

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

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.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor