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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " " to H.P. 536, L.D. 787, Bill, "An Act To Provide Tax Credits for Adult Day Care and Respite and Hospice Care"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 36 MRSA §5125, sub-§3, ¶D, as amended by PL 2011, c. 380, Pt. N, §8 and affected by §§19 and 20, is further amended to read:

D. Reduced by any amount attributable to interest or expenses incurred in the production of income exempt from tax under this Part; and

Sec. 2. 36 MRSA §5125, sub-§3, ¶E, as amended by PL 2011, c. 380, Pt. N, §9 and affected by §§19 and 20, is further amended to read:

E. Reduced by the amount attributable to any contribution that qualified for and was actually utilized as a credit under section 5216-C; and

Sec. 3. 36 MRSA §5125, sub-§3, ¶G is enacted to read:

G. Reduced by the amount of federal itemized deductions included in the base for calculating the credit under section 5218-A.

Sec. 4. 36 MRSA §5218-A is enacted to read:

§5218-A. Income tax credit for adult dependent care expenses

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult day care" has the same meaning as in Title 22, section 6202, subsection 1.

B. "Adult dependent care expenses" means expenses paid during the taxable year for adult day care, hospice services and respite care for a qualifying individual to the extent not used to calculate the credit under the Code, Section 21.

C. "Applicable percentage" has the same meaning as in the Code, Section 21(a)(2).

D. "Hospice services" has the same meaning as in Title 22, section 8621, subsection 11.

1 E. "Qualifying individual" has the same meaning as in the Code, Section 21(b)(1)(B)  
2 and Section 21(b)(1)(C), except that "qualifying individual" does not include an  
3 individual who has not attained 21 years of age as of the last day of the taxpayer's tax  
4 year.

5 F. "Respite care" has the same meaning as in Title 34-B, section 6201, subsection  
6 2-A.

7 **2. Credit for resident taxpayer.** A resident individual is allowed a credit against  
8 the tax otherwise due under this Part in the amount of 25% of the applicable percentage  
9 of adult dependent care expenses paid during the taxable year.

10 **3. Credit for nonresident taxpayer.** A nonresident individual is allowed a credit  
11 against the tax otherwise due under this Part in the amount of 25% of the applicable  
12 percentage of adult dependent care expenses paid during the taxable year, multiplied by  
13 the ratio of the individual's Maine adjusted gross income, as defined in section 5102,  
14 subsection 1-C, paragraph B, to the individual's entire federal adjusted gross income, as  
15 modified by section 5122.

16 **4. Credit for part-year resident taxpayer.** An individual who files a return as a  
17 part-year resident in accordance with section 5224-A is allowed a credit against the tax  
18 otherwise due under this Part in the amount of 25% of the applicable percentage of adult  
19 dependent care expenses paid during the taxable year, multiplied by a ratio, the numerator  
20 of which is the individual's Maine adjusted gross income as defined in section 5102,  
21 subsection 1-C, paragraph A for that portion of the taxable year during which the  
22 individual was a resident plus the individual's Maine adjusted gross income as defined in  
23 section 5102, subsection 1-C, paragraph B for that portion of the taxable year during  
24 which the individual was a nonresident and the denominator of which is the individual's  
25 entire federal adjusted gross income, as modified by section 5122.

26 **5. Maximum expenses.** Adult dependent care expenses allowed under this section  
27 may not exceed \$3,000 for one qualifying individual or \$6,000 for 2 or more qualifying  
28 individuals.

29 **6. Refund.** The credit allowed by this section may result in a refund of up to \$500.  
30 In the case of a nonresident individual, the refundable portion of the credit may not  
31 exceed \$500 multiplied by the ratio of the individual's Maine adjusted gross income, as  
32 defined in section 5102, subsection 1-C, paragraph B, to the individual's entire federal  
33 adjusted gross income, as modified by section 5122. In the case of an individual who  
34 files a return as a part-year resident in accordance with section 5224-A, the refundable  
35 portion of the credit may not exceed \$500 multiplied by a ratio, the numerator of which is  
36 the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C,  
37 paragraph A for that portion of the taxable year during which the individual was a  
38 resident plus the individual's Maine adjusted gross income as defined in section 5102,  
39 subsection 1-C, paragraph B for that portion of the taxable year during which the  
40 individual was a nonresident and the denominator of which is the individual's entire  
41 federal adjusted gross income, as modified by section 5122.

42 **Sec. 5. Application.** This Act applies to tax years beginning on or after January 1,  
43 2015.'

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**SUMMARY**

This amendment clarifies the intent of the bill by specifying that the credit is for expenses paid for a dependent for adult day care, hospice services and respite care. To distinguish the new credit from the child care expenses credit, the adult dependent care expenses credit only applies to dependents who are at least 21 years of age. Also, unlike the child care expenses credit, the expenses do not have to be incurred to enable the taxpayer to be gainfully employed. Like the child care expenses credit, the expenses may not exceed \$3,000 for one dependent or \$6,000 for 2 or more dependents and the credit is refundable up to \$500.

**SPONSORED BY:** \_\_\_\_\_

**(Senator SAVIELLO)**

**COUNTY: Franklin**