

CHAPTER 761

UNIFORM REGISTRATION OF CANADIAN MONEY JUDGMENTS ACT

§8901. Short title

This chapter may be known and cited as "the Uniform Registration of Canadian Money Judgments Act." [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8902. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 689, §3 (NEW).]

1. Canada. "Canada" means the sovereign nation of Canada and its provinces and territories. "Canadian" has a corresponding meaning. [PL 2021, c. 689, §3 (NEW).]

2. Canadian judgment. "Canadian judgment" means a judgment of a court of Canada, other than a judgment that recognizes the judgment of another foreign country. [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8903. Applicability

1. Enforcement of judgment. This Act applies to a Canadian judgment to the extent the judgment is within the scope of section 8803, if recognition of the judgment is sought to enforce the judgment. [PL 2021, c. 689, §3 (NEW).]

2. Judgment for recovery of sum and other relief. A Canadian judgment that grants both recovery of a sum of money and other relief may be registered under this Act, but only to the extent of the grant of recovery of a sum of money. [PL 2021, c. 689, §3 (NEW).]

3. Subject matter of judgment. A Canadian judgment regarding subject matter both within and not within the scope of this Act may be registered under this Act, but only to the extent the judgment is with regard to subject matter within the scope of this Act. [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8904. Registration of Canadian judgment

1. Registration in office of the court clerk. A person seeking recognition of a Canadian judgment described in section 8903 to enforce the judgment may register the judgment in the office of the clerk of a court in which an action for recognition of the judgment could be filed under section 8806. [PL 2021, c. 689, §3 (NEW).]

2. Execution and contents of registration. A registration under subsection 1 must be executed by the person registering the judgment or the person's attorney and include:

- A. A copy of the Canadian judgment authenticated as an accurate copy by the court that entered the judgment; [PL 2021, c. 689, §3 (NEW).]
- B. The name and address of the person registering the judgment; [PL 2021, c. 689, §3 (NEW).]
- C. If the person registering the judgment is not the person in whose favor the judgment was rendered, a statement describing the interest the person registering the judgment has in the judgment that entitles the person to seek its recognition and enforcement; [PL 2021, c. 689, §3 (NEW).]
- D. The name and last-known address of the person against whom the judgment is being registered; [PL 2021, c. 689, §3 (NEW).]
- E. If the judgment is of the type described in section 8903, subsection 2 or 3, a description of the part of the judgment being registered; [PL 2021, c. 689, §3 (NEW).]
- F. The amount of the judgment or part of the judgment being registered, identifying:
- (1) The amount of interest accrued as of the date of registration on the judgment or part of the judgment being registered, the rate of interest, the part of the judgment to which interest applies and the date when interest began to accrue;
 - (2) Costs and expenses included in the judgment or part of the judgment being registered, other than an amount awarded for attorney's fees; and
 - (3) The amount of an award of attorney's fees included in the judgment or part of the judgment being registered; [PL 2021, c. 689, §3 (NEW).]
- G. The amount, as of the date of registration, of post-judgment costs, expenses and attorney's fees claimed by the person registering the judgment or part of the judgment; [PL 2021, c. 689, §3 (NEW).]
- H. The amount of the judgment or part of the judgment being registered that has been satisfied as of the date of registration; [PL 2021, c. 689, §3 (NEW).]
- I. A statement that:
- (1) The judgment is final, conclusive and enforceable under the law of the Canadian jurisdiction in which it was rendered;
 - (2) The judgment or part of the judgment being registered is within the scope of this Act; and
 - (3) If a part of the judgment is being registered, the amounts stated in the registration under paragraphs F, G and H relate to the part; [PL 2021, c. 689, §3 (NEW).]
- J. If the judgment is not in English, a court-prepared copy of the judgment in the appropriate language or, if such a copy is not available, a certified translation of the judgment into English; and [PL 2021, c. 689, §3 (NEW).]
- K. The fee to register a judgment under this Act as set by court rule or order. [PL 2021, c. 689, §3 (NEW).]
- [PL 2021, c. 689, §3 (NEW).]

3. Registration on docket. On receipt of a registration that includes the documents, information and registration fee required by subsection 2, the clerk shall accept the registration for filing, assign a docket number and enter the Canadian judgment in the court file. [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8905. Effect of registration

1. Effect. Subject to subsection 2, a Canadian judgment registered under section 8904 has the same effect as provided in chapter 759 for a judgment a court determines to be entitled to recognition. [PL 2021, c. 689, §3 (NEW).]

