**16 DEPARTMENT OF PUBLIC SAFETY**

**219 OFFICE OF THE COMMISSIONER**

**Chapter 51: POLYGRAPH EXAMINER LICENSE REGULATION**

**SUMMARY**: This chapter, which repeals and replaces the prior version of the chapter, establishes rules to ensure for the effective administration of the *Maine Polygraph Examiners Act*, 32 M.R.S. c. 86.

**§1. DEFINITIONS**

A. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Commissioner**. "Commissioner" means the Commissioner of the Department of Public Safety.

2. **Department**. "Department" means the Department of Public Safety.

3. **Instrument**. “Instrument” means a device used to test a subject to directly or indirectly detect deception or verify the truth of a statement by, at a minimum, recording visually, permanently and simultaneously a subject's cardiovascular, respiratory and electrodermal patterns.

4. **Intern**. "Intern" means a person who holds a polygraph examiner intern license under 32 M.R.S. c. 86.

5. **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.

6. **Polygraph examiner**. "Polygraph examiner" means a person licensed under 32 M.R.S. c. 86 to use an instrument, as that word is defined in subsection 3.

7. **Polygraph examiner internship**. "Polygraph examiner internship" means a course of study of polygraph examinations and of the administration of polygraph examinations by an intern under the supervision and control of a polygraph examiner.

**§2. COMMISSIONER-APPROVED POLYGRAPH EXAMINER COURSES**

A. For the purposes of 32 M.R.S. §7382(1)(C), the Commissioner-approved polygraph examiner courses are those that were accredited by the American Polygraph Association at the time a person participated in and completed the courses.

**§3. POLYGRAPH EXAMINER INTERN LICENSE**

A. **Qualifications**. A person is qualified to be issued a polygraph examiner intern license if he or she:

1. Has not been convicted of a crime for which a license may be denied under 5 M.R.S. ch. 341;

2. Either:

(1) Holds a baccalaureate degree from an accredited college or university; or

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

3. Is a graduate of a Commissioner-approved polygraph examiner course; and

4. Has arranged to participate in a polygraph examiner internship that will be supervised by a sponsor.

Documentation to substantiate that a person meets those qualifications may be requested by the Department.

B. **Application**. A person applying for a polygraph examiner intern license shall complete and submit to the Office of the Commissioner an application form for such a license. The application must be accompanied by the appropriate application fee, as set forth in 32 M.R.S. §7381(1)(B)(3), and any documentation requested by the Department to substantiate information provided in the application form.

C. **Intern polygraph examiner sponsor**. As a condition of licensure, a polygraph examiner intern license applicant shall arrange to participate in, and must satisfactorily complete, a polygraph examiner internship that will be supervised by a sponsor.

1. To be eligible to be a sponsor for an intern polygraph examiner, a person shall have held a polygraph examiner license for at least twenty-four (24) months.

2. A polygraph examiner only may sponsor up to two (2) interns at any given time.

3. A polygraph examiner who has agreed to serve as a sponsor shall notify the Department in writing that he or she has agreed to do so. Such notification must include the name of the intern who is being sponsored and the date on which the internship will begin.

4. During the term of a polygraph examiner internship, a sponsor shall:

(A) Supervise each polygraph examination conducted by each intern with whom he or she is working;

(B) Speak at least once a month with each intern whom he or she is sponsoring, to discuss each intern’s proficiency in administering polygraph examinations and interpreting charts.

5. At the conclusion of the internship, the sponsor must submit to the Department a report that states:

(A) The dates on which the internship began and ended;

(B) The number of polygraph examinations conducted by the intern that were personally supervised by the sponsor;

(C) The number of times the sponsor spoke with the intern to discuss the intern’s proficiency in administering polygraph examinations and interpreting charts; and

(D) The sponsor’s professional opinion of whether the intern has satisfactorily completed the internship.

**§4. POLYGRAPH EXAMINER LICENSE**

A. **Qualifications**. A person is qualified to be issued a polygraph examiner license if he or she meets the qualifications set forth in 32 M.R.S. §7382. Documentation to substantiate that a person meets those qualifications may be requested by the Department.

B. **Application**. A person applying for a polygraph examiner license shall complete and submit to the Office of the Commissioner an application form for such a license, and applies for a license prior to the expiration of his or her intern license, or within 12 months after the expiration of such license. The application must be accompanied by the appropriate application fee, as set forth in 32 M.R.S. §7381(1)(B)(1), and any documentation requested by the Department to substantiate information provided in the application form.

**§5. CONTINUING EDUCATION REQUIREMENT**

A. A licensed polygraph examiner shall attend at least twelve (12) hours of polygraph examination-related coursework during his or her initial two-year licensure period, and then at least twenty-four (24) hours of polygraph examination-related coursework during each subsequent four-year licensure period.

1. Such coursework may include, but is not limited to, classes, seminars, and lectures, whether conducted in-person, via video and/or audio transmission, or online.

B. Before or by the date on which a licensed examiner applies for her or his license to be renewed, the examiner shall submit documentation to the Office of the Commissioner that substantiates that, in the case of the first renewal of the license, the examiner attended at least twelve (12) hours of polygraph examination-related course work during his or her initial two-year licensure period and, in the case of subsequent renewals, that the examiner attended at least twenty-four (24) hours of polygraph examination-related coursework during the preceding four-year licensure period.

1. Such documentation may include, as examples only, certificates of class completion and course transcripts.

2. To supplement, or in lieu of, such documentation, a polygraph examiner may compose and submit a letter certifying that he or she has completed the required number of hours of continuing education. Such a letter must be signed by the examiner, and also bear the printed name and signature of a person who witnessed the examiner signing the certification letter.

C. The failure of a polygraph examiner to meet his or her continuing education obligation during the preceding (as applicable) two-year or four-year licensure period is grounds for nonrenewal of the examiner’s polygraph examiner license.

**§6. DUTY TO COMPLY WITH STANDARDS OF ACCEPTABLE PROFESSIONAL CONDUCT**

A. In conducting their work, licensed polygraph examiners and intern polygraph examiners shall abide by the provisions of 32 M.R.S. c. 86 and this regulation.

B. In addition, licensed polygraph examiners and intern polygraph examiners shall abide by following standards of acceptable professional conduct:

1. A licensee shall not engage in any activity or activities intended to encourage, instruct, or persuade an examinee, or a potential examinee, to engage in any behaviors designed or intended either:

(A) To fabricate or manufacture the person’s physiological activity during a polygraph examination; or

(B) To lie or conceal any relevant information during a polygraph examination.

STATUTORY AUTHORITY:

 32 M.R.S. §7353(2)

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