subchapter 2-A within 60 days of the effective date of that subchapter. Pursuant to Title 30-A, section 1583, subsection 2, within 30 days of establishing the standards under Title 30-A, section 1583, subsection 1, all jails shall inform all female prisoners and all female juveniles in custody of the standards.

**Sec. 6. Commissioner to adopt rules.** Pursuant to the Maine Revised Statutes, Title 34-A, section 3103, the Commissioner of Corrections shall

adopt rules necessary to implement Title 34-A, chapter 3, subchapter 1, article 4 and shall notify all female prisoners and all female juveniles in custody of the rules within 30 days of the effective date of that article.

See title page for effective date.

## CHAPTER 316

### S.P. 365 - L.D. 1039

#### An Act To Amend the Polygraph Examiners Act

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

**Sec. 1. 32 MRSA §7352, sub-§§2-A and 5-A** are enacted to read:

**2-A. Criminal justice agency.** "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4.

**5-A. Polygraph examination.** "Polygraph examination" means an examination conducted by a polygraph examiner that consists of a pre-test phase, an in-test phase and a post-test phase.

**Sec. 2. 32 MRSA §7365, sub-§1,** as enacted by PL 2013, c. 316, §3 and affected by §5, is amended to read:

**1. Disclosure prohibited.** A polygraph examiner, ~~intern or employee of 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;

B. Any other person specifically designated in writing by the subject of the examination;

C. A member or agent of the department that licenses a polygraph examiner ~~or law enforcement agency that supervises or controls a polygraph examiner's activities~~ examiners;

C-1. A member or agent of a criminal justice agency that employs or contracts with the polygraph examiner.

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;

D. Another licensed polygraph examiner in private, professional consultation; ~~or~~

D-1. A person employed by or working as an intern with the polygraph examiner;

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;

E. The Department of Health and Human Services pursuant to section 7361, subsection 1, paragraph F; or

F. As otherwise required or authorized by law.

**Sec. 3. 32 MRSA §7365, sub-§§2 and 4,** as enacted by PL 2013, c. 316, §3 and affected by §5, are amended to read:

**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.

**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

B. Personally identifying information of a minor to whom a polygraph examination has been administered.

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.

**Sec. 4. 32 MRSA §7367** is enacted to read:

**§7367. Examination considered complete**

A person to whom a polygraph examination is administered is considered to have taken the polygraph examination if the person participates to any extent in the formalities of the pre-test phase of the polygraph examination.

**Sec. 5. 32 MRSA §7381, sub-§1, ¶B,** as enacted by PL 2013, c. 316, §3 and affected by §5, is repealed and the following enacted in its place:

B. Be accompanied by a nonrefundable fee in the amount of:

(1) For an initial polygraph examiner license, \$100;

(2) For a renewal of a polygraph examiner license, \$100; and

(3) For a polygraph examiner intern license, \$50.

**Sec. 6. 32 MRSA §7381, sub-§2,** as enacted by PL 2013, c. 316, §3 and affected by §5, is amended to read:

**2. Term of initial and renewal polygraph examiner license.** A An initial polygraph examiner license is issued valid for a 2-year term period of 2 years and may be renewed. Each renewal polygraph examiner license is valid for a period of 4 years.

**Sec. 7. 32 MRSA §7382, sub-§1,** as enacted by PL 2013, c. 316, §3 and affected by §5, is amended to read:

**1. Qualifications.** A person is qualified for a polygraph examiner license if the person:

A. Has not been convicted of a crime for which a license may be denied under Title 5, chapter 341;

B. Either:

(1) Holds a baccalaureate degree from a an accredited college or university accredited by an organization recognized by the commissioner; or

(2) Has at least 5 years of active investigative experience with , including 3 years on a full-time basis, as a sworn member of an investigative service of the United States as a sworn member of a branch of the United States Armed Forces, a federal investigative agency or a law enforcement agency immediately preceding the date of application;

C. Is a graduate of a commissioner-approved polygraph examiner course and has satisfactorily completed at least 6 months of a polygraph examiner internship; and

D. Has passed an examination approved by the commissioner to determine the person's competency for a license knowledge relevant to being a licensed polygraph examiner in the State.

See title page for effective date.

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**CHAPTER 317  
H.P. 746 - L.D. 1085**

**An Act To Implement the  
Recommendations of the Right  
To Know Advisory Committee  
Concerning Receipt of a  
Request for Public Records**

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

**Sec. 1. 1 MRSA §408-A, sub-§3,** as amended by PL 2013, c. 350, §1, is further amended to read: