

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

B. Promotes stabilization and lowering of prices paid by those members of the using and consuming public whose interests the Public Advocate is representing.

Sec. 3. 35-A MRSA §1712, as enacted by PL 2007, c. 657, §2, is repealed.

See title page for effective date.

CHAPTER 80

H.P. 379 - L.D. 486

An Act To Clarify the Uniform Arbitration Act

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

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.

Sec. 5. 14 MRSA §5943, as enacted by PL 1967, c. 430, is amended to read:

§5943. Court, jurisdiction

The term "court" means the Superior Court or the District Court of this State. The making of an agreement described in section 5927 providing for arbitration in this State confers jurisdiction on the court to enforce the agreement under this chapter and to enter

judgment on an award ~~thereunder~~ under the agreement.

Sec. 6. 14 MRSA §5944, as enacted by PL 1967, c. 430, is amended to read:

§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.

See title page for effective date.

CHAPTER 81

S.P. 178 - L.D. 595

An Act To Allow for Timely Credit for Driver's License Suspensions Imposed by a Court

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

Sec. 1. 29-A MRSA §2411, sub-§5-A, as enacted by PL 1995, c. 368, Pt. AAA, §9, is amended to read:

5-A. Notice and custody. The court shall give notice of a license suspension and shall take physical custody of the driver's license, except when the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension.