

2	L.D. 2285
4	DATE: 2-24-00 (Filing No. H-817)
6	JUDICIARY
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10	Reproduced and distributed under the direction of the Clerk of the House.
12	STATE OF MAINE
14	HOUSE OF REPRESENTATIVES 119TH LEGISLATURE
16	SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT "A" to H.P. 1633, L.D. 2285, Bill, "An
20	Act to Amend Maine's Probate Code"
22	Amend the bill in section 1 in that part designated "§7-205." by inserting after the first paragraph the following:
24	'A percentage fee is allowable under this section only if
26	the fee is reasonable. Among the factors the court may consider as guides in determining the reasonableness of fees under this
28	section are the following:
30	(a) The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the
32	service properly;
34	(b) The likelihood, if apparent to the trustee, that the acceptance of the particular employment will preclude the person
36	employed from other employment;
38	(c) The fee customarily charged in the locality for similar services;
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42	(d) The amount involved and the results obtained:
44	(e) The time limitations imposed by the trustee or by the circumstances; and
46	(f) The experience, reputation and ability of the person performing the services.

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "H" to H.P. 1633, L.D. 2285

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2 The order of the factors in the list under subsections (a) to (f) does not imply their relative importance.' 4 SUMMARY 6 8 This amendment adds specific factors that the court may include as guides in its determination whether compensation paid to a testamentary trustee or to other persons employed by the 10 testamentary trustee to provide services is reasonable. The factors are the same as apply to personal representatives under 12 the Maine Revised Statutes, Title 18-A, section 3-721. Because 14 the Supreme Judicial Court in the Davis decision interpreted the order of the factors as implying the relative importance of each 16 factor in determining the reasonableness of fees charged by a personal representative, this amendment clearly states that the 18 order does not imply that one factor is necessarily more important than any other factor. 20 This amendment specifically allows compensation calculated 22 on a percentage basis as long as the compensation is reasonable.

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