2. Enforcement limitations. A Canadian judgment registered under section 8904 may not be enforced by sale or other disposition of property, or by seizure of property or trustee process, until 31 days after notice of registration is served under section 8906. The court for cause may provide for a shorter or longer time. This subsection does not preclude use of relief available under the law of this State other than this Act to prevent dissipation, disposition or removal of property. [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8906. Notice of registration

1. Notice served on person against whom judgment registered. A person that registers a Canadian judgment under section 8904 shall cause notice of registration to be served, in the same manner that a summons and complaint must be served pursuant to the Maine Rules of Civil Procedure, on the person against whom the judgment has been registered. [PL 2021, c. 689, §3 (NEW).]

2. Notice contents. Notice under this section must include:

- A. The date of registration and court in which the judgment was registered; [PL 2021, c. 689, §3 (NEW).]
- B. The docket number assigned to the registration; [PL 2021, c. 689, §3 (NEW).]
- C. The name and address of:
 - (1) The person registering the judgment; and
 - (2) The person's attorney, if any; [PL 2021, c. 689, §3 (NEW).]
- D. A copy of the registration, including the documents required under section 8904, subsection 2; and [PL 2021, c. 689, §3 (NEW).]
- E. A statement that:
 - (1) The person against whom the judgment has been registered may, not later than 30 days after the date of service of notice, file a motion with the court to vacate the registration; and
 - (2) The court for cause may provide for a shorter or longer time. [PL 2021, c. 689, §3 (NEW).]

[PL 2021, c. 689, §3 (NEW).]

3. Proof of service. Proof of service of notice under this section must be filed with the clerk of the court.

[PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8907. Motion to vacate registration

1. Thirty days to vacate after notice. Not later than 30 days after notice of registration is served under section 8906, the person against whom the judgment was registered may file a motion to vacate the registration. The court for cause may provide for a shorter or longer time for filing the motion. [PL 2021, c. 689, §3 (NEW).]

2. Contents of motion. A motion under this section may assert only:

A. A ground that could be asserted to deny recognition of the judgment under chapter 759; or [PL 2021, c. 689, §3 (NEW).]

B. A failure to comply with a requirement of this Act for registration of the judgment. [PL 2021, c. 689, §3 (NEW).]

[PL 2021, c. 689, §3 (NEW).]

3. Enforcement not stayed. A motion filed under this section does not itself stay enforcement of the registered judgment.

[PL 2021, c. 689, §3 (NEW).]

4. Registration vacated; enforcement act void. If the court grants a motion under this section, the registration is vacated, and any act under the registration to enforce the registered judgment is void.

[PL 2021, c. 689, §3 (NEW).]

5. Denial of recognition of judgment. If the court grants a motion under this section on a ground under subsection 2, paragraph A, the court also shall render a judgment denying recognition of the Canadian judgment. A judgment rendered under this subsection has the same effect as a judgment denying recognition to a judgment on the same ground under chapter 759.

[PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8908. Stay of enforcement of judgment pending determination of motion to vacate registration

A person that files a motion under section 8907 to vacate registration of a Canadian judgment may request the court to stay enforcement of the judgment pending determination of the motion. The court shall grant the stay if the person establishes a likelihood of success on the merits with regard to a ground listed in section 8907, subsection 2 for vacating a registration. The court may require the person to provide security in an amount determined by the court as a condition of granting the stay. [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8909. Relationship to Uniform Foreign-country Money Judgments Recognition Act

1. Application of chapter 759 to this Act. This Act supplements the Uniform Foreign-country Money Judgments Recognition Act and that Act, other than section 8806, applies to a registration under this Act.

[PL 2021, c. 689, §3 (NEW).]

2. Options for recognition of Canadian judgment. A person may seek recognition of a Canadian judgment described in section 8903 either:

A. By registration under this Act; or [PL 2021, c. 689, §3 (NEW).]

B. Under section 8806. [PL 2021, c. 689, §3 (NEW).]

[PL 2021, c. 689, §3 (NEW).]

3. Recognition under both Acts prohibited. Subject to subsection 4, a person may not seek recognition in this State of the same judgment or part of a judgment described in section 8903, subsection 2 or 3 with regard to the same person under both this Act and the Uniform Foreign-country Money Judgments Recognition Act.

[PL 2021, c. 689, §3 (NEW).]

4. Vacated registration. If the court grants a motion to vacate a registration solely on a ground under section 8907, subsection 2, paragraph B, the person seeking registration may:

A. If the defect in the registration can be cured, file a new registration under this Act; or [PL 2021, c. 689, §3 (NEW).]

B. Seek recognition of the judgment under the Uniform Foreign-country Money Judgments Recognition Act. [PL 2021, c. 689, §3 (NEW).]

[PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8910. 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, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8911. Transitional provision

This Act applies to the registration of a Canadian judgment entered in a proceeding that is commenced in Canada on, before or after January 1, 2023. [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8912. Effective date

This Act takes effect January 1, 2023. [PL 2021, c. 689, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 689, §3 (NEW).

§8913. 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, §2 (NEW).]

SECTION HISTORY

PL 2023, c. 405, Pt. B, §2 (NEW).

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