

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-837)
108TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "E" to COMMITTEE AMENDMENT "A" to
S.P. 205, L.D. 727, Bill, "AN ACT to Implement the Recommendations
of the Pomeroy Commission on Medical and Hospital Malpractice
Insurance."

Amend the Amendment by inserting after the 17th paragraph
the following:

'Further amend the Bill in that part designated "§2702."
in subsection 1 in paragraph B in the "NOTICE TO PATIENT"
in the first blocked paragraph in the 4th line (5th line in
L.D.) by striking out the words "A PANEL OF ARBITRATORS" and
inserting in their place the words 'AN ARBITRATOR'

Further amend the Amendment by inserting after the 19th
paragraph the following:

'Further amend the Bill in that part designated "§2702."
in subsection 2 , paragraph A in the "NOTICE TO PATIENT" by
striking out in the 3rd line (4th line in L.D.) by striking
out the words "A PANEL OF ARBITRATORS" and inserting in their
place the words 'AN ARBITRATOR'

Further amend the Amendment by striking out all of the
23rd and 24th paragraphs and inserting in their place the
following:

'Further amend the Bill by striking out all of that part
designated "§2705." and inserting in its place the following:

§2705. Arbitrator

1. Arbitrator; selection. An arbitration under this
chapter shall be heard by an arbitrator selected by the American

Arbitration Association. The party serving the notice of demand for arbitration shall, within 5 days of the commencement of arbitration proceedings, request the American Arbitration Association to utilize its procedures for the selection of the arbitrator. As soon as possible after receipt of such request, the arbitrator /^{shall} be selected in accordance with rules and procedures prescribed by the American Arbitration Association for making such selection.

2. Agreements of parties concerning arbitrators.

Notwithstanding subsection 1, the parties may agree upon an arbitrator or any method of selecting an arbitrator, provided the agreement is made after the commencement of arbitration proceedings.'

Further amend the amendment in the 27th paragraph which related to section 2706, subsection 1 by striking out in the 1st and 2nd lines the underlined words "the panel of arbitrators" and inserting in their place the underlined words 'an arbitrator'

Further amend the Amendment by inserting after the 27th paragraph the following:

'Further amend the Bill in that part designated "§2706." in subsection 2 in the 1st line (same in L.D.) by striking out the underlined word "panel" and inserting in its place the underlined word 'arbitrator'

Further amend the Bill in that part designated "§2707." in subsection 3 in paragraph A by striking out in the 3rd line (2nd line in L.D.) the underlined word "panel" and inserting in its place the underlined word 'arbitrator'

Further amend the Bill in that part designated "§2707." in subsection 3, paragraph B by striking out in the 5th line (same in L.D.) the underlined words "panel for its" and inserting in their place the underlined words 'arbitrator for his'

Further amend the Bill in that part designated "§2707." in subsection 3, paragraph F in the 1st and 2nd lined (same in L.D.) by striking out the underlined word "panel" (2 times) and inserting in its place the underlined word 'arbitrator'

Further amend the Amendment by striking out all of the 28th paragraph which related to section 2707, subsection 4 and inserting in its place the following:

'Further amend the Bill in that part designated "§2707." by striking out all of the 1st 2 sentences of subsection 4 and inserting in their place the following:

The arbitrator shall, upon application by a party, and may upon his own determination, issue a subpoena requiring a person to appear and be examined with reference to a matter within the scope of the proceeding and to produce books, records or papers pertinent to the proceeding. In case of disobedience to the subpoena, the arbitrator may petition the Superior Court in the county in which the hearing is being held to require the attendance and testimony of the witness and the production of books, papers and documents.'

Further amend the Amendment by inserting after the 28th paragraph the following:

'Further amend the Bill in that part designated "§2708." in subsection 1 in the 3rd line from the end (next to last line in L.D.) by striking out the underlined words "or the majority of a panel of arbitrators"

Further amend the Bill in that part designated "§2708." in subsection 2 in the 1st line (2nd line in L.D.) by striking out the underlined word "each" and inserting in its place the underlined word 'the'

Further amend the Bill in that part designated "2709." by striking out all of subsection 1 and inserting in its place the following:

1. Relief. The arbitrator may grant any relief deemed equitable and just, including money damages, provision for hospitalization, medical or rehabilitative procedures, support or any combination thereof.

Further amend the Bill in that part designated "§2709." in subsection 2 in the 1st line (same in L.D.) by striking out the underlined word "panel" and inserting in its place the underlined word "arbitrator".

Further amend the Bill in that part designated "§2709." by striking out all of subsection 3 and inserting in its place the following:

3. Rendering arbitrator award and opinion; time. The arbitrator shall render his award and opinion within 30 days after the close of the hearing or the receipt of briefs, if ordered.

D. OF
Further amend the Bill in that part designated "§2709." in subsection 4 in the 2nd line (3rd line in L.D.) by striking out the underlined words "chairman or by the majority of a panel of arbitrators" and inserting in their place the underlined word 'arbitrator'

Further amend the Bill in that part designated "§2710." by striking out all of subsection 1 and inserting in its place the following:

1. Written opinion; dissenting opinion. In addition to the award, the arbitrator shall render a written opinion which states his reasoning for the finding of liability or non-liability and the reasoning for the amount and kind of award, if any.

Further amend the Bill in that part designated "§2710." in subsection 2 in the 1st line (same in L.D.) by striking out the underlined word "panel" and inserting in its place the underlined word 'arbitrator'

Further amend the Bill in that part designated "§2710." in subsection 3 in the 1st line (same in L.D.) by striking out the underlined word "panel" and inserting in its place the underlined word 'arbitrator'

Further amend the Bill in that part designated "§2711." in subsection 1 in the 2nd line (3rd line in L.D.) by striking out the underlined word "panel" and inserting in its place the underlined word 'arbitrator'

Statement of Fact

This amendment provides that arbitration under subchapter III is conducted by a single arbitrator chosen by the American Arbitration Association.

Filed by Mr. Spencer of Standish.

Reproduced and distributed under the direction of the Clerk of the House.

6/24/77

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