



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1960

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H.P. 1404

House of Representatives, January 8, 2020

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

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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, reading "R 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.

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

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

**§976. Confidential communications**

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

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

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

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

## SUMMARY

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