

DETERMINATION OF THE CONTROVERSY.

REVISOR'S NOTE: This section is new language derived from Art. 7, §5(a) and (b). Provisions of subsection (a) and (b) have been separated from other provisions of §5 to emphasize the difference between the provisions and enhance clarity. In subsection (b), the provisions dealing with quorum necessary for an arbitration hearing is modified to include an exception for an arbitrator who ceases to act during the course of the hearing in accordance with §3-215(b).

SEC. 3-214. RIGHTS OF PARTIES AT ARBITRATION HEARING;
RULES OF EVIDENCE.

(A) IN GENERAL.

AT AN ARBITRATION HEARING, THE PARTIES HAVE THE RIGHT:

(1) TO BE HEARD;

(2) TO PRESENT EVIDENCE MATERIAL TO THE CONTROVERSY; AND

(3) TO CROSS EXAMINE WITNESSES WHO APPEAR AT THE HEARING.

(B) ARBITRATORS NOT BOUND BY RULES OF EVIDENCE.

ARBITRATORS ARE NOT BOUND BY THE TECHNICAL RULES OF EVIDENCE.

REVISOR'S NOTE: This section is new language derived from Art. 7, §5(c).

In subsection (b) the term "technical rules of evidence" is retained. The term appears in at least one other place in the Code. Art. 81, §229(f) provides that the Maryland Tax Court "shall not be bound by the technical rules of evidence"; see Fairchild-Hiller Corporation v. Supervisor of Assessments, 276 Md. App. 519 (1973).

While the Administrative Procedure Act does not contain the specific phrase, the provisions of that statute dealing with