

# MAINE STATE LEGISLATURE

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# ONE - HUNDRETH LEGISLATURE

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**Legislative Document**

**No. 700**

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H. P. 501

House of Representatives, January 24, 1961.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Stewart of Presque Isle.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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### **AN ACT Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled.**

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Be it enacted by the People of the State of Maine, as follows :

**Sec. 1. R. S., c. 25, § 294-A, additional.** Chapter 25 of the Revised Statutes is amended by adding a new section to be numbered 294-A, to read as follows :

**‘Sec. 294-A. Lien on real property created.** The commissioner may place a lien against any interest in real property owned by a beneficiary to secure the claim of the State for all amounts which it has paid or may thereafter pay to him or in his behalf under sections 276 to 297.

A notice of the granting of old age assistance and the claiming of a lien shall be recorded in the registry of deeds in the county where the real property is located and shall constitute a lien upon all real property in the county owned by the beneficiary or acquired by him afterwards. Said lien shall have priority over all unrecorded deeds or encumbrances and deeds recorded subsequent thereto. The lien shall not be enforceable prior to the death of the beneficiary. The lien may be discharged during the lifetime of the beneficiary upon voluntary payment to the State of the amount of assistance received by the beneficiary but not in excess of the value of the beneficiary’s interest in the real property. After the death of the beneficiary the lien shall be discharged when the claim of the State is paid or the estate of the beneficiary is settled as set forth in section 295.’

**Sec. 2. R. S., c. 25, § 312-A, additional.** Chapter 25 of the Revised Statutes is amended by adding a new section to be numbered 312-A, to read as follows :

'Sec. 312-A. Lien on real property created. The commissioner may place a lien against any interest in real property owned by a beneficiary to secure the claim of the State for all amounts which it has paid or may thereafter pay to him or in his behalf under sections 298 to 318.

A notice of the granting of aid to the blind and the claiming of a lien shall be recorded in the registry of deeds in the county where the real property is located and shall constitute a lien upon all real property in the county owned by the beneficiary or acquired by him afterwards. Said lien shall have priority over all unrecorded deeds or encumbrances and deeds recorded subsequent thereto. The lien shall not be enforceable prior to the death of the beneficiary. The lien may be discharged during the lifetime of the beneficiary upon voluntary payment to the State of the amount of aid received by the beneficiary but not in excess of the value of the beneficiary's interest in the real property. After the death of the beneficiary the lien shall be discharged when the claim of the State is paid or the estate of the beneficiary is settled as set forth in section 313.'

Sec. 3. R. S., c. 25, § 319-P-1, additional. Chapter 25 of the Revised Statutes is amended by adding a new section to be numbered 319-P-1, to read as follows:

'Sec. 319-P-1. Lien on real property created. The commissioner may place a lien against any interest in real property owned by a beneficiary to secure the claim of the State for all amounts which it has paid or may thereafter pay to him or in his behalf under sections 319-A to 319-T.

A notice of the granting of aid to the disabled and the claiming of a lien shall be recorded in the registry of deeds in the county where the real property is located and shall constitute a lien upon all real property in the county owned by the beneficiary or acquired by him afterwards. Said lien shall have priority over all unrecorded deeds or encumbrances and deeds recorded subsequent thereto. The lien shall not be enforceable prior to the death of the beneficiary. The lien may be discharged during the lifetime of the beneficiary upon voluntary payment to the State of the amount of aid received by the beneficiary but not in excess of the value of the beneficiary's interest in the real property. After the death of the beneficiary the lien shall be discharged when the claim of the State is paid or the estate of the beneficiary is settled as set forth in section 319-Q.'