

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.

Augusta, Maine
2015

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Sec. 5. 32 MRSA §7381, sub-§1, ¶B, as enacted by PL 2013, c. 316, §3 and affected by §5, is repealed and the following enacted in its place: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

**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:

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time. For purposes of this subsection, the date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

Sec. 2. 1 MRSA §413, sub-§1, as enacted by PL 2011, c. 662, §8, is amended to read:

1. Designation; responsibility. Each agency, county, municipality, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, school administrative unit ~~and~~ or regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within a ~~reasonable period of time~~ 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, school administrative unit and regional or other political subdivision concerning freedom of access questions and compliance.

See title page for effective date.

**CHAPTER 318
H.P. 769 - L.D. 1108**

An Act To Protect Children and the Public from Vapor from Electronic Smoking Devices

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

Sec. 1. 22 MRSA §1541, sub-§1-A is enacted to read:

1-A. Electronic smoking device. "Electronic smoking device" means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

Sec. 2. 22 MRSA §1541, sub-§6, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

6. Smoking. "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar, or pipe or ~~other object giving off tobacco smoke~~ a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

See title page for effective date.

**CHAPTER 319
S.P. 468 - L.D. 1303**

An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the statutorily established Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund support activities related to the cleanup of spills and discharges of oil and other hazardous materials in the State; and