

§18-B. Court Alternative Dispute Resolution Service (CONFLICT)

1. Court Alternative Dispute Resolution Service. There is established within the Administrative Office of the Courts a Court Alternative Dispute Resolution Service to provide alternative dispute resolution, referred to in this section as "ADR," services in the courts throughout the State. [PL 1995, c. 560, Pt. I, §3 (NEW).]

2. ADR providers. The Judicial Department, through the State Court Administrator or the administrator's designee, shall contract for the services of qualified persons or organizations to serve as providers of ADR services to parties. The ADR providers are not employees of the State for any purpose. The ADR providers are entitled to 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. [PL 1995, c. 560, Pt. I, §3 (NEW).]

3. Immunity from civil liability. A person serving as an ADR provider under contract with the Judicial Department or as the Director of the Court Alternative Dispute Resolution Service is immune from any civil liability, as are employees of governmental entities, under the Maine Tort Claims Act, for acts performed within the scope of the provider's or the director's duties. [PL 1995, c. 560, Pt. I, §3 (NEW).]

4. Staff. With the advice and approval of the Court Alternative Dispute Resolution Service Committee, the State Court Administrator shall employ or contract with a person to serve as the Director of the Court Alternative Dispute Resolution Service. The State Court Administrator shall provide other necessary staff and clerical assistance to the Court Alternative Dispute Resolution Service, within the limits of funds available. [PL 1995, c. 560, Pt. I, §3 (NEW).]

5. Facilities. The State Court Administrator shall provide a principal office for the Court Alternative Dispute Resolution Service and shall arrange for facilities throughout the State as necessary and adequate for the conduct of ADR sessions, within the limits of funds available. [PL 1995, c. 560, Pt. I, §3 (NEW).]

6. Court Alternative Dispute Resolution Service Committee. The Court Alternative Dispute Resolution Service Committee, or "committee," is established to set policy for and monitor the Court Alternative Dispute Resolution Service. The committee consists of:

- A. The Chief Justice of the Supreme Judicial Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- B. The Chief Justice of the Superior Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- C. The Chief Judge of the District Court or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- D. The State Court Administrator or a designee; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- E. A Justice of the Superior Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court; [PL 1995, c. 560, Pt. I, §3 (NEW).]
- F. A Judge of the District Court, who is appointed by and serves at the pleasure of the Chief Justice of the Supreme Judicial Court; and [PL 1995, c. 560, Pt. I, §3 (NEW).]
- G. Any additional members appointed by the Chief Justice of the Supreme Judicial Court that the Chief Justice considers necessary to the committee's operation. [PL 1995, c. 560, Pt. I, §3 (NEW).]

[PL 1995, c. 560, Pt. I, §3 (NEW).]

7. (CONFLICT: Text as amended by PL 2021, c. 245, Pt. G, §1) Authority and fees. A court may refer cases to the Court Alternative Dispute Resolution Service for mediation and, when a court refers case types or individual cases to the Court Alternative Dispute Resolution Service for mediation, the court shall assess the parties a fee to be apportioned equally among the parties, unless the court otherwise directs. The fee must be deposited in the dedicated account created in subsection 8.

A party may file an in forma pauperis application for waiver of fee. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

[PL 2021, c. 245, Pt. G, §1 (AMD).]

7. (CONFLICT: Text as amended by PL 2021, c. 329, §2) Authority and fees. The Judicial Department is authorized to refer cases to the Court Alternative Dispute Resolution Service for mediation and, when a court refers parties to the Court Alternative Dispute Resolution Service for mediation, the court shall assess the parties a fee to be apportioned equally among the parties, unless the court otherwise directs. The fee must be deposited in the dedicated account created in subsection 8.

A party may file an in forma pauperis application for waiver of fee. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

[PL 2021, c. 329, §2 (AMD).]

8. Court Alternative Dispute Resolution Service Fund. The Court Alternative Dispute Resolution Service Fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for ADR services provided pursuant to this section must be deposited in the fund.

Except as otherwise provided in this section, the Administrative Office of the Courts shall use 100% of the resources in the funds from nondesignated cases to cover the costs of providing ADR services as required under this section. All funds from cases handled by the Court Alternative Dispute Resolution Service pursuant to Title 38, section 347-A, subsection 4, paragraph E must be used for the costs of providing ADR services as required under this section.

[PL 1997, c. 643, Pt. EE, §1 (AMD).]

9. Rules. The Supreme Judicial Court shall adopt rules to govern the referral of cases to the Court Alternative Dispute Resolution Service.

[PL 1995, c. 560, Pt. I, §3 (NEW).]

10. Land use mediation. The land use mediation program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the land use mediation program established in Title 5, chapter 314, subchapter II. [PL 1997, c. 393, Pt. A, §5 (NEW).]

B. A land use mediation fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter II must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter II. [PL 1997, c. 393, Pt. A, §5 (NEW).]

[PL 2001, c. 184, §2 (AMD).]

11. Mediation of disputes involving natural gas pipelines. The natural gas pipeline dispute resolution program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the natural gas pipeline dispute resolution program established in Title 5, chapter 314, subchapter III. [PL 1999, c. 346, §1 (NEW).]

B. A natural gas pipeline dispute resolution fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter III must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter III. [PL 1999, c. 346, §1 (NEW).]
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12. Mediation involving mortgage foreclosures on owner-occupied residential property. The foreclosure mediation program is a program within the Supreme Judicial Court to provide mediation in the courts throughout the State pursuant to Title 14, section 6321-A.

A. The Supreme Judicial Court, or a person or organization designated by the court, shall administer the foreclosure mediation program. [PL 2009, c. 402, §1 (NEW).]

B. A foreclosure mediation program fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected to support mediation services pursuant to Title 14, section 6321-A, subsection 3 must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 14, section 6321-A. [PL 2009, c. 402, §1 (NEW).]
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SECTION HISTORY

PL 1995, c. 560, §13 (NEW). PL 1997, c. 393, §A5 (AMD). PL 1997, c. 643, §EE1 (AMD). PL 1999, c. 346, §1 (AMD). PL 2001, c. 184, §2 (AMD). PL 2009, c. 402, §1 (AMD). PL 2021, c. 245, Pt. G, §1 (AMD). PL 2021, c. 329, §2 (AMD).

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