

**Title 33: PROPERTY**  
**Chapter 5: RULE AGAINST PERPETUITIES**

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**Maine Revised Statutes**  
**Title 33: PROPERTY**  
**Chapter 5: RULE AGAINST PERPETUITIES**

**§101. APPLICATION OF RULE**

In applying the rule against perpetuities to an interest in real or personal property limited to take effect at or after the termination of one or more life estates in, or lives of, persons in being when the period of said rule commences to run, the validity of the interest shall be determined on the basis of facts existing at the termination of such one or more life estates or lives. In this section an interest which must terminate not later than the death of one or more persons is a "life estate" even though it may terminate at an earlier time.

**§101-A. TRUSTS EXEMPT FROM RULE AGAINST PERPETUITIES**

The rule against perpetuities does not apply to a trust created after the effective date of this section if:  
[1999, c. 391, §1 (NEW).]

**1. Declaration in instrument.** The instrument creating the trust states that the rule against perpetuities does not apply to the trust; and

[ 1999, c. 391, §1 (NEW) .]

**2. Power to sell, lease or mortgage.** The trustee or other person to whom the power is properly granted or delegated has the power under the governing instrument, applicable statute or common law to sell or mortgage property or to lease property for any period of time beyond the period that is required for an interest created under the governing instrument to vest in order to be valid under the rule against perpetuities.

[ 1999, c. 391, §1 (NEW) .]

SECTION HISTORY

1999, c. 391, §1 (NEW).

**§102. AGE MAY BE REDUCED TO 21**

If an interest in real or personal property would violate the rule against perpetuities as modified by section 101 because such interest is contingent upon any person attaining or failing to attain an age in excess of 21, the age contingency shall be reduced to 21 as to all persons subject to the same age contingency.

**§103. CONTINGENT INTERESTS**

A fee simple determinable in land or a fee simple in land subject to a right of entry for condition broken shall become a fee simple absolute if the specified contingency does not occur within 30 years from the date when such fee simple determinable or such fee simple subject to a right of entry becomes possessory. If such contingency occurs within said 30 years the succeeding interest, which may be an interest in a person other than the person creating the interest or his heirs, shall become possessory or the right of entry exercisable notwithstanding the rule against perpetuities. But if a fee simple determinable in land or a fee simple in land subject to a right of entry for condition broken is so limited that the specified contingency must occur, if at all, within the period of the rule against perpetuities, said interests shall take effect as limited. This section shall not apply where both such fee simple determinable and such succeeding interest, or both such fee simple and such right of entry are for public, charitable or religious purposes; nor shall it apply to a deed, gift or grant to the State or any political subdivision thereof.

## §104. APPLICATION OF PROVISIONS

This chapter shall apply to both legal and equitable interests.

## §105. RETROACTIVE EFFECT

Except as provided in the first sentence of section 103, this chapter shall not be construed to invalidate or modify the terms of any limitation which would have been valid prior to August 20, 1955.

## §106. INSTRUMENTS AFFECTED

This chapter shall apply only to inter vivos instruments taking effect after August 20, 1955, to wills where the testator dies after August 20, 1955, and to appointments made after August 20, 1955, including appointments by inter vivos instruments or wills under powers created before said August 20th.

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