

# ElderLaw Advisor



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## WE'RE MOVING

In order to better serve our clients we are moving to fully handicapped accessible, first floor offices at our new building located at 58 Elm Street in Waterville. We hope to be relocated to our new offices beginning September 15, 2011.

We thank all of our clients and their families for the confidence and trust they place in us for their long-term care and estate planning matters.



## FREE MONEY Applications Now Available

Applications for refunds of up to \$1,600 are now available for property taxes or rent paid in 2010. The state refund program, called "Circuit Breaker," provides middle and low-income Maine residents with a partial refund of local property taxes and/or rent paid on their primary residence.

The application period for the 2011 program (for refunds of property tax assessed and rent paid during 2010) **begins August 1, 2011 and ends May 31, 2012.**

We have found that many residents in the area routinely qualify for this tax refund, but unfortunately some people fail to apply. The process is simple, quick, and well worth the few minutes that it takes.

To qualify, an applicant's 2010 adjusted household income must be \$64,950 or less (\$86,600 for those with spouse or dependents). In addition, an applicant's 2010 property tax must have been more than 4 percent (or rent

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*If you find joy and happiness in simple things . . . your life will be filled with joy and happiness.* ~ Anonymous



JOHN NALE

### NALE LAW OFFICES

*Elder Law – Understanding the Needs of Our Elders*  
Long-Term Care and Estate Planning

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MARK NALE



## LEARN ~ TEACH ~ SERVE

*Our mission is to strengthen and secure the legal rights, dignity, autonomy and quality of life and care of elders and individuals with special needs.*

**Friday, September 9, 2011**, John E. Nale, Esq. will be speaking to the National Active and Retired Federal Employees regarding Last Will and Testaments and estate planning.

**Monday, September 19, 2011** from 1:30 - 3:30 p.m., the Maine Long-Term Care Ombudsman will be holding a community listening session with Maine seniors, family caregivers and consumers of long-term care services to hear about their experiences and ideas concerning access to long-term care services, gaps in services, how services could be improved, what is needed to support their independence in remaining at home, their top quality of life concerns, and what their physicians can do to better support their health and care. This community listening session will be held at Muskie Center, 38 Gold Street, Waterville, Maine. For questions or more information, please contact the Maine Long-Term Care Ombudsman at (207) 621-1079.

**Monday, September 26, 2011**, John E. Nale, Esq. will be speaking at Spectrum Generations' Muskie Center regarding elder law, advance directives, and estate planning.

**Monday, October 10, 2011**, John E. Nale, Esq. will be speaking to the Kennebec Retired Educators Association regarding changes in the law that affect Maine's elders.

**Tuesday, November 8 - Saturday, November 12, 2011**, John E. Nale, Esq. and Mark J. Nale, Esq. will be attending the National Aging & Law Institute in Boston, Massachusetts. John and Mark will attend seminars regarding the latest on recent developments and current trends on planning for retirement benefits, the challenges of balancing federal and state budgets while meeting the health care needs of our most vulnerable citizens, and the future of Social Security.

**Thursday, November 17, 2011**, John E. Nale, Esq. will be speaking to the Palermo Women's Extension Group regarding long-term care and estate planning.

**Friday, January 20, 2012 thru Sunday, January 22, 2012**, Nale Law Offices will be exhibiting at the 1st Annual Health & Wellness Show at the Augusta Civic Center. John E. Nale, Esq. will be presenting two seminars entitled, "Planning for Retirement and Beyond."

**Thursday, March 22, 2012**, Mark J. Nale, Esq. will be speaking to the Freemasons in Bangor regarding elder law, advance directives, and estate planning.

*For an up-to-date list of upcoming events, please visit [www.nalelaw.com](http://www.nalelaw.com).*

### **Circuit Breaker Applications**, *continued from p1*

more than 20 percent) of their 2010 household income. *Seniors do not need to meet this requirement when their income is not more than \$14,700 for those living alone or not more than \$18,200 when living with a spouse or dependent.*

Nearly 200,000 Maine households may qualify for a partial refund of local property tax assessed and/or rent they paid in 2010, according to Maine Revenue Services.

The application is available online at <http://www.maine.gov/revenue/forms/tnr/tnr.htm> or you can obtain a copy by calling Maine Revenue Services at (207) 626-8475.

### *What Can We Do For You?*

We frequently provide lectures for various groups in central and mid-coast Maine. A few suggested topics include estate planning, long-term care planning, MaineCare benefits, long-term care insurance and reverse mortgages. If your group is interested in any of these topics, please contact us at 207-873-4304 or sign-up at our website at [www.nalelaw.com](http://www.nalelaw.com).

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## CAREGIVERS MUST TAKE CARE OF THEMSELVES

**M**any of our clients and their adult children provide care to a spouse or parent. Being a caregiver can be extremely tiresome and stressful. **We encourage caregivers to remember to take care of themselves and take a break from their caregiver duties.**

Respite care is the provision of short-term, temporary relief to those who are caring for family members who might otherwise require permanent placement in a facility outside the home.

