

## CHAPTER 759

### UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

#### §8801. Short title

This chapter may be known and cited as "the Uniform Foreign-country Money Judgments Recognition Act." [PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### §8802. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 689, §2 (NEW).]

**1. Foreign country.** "Foreign country" means a governmental unit other than:

A. The United States; [PL 2021, c. 689, §2 (NEW).]

B. A state, district, commonwealth, territory or insular possession of the United States; or [PL 2021, c. 689, §2 (NEW).]

C. Any other government with regard to which the decision in this State as to whether to recognize a judgment of that government's courts is initially subject to determination under the full faith and credit clause of the United States Constitution, Article IV, Section 1. [PL 2021, c. 689, §2 (NEW).]

[PL 2021, c. 689, §2 (NEW).]

**2. Foreign-country judgment.** "Foreign-country judgment" means any judgment of a court of a foreign country.

[PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### §8803. Applicability

**1. Sum of money; enforceable.** Except as otherwise provided in subsection 2, this Act applies to a foreign-country judgment to the extent that the judgment:

A. Grants or denies recovery of a sum of money; and [PL 2021, c. 689, §2 (NEW).]

B. Is final, conclusive and enforceable under the law of the foreign country where it was rendered. [PL 2021, c. 689, §2 (NEW).]

[PL 2021, c. 689, §2 (NEW).]

**2. Exclusions.** This Act does not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is:

A. A judgment for taxes; [PL 2021, c. 689, §2 (NEW).]

B. A fine or other penalty; or [PL 2021, c. 689, §2 (NEW).]

C. A judgment for divorce, support or maintenance or other judgment rendered in connection with domestic relations. [PL 2021, c. 689, §2 (NEW).]

[PL 2021, c. 689, §2 (NEW).]

**3. Establish applicability.** A party seeking recognition of a foreign-country judgment has the burden of establishing that this Act applies to the foreign-country judgment.

[PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

### §8804. Standards for recognition of foreign-country judgment

**1. Recognition if applicable.** Except as otherwise provided in subsections 2 and 3, a court of this State shall recognize a foreign-country judgment to which this Act applies.

[PL 2021, c. 689, §2 (NEW).]

**2. Not recognized.** A court of this State may not recognize a foreign-country judgment if:

A. The judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law; [PL 2021, c. 689, §2 (NEW).]

B. The foreign court did not have personal jurisdiction over the defendant; or [PL 2021, c. 689, §2 (NEW).]

C. The foreign court did not have jurisdiction over the subject matter. [PL 2021, c. 689, §2 (NEW).]

[PL 2021, c. 689, §2 (NEW).]

**3. Discretion to not recognize.** A court of this State need not recognize a foreign-country judgment if:

A. The defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend; [PL 2021, c. 689, §2 (NEW).]

B. The judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case; [PL 2021, c. 689, §2 (NEW).]

C. The judgment or the cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this State or the United States; [PL 2021, c. 689, §2 (NEW).]

D. The judgment conflicts with another final and conclusive judgment; [PL 2021, c. 689, §2 (NEW).]

E. The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that foreign court; [PL 2021, c. 689, §2 (NEW).]

F. In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action; [PL 2021, c. 689, §2 (NEW).]

G. The judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or [PL 2021, c. 689, §2 (NEW).]

H. The specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law. [PL 2021, c. 689, §2 (NEW).]

[PL 2021, c. 689, §2 (NEW).]

**4. Establish nonrecognition grounds.** A party resisting recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition stated in subsection 2 or 3 exists.

[PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

### **§8805. Personal jurisdiction**

**1. Lack of personal jurisdiction.** A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if:

- A. The defendant was served personally in the foreign country; [PL 2021, c. 689, §2 (NEW).]
- B. The defendant voluntarily appeared in the proceeding, other than for the purpose of protecting property seized or threatened with seizure in the proceeding or of contesting the jurisdiction of the court over the defendant; [PL 2021, c. 689, §2 (NEW).]
- C. The defendant, before the commencement of the proceeding, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved; [PL 2021, c. 689, §2 (NEW).]
- D. The defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country; [PL 2021, c. 689, §2 (NEW).]
- E. The defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action or claim for relief arising out of business done by the defendant through that office in the foreign country; or [PL 2021, c. 689, §2 (NEW).]
- F. The defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action or claim for relief arising out of that operation. [PL 2021, c. 689, §2 (NEW).]

[PL 2021, c. 689, §2 (NEW).]

**2. Other bases of personal jurisdiction.** The list of bases for personal jurisdiction in subsection 1 is not exclusive. The courts of this State may recognize bases of jurisdiction other than those in subsection 1 as sufficient to support a foreign-country judgment.

[PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

### **§8806. Procedure for recognition of foreign-country judgment**

**1. Original matter.** If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition must be raised by commencing an action in compliance with the Maine Rules of Civil Procedure seeking recognition of the foreign-country judgment.

[PL 2021, c. 689, §2 (NEW).]

**2. In pending action.** If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim or affirmative defense, filed and served in compliance with the Maine Rules of Civil Procedure.

[PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

### **§8807. Effect of recognition of foreign-country judgment**

If the court in a proceeding under section 8806 finds that the foreign-country judgment is entitled to recognition under this Act, then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is: [PL 2021, c. 689, §2 (NEW).]

**1. Conclusive.** Conclusive between the parties to the same extent as the judgment of another state entitled to full faith and credit in this State would be conclusive; and [PL 2021, c. 689, §2 (NEW).]

**2. Enforceable.** Enforceable in the same manner and to the same extent as a judgment rendered in this State. [PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### **§8808. Stay of proceeding pending appeal of foreign-country judgment**

If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceeding with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires or the appellant has had sufficient time to prosecute the appeal and has failed to do so. [PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### **§8809. Statute of limitations**

An action to recognize a foreign-country judgment must be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country and 15 years from the date that the foreign-country judgment became effective in the foreign country. [PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### **§8810. Uniformity of application and interpretation**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. [PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### **§8811. Saving clause**

This Act does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this Act. [PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### **§8812. Effective date**

This Act takes effect January 1, 2023. [PL 2021, c. 689, §2 (NEW).]

#### SECTION HISTORY

PL 2021, c. 689, §2 (NEW).

#### **§8813. Recognition of judgments under prior law**

An action taken between August 8, 2022 and January 1, 2023 to recognize a foreign judgment that would have been valid under former chapter 753 is valid. For purposes of this section, "foreign

judgment" has the same meaning as in former section 8502, subsection 2. [PL 2023, c. 405, Pt. B, §1 (NEW).]

#### SECTION HISTORY

PL 2023, c. 405, Pt. B, §1 (NEW).

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