

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 706

H. P. 1618

House of Representatives, February 14, 1939.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. McGlaulin of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Judicial Notice of Foreign Law.

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

Sec. 1. Judicial notice. Every court of this state shall take judicial notice of the common law and statutes of every state, territory and other jurisdiction of the United States.

Sec. 2. Information of the court. The court may inform itself of such laws in such manner as it may deem proper, and the court may call upon counsel to aid it in obtaining such information.

Sec. 3. Ruling reviewable. The determination of such laws shall be made by the court and not by the jury, and shall be reviewable.

Sec. 4. Evidence as to laws of other jurisdictions. Any party may also present to the trial court any admissible evidence of such laws, but, to enable a party to offer evidence of the law in another jurisdiction or to ask that judicial notice be taken thereof, reasonable notice shall be given to the adverse parties either in the pleadings or otherwise.

Sec. 5. Foreign country. The law of a jurisdiction other than those referred to in section 1 shall be an issue for the court, but shall not be subject to the foregoing provisions concerning judicial notice.

Sec. 6. Interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 7. Short title. This act may be cited as the Uniform Judicial Notice of Foreign Law Act.

Sec. 8. Repeal. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, or amended to conform with the provisions hereof.