

MAINE STATE LEGISLATURE

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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

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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.

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This drinking water-related jurisdiction of the United States Environmental Protection Agency and of the Passamaquoddy Tribe does not extend beyond the Passamaquoddy Indian territory.

LD 913 An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse

ENACTED LAW SUMMARY

Public Law 2021, chapter 644 limits the public accessibility of certain court records that are part of eviction actions brought pursuant to the Maine Revised Statutes, Title 14, section 6001 and small claims actions brought pursuant to Title 14, section 7481. It provides that the records are available only at the courthouse, and not online, if the eviction action or small claims action is dismissed, is resolved in favor of the defendant, more than three years have elapsed since the judgment was entered or the parties agree that the records should be accessible by the public only at the courthouse.

LD 1310 An Act Regarding a Post-judgment Motion To Seal the Criminal History Record Information for Certain Criminal Convictions

ENACTED LAW SUMMARY

Public Law 2021, chapter 674 reestablishes a special statutory process to seal certain criminal records that was originally created by Public Law 2015, chapter 354 that was repealed by its own terms on October 1, 2019. Chapter 674 uses the same process to seal criminal records of an eligible criminal conviction as in the repealed law but expands the eligibility for record sealing by increasing the maximum age at which the crime was committed.

“Eligible criminal conviction” includes all current and former Class E crimes except for sexual assault crimes contained in the Maine Revised Statutes, Title 17-A, chapter 11. A person with an eligible criminal conviction may file a motion to seal the criminal history record information for the eligible criminal conviction if at least four years have passed since the person fully satisfied each of the sentencing alternatives imposed for the conviction; the person has not been convicted of another crime in this State and has not had a criminal charge dismissed as a result of a deferred disposition since satisfying the sentencing alternatives; the person has not been convicted of a crime in another jurisdiction since satisfying the sentencing alternatives; the person does not have any presently pending criminal charges in this State or in another jurisdiction; and the person was at least 18 years of age but less than 28 years of age at the time of the commission of the underlying crime.

The court must hold a hearing on the motion and, if the court determines all the requirements have been met, the court must issue an order sealing the criminal history record information. Notice of the order must be provided to the person, the prosecutorial office that prosecuted the person and the Department of Public Safety, Bureau of State Police, State Bureau of Identification, which must promptly amend its records relating to the sealed criminal history record information.