

# MAINE STATE LEGISLATURE

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September 26, 1974

Linwood F. Ross, Purchasing Agent

Bureau of Purchases

Robert J. Stolt, Assistant

Attorney General

Regulation prohibiting State employees from bidding on state purchases - memo dated June 24, 1974.

**QUESTION:**

Whether the State Purchasing Agent has the authority to make a regulation that would prohibit state employees from bidding on state purchases?

**ANSWER:**

No, except where the employee is a state officer within the meaning of 17 M.R.S.A. § 3104.

There is no inherent conflict of interest for a state employee submitting a bid on state purchases. State employees, absent a statute prohibiting them from contracting with the State, (e.g. 17 M.R.S.A. § 3104), must be allowed to submit competitive bids on state purchases. You may not prohibit state employee bids by regulation. A state employee in the classified service not holding an executive or administrative position is not a state officer within the meaning of 17 M.R.S.A. § 3104.

However, you may regulate the manner of participation by state employees to prevent the use of their State time for bidding and/or other related purposes. In this respect, I have enclosed the opinions of the Attorney General dated November 29, 1965, and March 8, 1972.

ROBERT J. STOLT  
Assistant Attorney General

RJS/bls