

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

or as a covenant, equitable servitude, restriction, easement or otherwise, that is enforceable under other laws of this State.

§479-B. Uniformity of application and construction

This subchapter shall be applied and construed to effectuate its general purpose to make uniform the laws with respect to the subject of the subchapter among states enacting it.

Effective September 19, 1985.

CHAPTER 396

S.P. 597 - L.D. 1566

AN ACT Concerning the Court Mediation Service and the Conduct of Mediation.

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

Sec. 1. 4 MRSA §18 is enacted to read:

§18. Court Mediation Service

1. Court Mediation Service. There is established within the Judicial Department a Court Mediation Service to provide mediation in both the Superior and District Courts throughout the State.

2. Mediators. The Judicial Department through the State Court Administrator or his designee shall contract for the services of qualified persons to serve as mediators. The mediators shall not be considered employees of the State for any purpose. They shall be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the Administrative Office of the Courts.

3. Staff. With the advice and approval of the Court Mediation Committee, the Chief Judge of the District Court shall designate one of the mediators to serve at his pleasure as Director of the Court Mediation Service. The Chief Judge of the District Court may also designate from among the mediators one or more deputy directors, who also shall serve at his pleasure. The Chief Judge of the District Court

shall provide necessary clerical assistance to the Court Mediation Service, within the limit of funds available.

4. Facilities. The Chief Judge of the District Court shall provide a principal office for the Court Mediation Service and shall arrange for such mediation facilities throughout the State as are necessary and adequate for the conduct of court mediations.

5. Court Mediation Committee. A Court Mediation Committee shall be appointed by the Chief Justice of the Supreme Judicial Court to set policy for and monitor the Court Mediation Service. The committee shall consist of the Chief Justice of the Supreme Judicial Court or his designee; the Chief Justice of the Superior Court or his designee; the Chief Judge of the District Court or his designee; and the State Court Administrator or his designee. The Chief Justice of the Supreme Judicial Court shall also appoint a Justice of the Superior Court and a Judge of the District Court to the committee, who shall serve at his pleasure.

Sec. 2. 19 MRSA §636, as enacted by PL 1983, c. 813, §3, is amended to read:

§636. Court authority to order mediation

The court may, in any case under this subchapter, at any time refer the parties to mediation on any issues. Any agreement reached by the parties through mediation on any issues shall be reduced to writing, signed by the parties and presented to the court for approval as a court order. When agreement through mediation is not reached on any issue the court must determine that the parties made a good faith effort to mediate the issue before proceeding with a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may refer the parties back to mediation order the parties to submit to mediation, may dismiss the action or any part of the action, may render a decision or judgment by default, may assess attorney's fees and costs or may impose any other sanction that is appropriate in the circumstances. The court may also impose an appropriate sanction upon a party's failure without good cause to appear for mediation after receiving notice of the scheduled time for mediation.

Sec. 3. 19 MRSA §665, as enacted by PL 1983, c. 813, §4, is amended to read:

§665. Court authority to order mediation

The court may, in any case under this subchapter, at any time refer the parties to mediation on any issues. Any agreement reached by the parties through mediation on any issues shall be reduced to writing, signed by the parties and presented to the court for approval as a court order. When agreement through mediation is not reached on any issue, the court must determine that the parties made a good faith effort to mediate the issue before proceeding with a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may refer the parties back to mediation order the parties to submit to mediation, may dismiss the action or any part of the action, may render a decision or judgment by default, may assess attorney's fees and costs or may impose any other sanction that is appropriate in the circumstances. The court may also impose an appropriate sanction upon a party's failure without good cause to appear for mediation after receiving notice of the scheduled time for mediation.

Effective September 19, 1985.

CHAPTER 397

S.P. 500 - L.D. 1361

AN ACT to Amend Judicial Certification Procedures.

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

Sec. 1. 34-B MRSA §5475, sub-§4, ¶C, as enacted by PL 1983, c. 459, §7, is repealed and the following enacted in its place:

C. Either:

(1) There is no less restrictive alternative to the care provided by the facility, consistent with the best interest of the client; or

(2) There is not currently available a less restrictive alternative to the care provided by the facility, consistent with the best interest of the client.