**It is essential for family caregivers to find ways to leave their caregiving responsibilities and stress behind.** No one can continue to expend his or her energy, strength and time, giving to someone else, without replenishing personal reserves. Respite care provides this relief, and allows caregivers to maintain their loved ones at home longer. Many caregivers consider taking a break to be the most important thing they can do for themselves in order to sustain their ability and desire to care for someone else.

Traditional respite care is usually provided on a sporadic basis, for several hours once or twice a week or a few times a month during daytime hours, allowing the family caregiver time to run errands, go to the doctor, have lunch out with a friend or just go for a walk. Respite care is not usually used to substitute for a family caregiver who is still working full time outside of the home.

Unfortunately, most caregivers don't realize they are in need of respite care until there is a

crisis. Many family caregivers do not see themselves as being entitled to a break, or they are reluctant to let others know that they cannot manage the demands of caregiving without help. **Without respite care, not only can families suffer economically and emotionally, but caregivers themselves may face serious health and social risks as a result of the stress associated with continuous caregiving.** Respite care can help reduce the likelihood of verbal or physical abuse by decreasing caregivers' stress levels. When family caregivers take the time to refuel and refresh, they can lessen their frustration and possibly feel more patient with their care receivers as well. Respite care also improves the quality of life for the person needing care, by providing this person valuable interaction with a new caregiver and the opportunity to get used to someone beside the family caregiver.

Respite care can be used in conjunction with hospice care, and people often confuse respite care with hospice care. Hospice care is a Medicare benefit for those with a terminal prognosis of six months or less, and it focuses on comfort and quality of life rather than cure. Respite care can supplement hospice care so that the family caregiver can benefit from additional time off during an intense period of caregiving.

You can learn more about respite care by calling your local Area Agency on Aging.

## STATE BUDGET CONTAINS NUMEROUS TAX CHANGES

**T**he biennial budget for fiscal years ending June 30, 2012 and June 30, 2013 contains several tax-related provisions, most of which are taxpayer friendly. These changes include:

- Lowering the top income tax rate from 8.5% to 7.95% (effective January 1, 2013);
- Conforming the amount of Maine's standard deduction and personal exemption to their federal equivalents;
- Eliminating the Maine alternative minimum tax on individuals, trusts and estates (effective January 1, 2012);
- Exempting from sales tax meals served at retirement facilities;
- Providing for a refund of sales tax paid on fuel purchased for use in a commercial fishing vessel;
- Extending the deadline for filing an appeal of a

tax assessment from 30 days to 60 days; and

- Reducing certain tax-related penalties related to the failure to file a tax return.

In addition, this Act makes significant, taxpayer friendly changes to the Maine estate tax. Most notably, effective for deaths on or after January 1, 2013, it doubles the Maine estate tax exemption from \$1 million to \$2 million per decedent. The Act also expands the amount of a decedent's estate for which a Maine-only qualified terminable interest property election can be made and modifies the estate tax rate structure.

Several provisions that would have reduced or eliminated programs and benefits for Maine's elderly were defeated. Our thanks to AARP, Maine Association of Area Agencies on Aging and the Elder Law Section of the Maine State Bar Assoc.

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**ARTICLES THIS ISSUE:**

- We're Moving
- FREE MONEY Applications Now Available
  - Learn - Teach - Serve
- Caregivers Must Take Care of Themselves
  - State Budget Contains Numerous Tax Changes
- New Requirements for Maine Driver's License Renewals



# ElderLaw Advisor



## New Requirements for Maine Driver's License Renewals

The Bureau of Motor Vehicles is in the midst of a significant increase in driver's license renewals. With this in mind, we would like to take this opportunity to remind Maine drivers about the two documents needed to renew a driver's license at the BMV: one that verifies that you are a resident of Maine (and must show your physical address, not a post office box) and one that proves your legal presence in the United States (as required by federal law). Acceptable documents are as follows:

**Proof of Residency in Maine**

Maine License/State ID with physical address  
Property tax bill  
Property deed  
Maine Vehicle Registration  
Maine Fishing/Hunting License  
Weapons Permit  
Vehicle Title  
Marriage Certificate  
Utility bill  
Lease  
Insurance binder  
Tax Return or W2  
Paycheck stub

**Proof of Legal Presence in U.S.**

**For Citizens**

Certified copy of your birth certificate  
U.S. Passport  
Certificate of Naturalization  
Certificate of US Citizenship  
United States Citizen Identification Card

**For Non-Citizens**

Permanent Resident Card or Resident Alien Card  
Temporary Resident Card  
Reentry Permit  
Employment Authorization Card

**For a complete list of accepted documents, please visit [www.maine.gov/sos/bmv](http://www.maine.gov/sos/bmv).**

Applicants older than 40 years old must have a vision screening on the first renewal after attaining 40 years of age, at every second renewal after attaining 40 years of age until attaining 62 years of age, and at every renewal after attaining 62 years of age.