

**HOUSE . . . . . No. 2855**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Angelo M. Scaccia*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act further regulating durable power of attorney.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/21/2011</i>
<i>William F. Galvin</i>	<i>Secretary of the Commonwealth</i>	

**HOUSE . . . . . No. 2855**

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2855) of Angelo M. Scaccia and William F. Galvin for legislation to further regulate durable power of attorney. The Judiciary.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act further regulating durable power of attorney.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 1, Subsection of Section 1 of Chapter 201B of the General Laws, as appearing in  
2 the 2004 Official Edition, is hereby amended as follows: by adding at the end thereof a new  
3 sentence as follows:

4 “any person acting under a durable power of attorney shall have an obligation to act in  
5 good faith towards the principal who conferred the power.”

6 Section 2, Chapter 201B of the General Laws is hereby amended by inserting after  
7 section 5 as now appearing a new section as follows:

8 “5A. A person exercising authority under a durable power of attorney shall be liable for  
9 deliberate breach of their fiduciary duty.”