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SECOND REGULAR SESSION-2022

Legislative Document

No. 2024

H.P. 1504

House of Representatives, March 17, 2022

An Act To Allow County and Regional Communications Centers To Request Polygraph Examinations for Employees and Applicants for **Employment**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Received by the Clerk of the House on March 15, 2022. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT

R(+ B. Hunt

Clerk

Presented by Representative TALBOT ROSS of Portland. Cosponsored by Senator DIAMOND of Cumberland and Representatives: COREY of Windham, FAY of Raymond. **Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, under current law, employees of or applicants for employment with law enforcement agencies, including as emergency services dispatchers for those agencies, are subject to polygraph examinations; and

Whereas, other public safety dispatchers, such as for fire or emergency medical services, are not subject to polygraph examinations, despite having access to confidential records such as investigative and criminal intelligence information; and

Whereas, to ensure that such information is not misused, it is necessary to correct this disparity as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

- **Sec. 1. 32 MRSA §7364, sub-§3,** as enacted by PL 2013, c. 316, §3 and affected by §5, is amended to read:
- **3. Exception.** This section does not apply to employees of or applicants for employment with law enforcement agencies <u>or county and regional communications centers</u>. As used in this subsection, "county and regional communications centers" means <u>publicly owned and publicly operated entities that dispatch emergency services, but does not include an entity operated by or under the control of a law enforcement agency.</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

25 SUMMARY

Under current law, law enforcement employees and applicants for positions with law enforcement agencies are subject to polygraph examinations as a condition of obtaining or holding employment; this includes persons who operate as dispatchers. Other emergency service dispatch employees or applicants for employment as emergency service dispatch employees are not subject to polygraph examinations, even though those employees may have access to confidential information.

This bill allows county and regional communications centers, which are dispatch centers for all emergency services, to require employees and applicants for employment to submit to a polygraph examination.