

**The Maine Heritage Policy Center
Testimony to Oppose LD 1960
“An Act To Protect Communications between
Bargaining Agents and Bargaining Unit Members”**

Senator Carpenter, Representative Bailey and distinguished members of the Committee on Judiciary, my name is Adam Crepeau and I serve as a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to speak in opposition to LD 1960.

In the First Session of the 129th Legislature, this body passed LD 1451, which mandated that public employers provide collective bargaining agents access to their email systems to communicate with their bargaining unit members about official bargaining agent matters, including elections, meetings and social activities. Under LD 1960, those communications would be shielded from the public employer before and during any proceedings before the Labor Relations Board.

In their assessment of LD 1960, the Maine School Management Association said there is currently no expectation of privacy if the bargaining agent and union members communicate over an email system operated by a public school.¹ We agree — anyone who uses an employer’s email system should not have an expectation of privacy regarding emails sent or received on that system. Hiding these exchanges from public employers does nothing to protect or serve the public. Instead, LD 1960 would give public-sector unions more unchecked power over public employers.

Maine’s public employers should have the ability to access and review emails that were sent or received by their employees on their work email server. If bargaining agents want to communicate with union members and expect privacy, they should pursue other avenues aside from the public employers’ email server.

Individuals who opt into union membership provide unions with plenty of information on how they can be contacted. The passage of LD 1451 in the first session also gave unions exclusive access to the personal information of public employees, regardless of whether or not they are members. Surely there is an alternative way for unions to effectively communicate with their members without using an email server paid for by taxpayers.

For those reasons, The Maine Heritage Policy Center urges the committee to vote, “Ought Not to Pass” on LD 1960. Thank you.

¹ <https://www.msmaweb.com/article/165051?org=msma>