

# MAINE STATE LEGISLATURE

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October 10, 1963

Honorable Robert A. Marden  
Senate Chamber  
President's Office  
Augusta, Maine

Dear Bob:

In your letter to the Attorney General of October 4, 1963, you ask whether a retired State Police Officer's retirement funds may be attached in a civil action against him. I assume that you refer to a civil action brought by a private citizen.

Revised Statutes, chapter 63-A, section 18, provides that the right of a person (retired under the Retirement System) to a retirement allowance, the retirement allowance itself, to the return of contributions, or any other benefit or right accrued or accruing, shall not be subject to execution, garnishment, attachment or any other process whatsoever.

If you refer to a Police Officer who retired under the provisions of Revised Statutes, chapter 15, there is no such statutory exemption. Nevertheless, the retirement funds are held by the State of Maine. To effect an attachment would require a trustee process against the State, which is in effect a suit against the State. Suits against the State may be brought only by authority of the legislature.

The answer to your question is, therefore, that such funds may not be attached in a civil action.

Very truly yours,

Leon V. Walker, Jr.  
Assistant Attorney General

LWVJr:H