

TABLE OF CONTENTS

Decoupling: Planning for the Maine Estate Tax

| | Page |
|---------------------------------------|-------------|
| 1. The Basics | 1 |
| State Estate Taxes | 1 |
| 2001 Federal Estate Changes | 2 |
| Phased-Out Federal Credit..... | 2 |
| Increased Exemption | 3 |
| Maine’s First Response | 3 |
| Maine’s Second Response..... | 4 |
| Maine’s Third Response..... | 4 |
| Application of the Decoupled Tax..... | 6 |
| Effect on Planning..... | 9 |
| Attachment 1 | 13 |
| Attachment 2 | 16 |
| Attachment 3 | 18 |
| Attachment 4 | 21 |
| Powerpoint | 23 |

Everett P. Ingalls, Esquire

| | |
|---|-----------|
| 2. Why Action Required Now-The Impact of Decoupling on Existing Marital Deduction/Credit Shelter Formulas | 37 |
| Introduction..... | 37 |
| Minimum, or no, Federal or State Death Tax Formula..... | 37 |
| Minimum, or no, Federal Tax Formula..... | 39 |
| Minimum, or no, Federal or State Death Tax Formula Using State Death Tax Credit Only if Does Not Increase State Death Taxes | 40 |

Richard E. Curran, Esquire

| | |
|--|-----------|
| 3. Funding Formulas..... | 41 |
| Reduce to Zero Funding Risks | 42 |
| Minimum Total Tax Approach..... | 45 |
| Disclaimer Plans | 46 |
| Divisibility QTIP Approaches | 51 |
| Separate State and Federal QTIP Elections..... | 54 |
| Conclusion | 56 |
| Exhibit A | 57 |
| Exhibit B | 58 |
| Exhibit C | 59 |
| Exhibit D..... | 60 |

Christian L. Barner, Esquire

TABLE OF CONTENTS

4. The Maine Estate Tax-The Impact of Inter Vivos Gifts..... 61

 Planning Issues 61

 Filing Requirements..... 62

 Other Miscellaneous Issues..... 63

 Planning Techniques: The Stand-By Credit Shelter Trust..... 64

 Exhibit A 65

 Exhibit B 67

 Example 1 68

 Example 2 71

 Example 3 72

 Example 4 73

 Example 5 75

 Example 6 76

 Example 7 79

Abigail King Diggins, Esquire

5. Change in Domicile-Imposition of Maine Estate Tax on Non-Resident Owners of Maine Real Property 85

 Change in Domicile 85

 Imposition of Maine Estate Tax on Maine Real and Tangible
 Personal Property of Nonresidents..... 86

 Administration of Maine Estate Tax..... 89

 Maine Revenue Services..... 90

 Maine Estate Tax Return 93

 Instructions 2004 Maine Estate Tax Return..... 95

 Example 1 97

 Example 2 98

 Estate Tax 99

Richard E. Curran, Esquire