

# Legislative Confidentiality

## **Nonpartisan legislative staff are governed by a strict confidentiality policy**

This policy requires that:

- Communications between Legislators and nonpartisan staff are confidential; and
- Nonpartisan staff must protect the confidentiality of requests for assistance, advice or information and related working papers, including draft bills, resolves, resolutions, orders or amendments.

## **Treatment of documents and information protected as confidential**

The policy requires nonpartisan staff to treat confidential documents and information as follows.

1. Requests for assistance, advice or information and related working papers may be shared by nonpartisan legislative staff only with the permission of the requesting legislator.
2. Nonpartisan legislative staff may share confidential documents and information with each other when necessary to perform their responsibilities in accordance with office policies.
3. A draft bill, resolve, resolution, order or amendment is a working paper and may be shared by nonpartisan legislative staff only with permission of the legislator or entity requesting the bill, resolve, resolution, order or amendment. A draft bill, resolve, resolution, order or amendment remains confidential until it is distributed in a public meeting or signed and publicly distributed in accordance with legislative rules.
4. The sponsor of a legislative request may specify that the title of the request and the sponsor's name remain confidential until cloture; otherwise, the title and sponsor's name are public information when the request is filed. The Governor may specify that a Governor's request for a bill or resolve remains confidential until the bill or resolve is printed.

## **When confidential documents become public**

- Legislative papers and reports become public when signed and publicly distributed in accordance with legislative rules.
- Written records used or maintained by nonpartisan legislative staff to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees are working papers and become public records at the end of the legislative session in which the papers or reports are prepared or considered or to which they are carried over.

## **Basis**

Legislative confidentiality is governed by statute (Maine's Freedom of Access Act, 1 MRS §402, sub-§3, ¶(C)), the Joint Rules adopted by each Legislature (Joint Rule 207 of the 131st Legislature) and Legislative Council policy.