

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 electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2022

MEMBERS:

SEN. ANNE M. CARNEY, CHAIR
SEN. HEATHER B. SANBORN
SEN. LISA M. KEIM

REP. THOM HARNETT, CHAIR
REP. CHRISTOPHER W. BABBIDGE
REP. JOYCE MCCREIGHT*
REP. BARBARA A. CARDONE*
REP. LOIS GALGAY RECKITT
REP. STEPHEN W. MORIARTY
REP. ERIN R. SHEEHAN
REP. DAVID G. HAGGAN
REP. LAUREL D. LIBBY*
REP. JENNIFER L. POIRIER
REP. JAMES F. THORNE*
REP. JEFFREY EVANGELOS
REP. RENA D. NEWELL

STAFF:

MARGARET REINSCH, SR. LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for portion of session

JOINT STANDING COMMITTEE ON JUDICIARY

LD 861 Resolve, Concerning Training and Assessments Related to Protection from Substantial Threats

ENACTED LAW SUMMARY

Resolve 2021, chapter 160 requires the Department of Public Safety to develop and provide training programs on the protection from substantial threats process (also known as “yellow flag orders”) in the Maine Revised Statutes, Title 34-B, section 3862-A, referred to in the resolve as “the temporary weapons removal process,” which includes temporary weapons removal assessments. The department is required to report annually from 2023 to 2026 to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the training programs and certain information concerning temporary weapons removal assessments and recommended temporary weapons removals.

LD 903 An Act To Enact the Uniform Foreign-country Money Judgments Recognition Act and the Uniform Registration of Canadian Money Judgments Act

ENACTED LAW SUMMARY

Public Law 2021, chapter 689 enacts the Uniform Foreign-country Money Judgments Recognition Act and the Uniform Registration of Canadian Money Judgments Act. Both Acts take effect January 1, 2023. The key difference between the two laws is that the Uniform Registration of Canadian Money Judgments Act allows registration in the Maine courts of a Canadian money judgment, without the registered judgment being related to an action already pending in or a new action being filed in the Maine courts.

The Uniform Foreign-country Money Judgments Recognition Act provides rules for recognition and enforcement of money judgments from any foreign country. If a person wishes to enforce in Maine a money judgment from a foreign country, the first step is recognition of the foreign-country judgment. A creditor may seek recognition by filing an action in state court or by filing a counterclaim, cross-claim or affirmative defense in a pending action. If the judgment meets the statutory standards, the court must recognize it and then the judgment may be enforced as if it is a judgment of another state of the United States.

To be recognized, a foreign-country money judgment must meet several standards. First, it must be shown that the judgment is conclusive, final and enforceable in the country of origin. Second, the judgment must come from a court system that is impartial and that honors due process. Third, the foreign court must have had personal and subject matter jurisdiction. Recognition of the judgment may be denied for a number of reasons, including if the defendant did not receive notice of the proceeding or the claim is repugnant to American or Maine public policy.

Public Law 2021, chapter 689 also includes the Uniform Registration of Canadian Money Judgments Act, originally proposed in L.D. 902. The Uniform Registration of Canadian Money Judgments Act was finalized by the Uniform Law Commission in 2019 to create a streamlined process for recognizing and enforcing money judgments from Canada eliminating the need to file