

§1205. Application; governing law

1. This State. This Act applies to a trust that:

A. Has its principal place of administration in this State, including a trust whose principal place of administration has been changed to this State; or [PL 2021, c. 235, §1 (NEW).]

B. Provides by its trust instrument that it is governed by the law of this State or is governed by the law of this State for the purpose of:

(1) Administration, including administration of a trust whose governing law for purposes of administration has been changed to the law of this State;

(2) Construction of terms of the trust; or

(3) Determining the meaning or effect of terms of the trust. [PL 2021, c. 235, §1 (NEW).]

[PL 2021, c. 235, §1 (NEW).]

2. Creation of trust; court proceedings. Except as otherwise provided in this Act:

A. The Act applies to a trust created before, on or after October 1, 2021; [RR 2021, c. 2, Pt. A, §37 (COR).]

B. The Act applies to any proceedings in court commenced on or after October 1, 2021; [PL 2021, c. 235, §1 (NEW).]

C. The Act applies to proceedings in court pending on October 1, 2021 unless the court finds that application of a particular provision of the Act would interfere substantially with the effective conduct of the proceeding or prejudice a right of a party, in which case the particular provision of the Act does not apply; and [PL 2021, c. 235, §1 (NEW).]

D. A rule of construction or presumption provided in the Act applies to a trust instrument executed prior to October 1, 2021 unless there is a clear indication of a contrary intent in the terms of the instrument. [PL 2021, c. 235, §1 (NEW).]

[RR 2021, c. 2, Pt. A, §37 (COR).]

3. Action before effective date of Act. Except as otherwise provided in subsection 2, an action done before October 1, 2021 is not affected by the Act.

[PL 2021, c. 235, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 235, §1 (NEW). RR 2021, c. 2, Pt. A, §37 (COR).

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 First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. 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.