

MAINE STATE LEGISLATURE

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CHAPTER 957**REIMBURSEMENT OR RECOVERY OF PAYMENTS****Sec.**

- 3451. Recovery of illegal payments.
- 3452. Liability of relatives.
- 3453. Claims against decedent's estate.

§ 3451. Recovery of illegal payments

The department may recover the amount expended for aid in a civil action from a recipient or a former recipient who has failed to disclose assets which would have rendered him ineligible had he disclosed the assets. Such actions shall be prosecuted by the Attorney General in the name of the State of Maine, and the amount recovered shall be credited to the aid to the aged, blind or disabled fund or to the fund for medical or remedial care and services for the medically indigent.

1963, c. 433, § 2.

§ 3452. Liability of relatives

The spouse, parents and adult child of a recipient of aid to the aged, blind or disabled, shall, if of sufficient ability, be responsible for the partial or total support of such persons. In determining the ability of such relative, his assets as well as his income shall be considered.

The Attorney General shall bring proceedings in the name of the State of Maine in any court of competent jurisdiction to compel any person liable under this section to contribute to the support of any recipient of such aid, if after reasonable efforts on the part of the department, voluntary contributions have not been made. The court shall determine a fair and reasonable amount for support to be paid by the defendant to the department as reimbursement for moneys furnished to a recipient.

The action shall be brought as a petition for support upon not less than 7 days' notice. Upon failure to pay the support ordered, execution shall issue. The State shall pay the expense of commitment and support when the defendant is committed to jail on execution and he may be discharged in the same manner as provided by Title 19, section 722.

1963, c. 433, § 2.

§ 3453. Claims against decedent's estate

Upon the death of a person who is receiving aid to the aged, blind or disabled or who has received such aid at any time during his lifetime, the State shall have a claim against his estate, allowable in probate court and enforceable in accordance with chapters 951 to 957. Such claim shall have priority over all unsecured claims against such estate, except:

1. **Administrative expenses.** Administration expenses, including probate fees and taxes;
2. **Expenses of last sickness.** Expenses of last sickness;
3. **Funeral expenses.** Funeral expenses, not exceeding \$400, exclusive of clergymen's honorarium and cemetery expense.

The Attorney General shall collect any claim which the State may have against such estate. No such claim shall be enforced against any real estate while it is occupied as a home by the surviving spouse of the recipient and said spouse does not marry again. If the State participates in federal funds for the purposes of chapters 951 to 959, a sum equal to the pro rata share to which the United States is equitably entitled of the net amount collected from the estate of the recipient, with respect to aid to the aged, blind or disabled furnished him, shall be promptly paid by the Treasurer of State to the United States as required by the laws of the United States.

1963, c. 433, § 2.