

**§1216. Relief from liability and indemnification**

**1. Liability for breach of trust.** Except as otherwise provided in this section, a 2nd-trust instrument may not relieve an authorized fiduciary from liability for breach of trust to a greater extent than the first-trust instrument does.

[PL 2021, c. 235, §1 (NEW).]

**2. Indemnification for claim otherwise payable.** A 2nd-trust instrument may provide for indemnification of an authorized fiduciary of the first trust or another person acting in a fiduciary capacity under the first trust for any liability or claim that would have been payable from the first trust if the decanting power had not been exercised.

[PL 2021, c. 235, §1 (NEW).]

**3. No reduction in liability in aggregate.** A 2nd-trust instrument may not reduce fiduciary liability in the aggregate.

[PL 2021, c. 235, §1 (NEW).]

**4. Division and reallocation of fiduciary powers; relief from fiduciary liability.** Subject to subsection 3, a 2nd-trust instrument may divide and reallocate fiduciary powers among fiduciaries, including one or more trustees, distribution advisors, investment advisors, trust protectors or other persons, and relieve a fiduciary from liability for an act or failure to act of another fiduciary as permitted by a law of this State other than this Act.

[PL 2021, c. 235, §1 (NEW).]

**SECTION HISTORY**

PL 2021, c. 235, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--