

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 379, L.D. 486, Bill, "An Act To Clarify the Uniform Arbitration Act"

Amend the bill by inserting before section 1 the following:

Sec. 1. 4 MRSA §152, sub-§5, ¶Q, as enacted by PL 1989, c. 392, §1 and amended by c. 919, §§1 and 18, is further amended to read:

Q. Actions in which the equitable relief is sought through an equitable defense, a counterclaim, a cross-claim or other responsive pleading or reply permitted by the Maine Rules of Civil Procedure; and

Sec. 2. 4 MRSA §152, sub-§5, ¶R, as enacted by PL 1989, c. 919, §§2 and 18, is amended to read:

R. Actions to enforce access to health care under Title 22, section 1715; and

Sec. 3. 4 MRSA §152, sub-§5, ¶S is enacted to read:

S. Actions under the Uniform Arbitration Act, Title 14, chapter 706.

Sec. 4. 14 MRSA §5928, sub-§3, as enacted by PL 1967, c. 430, is amended to read:

3. Arbitration where action pending. If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in a court having jurisdiction to hear applications under subsection 1, the application shall must be made therein. Otherwise and subject to section 5944, the application may be made in the Superior Court or the District Court.

Amend the bill by inserting after section 1 the following:

Sec. 2. 14 MRSA §5944, as enacted by PL 1967, c. 430, is amended to read:

COMMITTEE AMENDMENT

R. 018

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**§5944. Venue**

~~An~~ If the action is to be heard in the Superior Court, an initial application shall must  
be made to the Superior Court of the county in which the agreement provides the  
arbitration hearing ~~shall must~~ be held or, if the hearing has been held, in the county in  
which it was held. Otherwise the application ~~shall must~~ be made in the county where the  
adverse party resides or has a place of business or, if ~~he~~ the adverse party has no  
residence or place of business in this State, to the court of any county. All subsequent  
applications ~~shall must~~ be made to the court hearing the initial application unless the  
court otherwise directs.

If the action is to be heard in the District Court, an initial application must be made to  
the division of the District Court in which the agreement provides the arbitration hearing  
must be held or, if the hearing has been held, in the division in which it was held.  
Otherwise the application must be made in the division where the adverse party resides or  
has a place of business or, if the adverse party has no residence or place of business in  
this State, to any District Court. All subsequent applications must be made to the court  
hearing the initial application unless the court otherwise directs.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
section number to read consecutively.

**SUMMARY**

- This amendment makes changes consistent with the original intent of the bill.
- This amendment amends the listing of the jurisdiction of the District Court to include actions under the Uniform Arbitration Act.
- This amendment amends the Uniform Arbitration Act to clarify jurisdiction and venue under the Uniform Arbitration Act.