

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2022

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### **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

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a lawsuit. Under the registration process, the court need not hold a full judicial proceeding to recognize and enforce a Canadian money judgment that meets the requirements of the Act. The streamlined approach of the Act offers a less expensive method to recognize and enforce money judgments that are a result of commercial activity. Under this act, Canadian judgments may be recognized by registering the judgment with the clerk of the court with notice to the person against whom the judgment has been registered. Unless the person objects, the judgment may be enforced 31 days following the notice. The person may object on the grounds available under the Uniform Foreign-country Money Judgments Recognition Act or because of a failure to comply with the registration requirements. If the person objects, the process reverts to the process for recognition of judgments from other countries.

Public Law 2021, chapter 689 includes the following nonuniform modifications to the Uniform Registration of Canadian Money Judgments Act:

1. It does not include a statutory form because the judicial branch will develop a petition form for registering a Canadian money judgment.
2. The Act applies to money judgments from a Canadian proceeding commenced before as well as on or after the effective date of the Act, which is January 1, 2023.

The prefatory notes and comments approved by the National Conference of Commissioners on Uniform State Laws as part of the Uniform Foreign-country Money Judgments Act and the Uniform Registration of Canadian Money Judgments Act are applicable to the relevant provisions of Public Law 2021, chapter 689.

Public Law 2021, chapter 689 is effective January 1, 2023.

### **LD 906 An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 650 exempts the property of the Passamaquoddy Water District, which is a nontribal entity, from taxation by municipal governments. In order to provide access to alternate supplies of groundwater, it also authorizes the Passamaquoddy Tribe to add to the Passamaquoddy Indian territory, through the federal trust acquisition process and without local approval, two parcels of tribally owned fee land that are in close proximity to the tribe's existing Indian territory.

Public Law 2021, chapter 650 further provides that, unless the Passamaquoddy Tribe enters an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction, the United States Environmental Protection Agency, and not the State, has the primary authority to regulate drinking water standards within Passamaquoddy Indian territory. If the tribe chooses to do so, it may seek authority from the United States Environmental Protection Agency to regulate drinking water standards within Passamaquoddy Indian territory to the extent permitted under federal law.