HOUSE DOCKET, NO. 3259 FILED ON: 1/21/2011

HOUSE . . . . . No. 2855

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 passage of the accompanying:

An Act further regulating durable power of attorney.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	*14th Suffolk*
William F. Galvin	*Secretary of the Commonwealth*

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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:

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

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

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

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