

§2109. Duty and liability of directed trustee

1. Reasonable action to comply. Subject to subsection 2, a directed trustee shall take reasonable action to comply with a trust director's exercise or nonexercise of a power of direction or further power under section 2106, subsection 2, paragraph A, and the trustee is not liable for the action. [PL 2019, c. 301, §8 (NEW).]

2. No compliance if willful misconduct. A directed trustee may not comply with a trust director's exercise or nonexercise of a power of direction or further power under section 2106, subsection 2, paragraph A to the extent that by complying the trustee would engage in willful misconduct. [PL 2019, c. 301, §8 (NEW).]

3. Release from liability not effective. An exercise of a power of direction under which a trust director may release a trustee or another trust director from liability for breach of trust is not effective if:

A. The breach involved the trustee's or other director's willful misconduct; [PL 2019, c. 301, §8 (NEW).]

B. The release was induced by improper conduct of the trustee or other director in procuring the release; or [PL 2019, c. 301, §8 (NEW).]

C. At the time of the release, the director did not know the material facts relating to the breach. [PL 2019, c. 301, §8 (NEW).]

[PL 2019, c. 301, §8 (NEW).]

4. Petition court for instructions. A directed trustee that has reasonable doubt about its duty under this section may petition the Probate Court or the Superior Court for instructions. [PL 2019, c. 301, §8 (NEW).]

5. Additional duty or liability. The terms of a trust may impose a duty or liability on a directed trustee in addition to the duties and liabilities under this section. [PL 2019, c. 301, §8 (NEW).]

SECTION HISTORY

PL 2019, c. 301, §8 (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.