

# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

March 4, 1980

Honorable Sylvia Lund  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Lund:

This will respond to your inquiry as to whether the criteria used by the Bureau of Purchases to determine which printing jobs will be done by the Bureau and which will be contracted out are rules within the meaning of the Maine Administrative Procedure Act.

The decisions by the Bureau of Purchases as to how printing jobs will be carried out are internal agency management decisions. Accordingly, the criteria employed by the Bureau to make these decisions are not rules within the meaning of the Maine Administrative Procedure Act. Rather, they constitute what the Act describes as "policies or memoranda concerning only the internal management of an agency or the State Government and not judicially enforceable." 5 M.R.S.A. § 8002(9)(B)(1).

The criteria of the Bureau of Purchases are informal policies used to determine the feasibility and practicality of handling in-house the many requests the Bureau receives for printing services. They serve internal management purposes only, and they are not, nor are they intended to be, judicially enforceable. Thus, they do not fall under those provisions of the Act which govern the promulgation of rules.

I hope this information is helpful. Please feel free to contact me if I can be of any further assistance.

Sincerely,  
  
RICHARD S. COHEN  
Attorney General

RSC/ec