

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1999

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Legislative Document

No. 2285

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H.P. 1633

House of Representatives, December 14, 1999

### An Act to Amend Maine's Probate Code.

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 10, 1999. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative THOMPSON of Naples.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 18-A MRSA §7-205**, as enacted by PL 1979, c. 540, §1,  
is amended to read:

6 **§7-205. Proceedings for review of employment of agents and**  
8 **review of compensation of trustee and employees of**  
**trust**

10 On petition of an interested person, after notice to all  
12 interested persons, the court may review the propriety of  
employment of any person by a trustee including any attorney,  
14 auditor, investment advisor or other specialized agent or  
assistant, and the reasonableness of the compensation of any  
16 person so employed, and the reasonableness of the compensation  
determined by the trustee for ~~his--own~~ the trustee's services.  
18 Any person who has received excessive compensation from a trust  
may be ordered to make appropriate refunds. ~~The--factors--set~~  
~~forth--in--section--3--721,--subsection--(b)--should--be--considered--as~~  
20 ~~guides--in--determining--the--reasonableness--of--fees--under--this~~  
~~section.~~

22  
24 **SUMMARY**

26 The purpose of this bill is to amend a nonuniform section of  
the Probate Code so as to reflect current market practices. This  
28 bill removes language from the law governing the proceedings for  
reviewing trustees to return it to the version contained in the  
30 Uniform Probate Code.