

§2172. Dispute resolution

In the event that the bureau and a host community cannot agree on the terms of a host community agreement pursuant to section 2170-A, the parties shall submit the dispute for resolution in accordance with this section. [PL 2011, c. 655, Pt. GG, §52 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

1. Mediation. The parties shall submit the dispute for mediation. The commissioner shall present to the parties a list of 5 experienced and qualified mediators. Each party may strike 2 names from the list. After each party has been afforded 2 opportunities to strike, either the sole remaining person or the first unchallenged person on the list must be appointed by the commissioner as the mediator assigned to mediate the dispute. In assembling the list of proposed mediators, the commissioner may consider the panel of mediators offered by the Office of Court Alternative Dispute Resolution Service created in Title 4, section 18-B.

[PL 2007, c. 406, §4 (NEW).]

2. Arbitration. If mediation fails to result in an agreement between the parties, the parties shall submit the dispute for arbitration. The commissioner shall present to the parties a list of 5 experienced and qualified arbitrators. Each party may strike 2 names from the list. After each party has been afforded 2 opportunities to strike, either the sole remaining person or the first unchallenged person on the list must be appointed by the commissioner as the arbitrator assigned to determine the dispute. In assembling the list of proposed arbitrators, the commissioner may consider the panels of arbitrators offered by the Office of Court Alternative Dispute Resolution Service created in Title 4, section 18-B or by the American Arbitration Association or its successor organization.

A. Both the bureau and the host community will be bound by the decision of the arbitrator. [PL 2011, c. 655, Pt. GG, §53 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

B. Unless otherwise provided for in this subsection, the arbitration must be conducted in accordance with the rules of the American Arbitration Association or its successor organization for the conduct of commercial arbitration proceedings. [PL 2007, c. 406, §4 (NEW).]

C. Costs associated with the arbitration must be shared equally between the parties. [PL 2007, c. 406, §4 (NEW).]

D. The arbitrator shall submit the decision to the commissioner. [PL 2007, c. 406, §4 (NEW).]

E. Either party may appeal the decision of the arbitrator to the Superior Court. [PL 2007, c. 406, §4 (NEW).]

[PL 2011, c. 655, Pt. GG, §53 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

SECTION HISTORY

PL 1989, c. 585, §A7 (NEW). PL 1993, c. 310, §B6 (AMD). PL 1995, c. 656, §A52 (AMD). PL 2007, c. 406, §4 (RPR). PL 2011, c. 655, Pt. GG, §§52, 53 (AMD). PL 2011, c. 655, Pt. GG, §70 (AFF).

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