

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1081

S.P. 380

In Senate, February 9, 1999

An Act to Enact the Uniform Foreign Money-judgments Recognition Act.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MURRAY of Penobscot.
Cosponsored by Representative THOMPSON of Naples.

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

4 Sec. 1. 14 MRSA c. 753 is enacted to read:

6 CHAPTER 753

8 UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT

10 §8501. Short title

12 This Act may be cited as the Uniform Foreign Money-judgment Recognition Act.

14 §8502. Definitions

16 As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

18 1. Foreign state. "Foreign State" means any governmental unit other than the United States; any state, district, commonwealth, territory, insular possession of the United States; the Panama Canal Zone; the Trust Territory of the Pacific Islands; or the Ryukyu Islands.

20 2. Foreign judgment. "Foreign judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty or a judgment for support in matrimonial or family matters.

24 §8503. Applicability

26 This Act applies to any foreign judgment that is final, conclusive and enforceable where rendered even though the judgment is being appealed or it is subject to appeal.

30 §8504. Recognition and enforcement

32 Except as provided in section 8505, a foreign judgment under the requirements of section 8503 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable in the same manner as the judgment of a sister state that is entitled to full faith and credit.

36 §8505. Grounds for nonrecognition

38 1. Foreign judgment not conclusive. A foreign judgment is not conclusive if:

40 A. The judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

2 B. The foreign court did not have personal jurisdiction
3 over the defendant; or

4
5 C. The foreign court did not have jurisdiction over the
6 subject matter.

7 2. Foreign judgment not recognized. A foreign judgment
8 need not be recognized if:

9
10 A. The defendant in the proceedings in the foreign court
11 did not receive notice of the proceedings in sufficient time
12 to enable the defendant to defend;

13 B. The judgment was obtained by fraud;

14
15 C. The cause of action or claim for relief on which the
16 judgment is based is repugnant to the public policy of this
17 State;

18
19 D. The judgment conflicts with another final and conclusive
20 judgment;

21
22 E. The proceeding in the foreign court was contrary to an
23 agreement between the parties under which the dispute in
24 question was to be settled otherwise than by proceedings in
25 that court; or

26
27 F. In the case of jurisdiction based only on personal
28 service, the foreign court was a seriously inconvenient
29 forum for the trial of the action.

30
31 **§8506. Jurisdiction**

32
33 1. Foreign judgment not refused for lack of personal
34 jurisdiction. The foreign judgment may not be refused
35 recognition for lack of personal jurisdiction if:

36
37 A. The defendant was served personally in the foreign state;

38
39 B. The defendant voluntarily appeared in the proceedings,
40 other than for the purpose of protecting property seized or
41 threatened with seizure in the proceedings or of contesting
42 the jurisdiction of the court;

43
44 C. The defendant prior to the commencement of the
45 proceedings had agreed to submit to the jurisdiction of the
46 foreign court with respect to the subject matter involved;

47
48 D. The defendant was domiciled in the foreign state when
49 the proceedings were instituted or, being a body corporate,
50

2 had its principal place of business, was incorporated or had
3 otherwise acquired corporate status in the foreign state;

4 E. The defendant had a business office in the foreign state
5 and the proceedings in the foreign court involved a cause of
6 action or claim for relief arising out of business done by
7 the defendant through that office in the foreign state; or

8
9 F. The defendant operated a motor vehicle or airplane in
10 the foreign state and the proceedings involved a cause of
11 action or claim for relief arising out of that operation.

12
13 2. Foreign judgment recognized on other bases of
14 jurisdiction. The courts of this State may recognize other bases
15 of jurisdiction.

16 **§8507. Stay in case of appeal**

17
18
19 If the defendant satisfies the court either that an appeal
20 is pending or that the defendant is entitled and intends to
21 appeal from the foreign judgment, the court may stay the
22 proceedings until the appeal has been determined or until the
23 expiration of a period of time sufficient to enable the defendant
24 to prosecute the appeal.

25
26 **§8508. Saving clause**

27
28 This Act does not prevent the recognition of a foreign
29 judgment in situations not covered by this Act.

30
31
32 **SUMMARY**

33
34 This bill adopts the Uniform Foreign Money-judgments
35 Recognition Act. This Act requires a Maine court to enforce a
36 money judgment from another country with the full faith and
37 credit that the Maine court would treat a money judgment from
38 another state if:

- 39
40 1. The foreign money judgment is conclusive; and
41
42 2. The foreign court had personal jurisdiction.

43
44 This bill allows a Maine court to stay the proceedings to
45 enforce a money judgment from a foreign country if the defendant
46 satisfies the court that an appeal is pending or that the
47 defendant is entitled and intends to appeal the underlying
48 foreign-money judgment.