

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Sec. 3. 35-A MRSA §1712, as enacted by PL 2007, c. 657, §2, is repealed.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

Sec. 2. 29-A MRSA §2434, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Stay of suspension. The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay, unless 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, in which case the court may stay a suspension for up to 7 days.

See title page for effective date.

CHAPTER 82

H.P. 562 - L.D. 755

An Act To Strengthen the Laws Regarding Dangerous Dogs

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

Sec. 1. 7 MRSA §3952, sub-§1, as corrected by RR 2009, c. 1, §9, is amended to read:

1. Procedure. Any person who is assaulted or threatened with imminent bodily injury by a dog or any person witnessing an assault or threatened assault against a person or domesticated animal or a person with knowledge of an assault or threatened assault against a minor, within 30 days of the assault or threatened assault, may make written complaint to the sheriff, local law enforcement officer or animal control officer that the dog is a dangerous dog. For the purposes of this chapter, "domesticated animal" includes, but is not limited to, livestock as defined in section 3907, subsection 18-A.

Upon investigation of the complaint, the sheriff, local law enforcement officer or animal control officer may issue a civil violation summons for keeping a dangerous dog.

If, upon hearing, the court finds that the dog is a dangerous dog as defined in section 3907, subsection 12-D, the court shall impose a fine and shall:

A. Order the dog confined in a secure enclosure except as provided in paragraph C or subsection 8. For the purposes of this paragraph, "secure enclosure" means a fence or structure of at least 6 feet in height forming or making an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in conjunction with other measures that may be taken by the owner or

keeper, such as tethering the dangerous dog. The secure enclosure must be locked, be designed with secure top, bottom and sides and be designed to prevent the animal from escaping from the enclosure. The court shall specify the length of the period of confinement and may order permanent confinement; ~~or~~

B. Order the dog to be euthanized if it has killed, maimed or inflicted serious bodily injury upon a person or has a history of a prior assault- or a prior finding by the court of being a dangerous dog; or

C. Order the dog to be securely muzzled, restricted by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper whenever the dog is off the owner's or keeper's premises.

The court may order restitution in accordance with Title 17-A, chapter 54 for any damages inflicted upon a person or a person's property.

Sec. 2. 7 MRSA §3952, sub-§8, as enacted by PL 2007, c. 170, §4, is amended to read:

8. Restriction of movement outside of a secure enclosure. An owner or keeper of a dog confined to a secure enclosure by a court under subsection 1, paragraph A or subsection 1-A, paragraph C may not allow the dog outside of the secure enclosure unless:

- A. It is necessary to obtain veterinary care for the dog or to comply with orders of the court; and
- B. The dog is securely muzzled, restrained by a tether not more than 3 feet in length with a minimum tensile strength of 300 pounds and under the direct control of the dog's owner or keeper.

See title page for effective date.

CHAPTER 83

S.P. 221 - L.D. 731

An Act To Terminate the Authorization of the Maine Self-Insurance Guarantee Association To Serve as a Statistical Advisory Organization for Self-insurers

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

Sec. 1. 24-A MRSA §2384-B, sub-§1, as enacted by PL 1991, c. 885, Pt. B, §12 and affected by §13, is amended to read:

1. Collection and reporting system. The statistical advisory organization designated pursuant to section 2382-B, subsection 2 shall develop and file with