

**§7361. Polygraph examiner's duties and responsibilities generally****1. Duties and responsibilities.** A polygraph examiner or an intern shall:

- A. Abide by the provisions of this chapter and rules adopted pursuant to this chapter; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- B. Ensure that confidential information protected under section 7365 is disclosed only as authorized by that section; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- C. Inform a subject to be examined of the nature of the examination; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- D. Inform the subject of an examination of the examination results on request at the completion of the examination; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- E. Provide within a reasonable time information requested by the commissioner as the result of a formal complaint to the commissioner alleging a violation of this chapter; and [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- F. Immediately report to the Department of Health and Human Services when the examiner knows or has reasonable cause to suspect that a person 14 years of age or younger will be the victim of a sexual assault crime as provided under Title 17-A, chapter 11 or is in imminent danger of substantial bodily injury or death.

The duty to report provided in this paragraph does not abrogate any other duty an examiner has to report by virtue of the examiner's profession pursuant to Title 22, section 3477 or 4011-A. [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]  
[PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

**2. Prohibitions.** A polygraph examiner or an intern may not:

- A. Aid or abet another to violate this chapter or a rule adopted under this chapter; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- B. Allow the person's license issued under this chapter to be used by an unlicensed person in violation of this chapter; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- C. Make a material misstatement in an application for the issuance or renewal of a license; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- D. Make a misrepresentation or false promise or cause the printing of a false or misleading advertisement to directly or indirectly obtain business; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- E. Conduct an examination without the informed consent of the subject of the examination; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- F. Administer a polygraph examination to a minor without the written consent of a parent of the minor or the minor's legal guardian; [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- G. Make a false report concerning an examination for polygraph examination purposes; or [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]
- H. Commit a criminal offense, including, but not limited to, an offense that directly relates to the duties and responsibilities of a polygraph examiner. [PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]  
[PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

**3. Disciplinary action.** A person who fails to comply with this section is subject to disciplinary action pursuant to section 7388.

[PL 2013, c. 316, §3 (NEW); PL 2013, c. 316, §5 (AFF).]

#### SECTION HISTORY

PL 2013, c. 316, §3 (NEW). PL 2013, c. 316, §5 (AFF).

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