

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

---

Legislative Document

No. 1960

---

H.P. 1404

House of Representatives, January 8, 2020

---

### **An Act To Protect Communications between Bargaining Agents and Bargaining Unit Members**

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SYLVESTER of Portland.  
Cosponsored by Representatives: CARNEY of Cape Elizabeth, DODGE of Belfast, DOORE of Augusta, EVANGELOS of Friendship, PLUECKER of Warren, RILEY of Jay, TALBOT ROSS of Portland, TEPLER of Topsham.

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

2 **Sec. 1. 26 MRSA §976** is enacted to read:

3 **§976. Confidential communications**

4 Communications between a bargaining agent and a member of a bargaining unit  
5 represented by that bargaining agent are confidential in any proceeding before the board  
6 to the same extent that such communications would be subject to the lawyer-client  
7 privilege under the Maine Rules of Evidence if the bargaining agent were a lawyer. The  
8 board may not accept evidence regarding such communications during any proceeding  
9 except under circumstances in which it would be admissible if the bargaining agent were  
10 a lawyer.

11 **Sec. 2. 26 MRSA §979-V** is enacted to read:

12 **§979-V. Confidential communications**

13 Communications between a bargaining agent and a member of a bargaining unit  
14 represented by that bargaining agent are confidential in any proceeding before the board  
15 to the same extent that such communications would be subject to the lawyer-client  
16 privilege under the Maine Rules of Evidence if the bargaining agent were a lawyer. The  
17 board may not accept evidence regarding such communications during any proceeding  
18 except under circumstances in which it would be admissible if the bargaining agent were  
19 a lawyer.

20 **SUMMARY**

21 This bill makes communications between a bargaining agent and a municipal or state  
22 employee confidential in proceedings before the Maine Labor Relations Board to the  
23 same extent that such communications would be subject to the lawyer-client privilege  
24 under the Maine Rules of Evidence if the bargaining agent were a lawyer.