

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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SENATE.

No. 245

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## STATE OF MAINE.

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The committee on State printing, appointed under the legislative order of January 5, 1905, "to consider the general matter of the State printing, to ascertain in what ways, if any, the present volume of State printing may be reduced without detriment to State interests, what changes, if any, are advisable in the existing law, and what prices should be paid for the work under existing conditions, and to report by bill, or otherwise," submits the following report:

The committee has labored under the disadvantage of attempting the solution of an intricate and highly technical problem during a busy legislative session, and without the aid, which would have greatly facilitated its labors, of the services of an attorney for the State.

Two bills were favorably reported by the committee to the Senate March 2, 1905, and embody recommendations of the committee as to the volume of printing. These recommendations will be considered first.

Section twenty-four of chapter three, of the Revised Statutes, fixes the maximum number of each department or other report to be printed at the expense of the State, and, subject to that limitation, leaves the determination of the number to the

governor and council. These maximum numbers are in many cases too high. Whether they were originally so, or have become so by reason of the increase in the number of free libraries containing these reports, or the increased publicity given by the press of the State to the main features of the reports, is immaterial. The evidence before the committee satisfies us that in several instances the maximum numbers may safely be reduced, and we accordingly recommend reductions as follows: the report of the bank examiner, from twenty-five hundred copies to two thousand copies; the report of the commissioner of the bureau of labor and industrial statistics, from six thousand copies to four thousand copies; the report of the officers and trustees of the State prison, from two thousand copies to fifteen hundred copies; the report of the commissioners on the contagious diseases of animals, from four thousand copies to twenty-five hundred copies; the report of the registrar of vital statistics, from twenty-five hundred copies to two thousand copies; the report of the insurance commissioner, from three thousand copies for the legislative year, and twenty-five hundred for the alternate year, to twenty-five hundred copies annually; the report of the railroad commissioners, from three thousand copies for the legislative year, and twenty-five hundred copies for the alternate year, to two thousand copies annually; the report of the State superintendent of public schools, from five thousand copies for the legislative year, and forty-five hundred copies for the alternate year, to four thousand copies, and thirty-five hundred copies, for those years respectively; the report of the board of State assessors, from six thousand copies for the legislative year to four thousand copies; the report of the attorney general, from fifteen hundred copies to one thousand copies; and the report of the State board of health, from six thousand copies to forty-five hundred copies. In two instances we find a legitimate demand for a larger number of reports than is now authorized, and in those cases we recommend that the maximum numbers be increased as follows: the report of the land agent and forest commissioner, from twelve hundred copies to three thousand copies; and the report of the adjutant general, from one thousand copies to twelve hundred copies. We recommend that the provision in this section for the printing of fifteen hundred reports of the trustees of the

University of Maine, as a maximum number, be stricken out, and that all printing for the university be paid for out of its treasury, the appropriation from the State treasury, for the benefit of the university, to be correspondingly increased, or not, as the legislature may determine.

The general distribution of the reports is now a part of the duty of the State librarian, under section twenty-three, of chapter three, of the Revised Statutes. To harmonize sections twenty-three and twenty-four of that chapter, it is recommended that the heads of departments retain a sufficient number of their reports for their mailing and complimentary lists, and for the officers of the executive departments, that seventy-five copies of each report be retained by the binder for public documents, and that not less than six hundred and seventy-five copies of each report be delivered to the librarian for exchange, library use, and general distribution. The proposed changes in section twenty-four would necessitate striking out the last line in section twenty-five.

The foregoing recommendations are embodied in Senate Document No. 141, containing one of the two bills above referred to. The sole object of the other bill is to confer upon the governor and council the same discretion as to the volume of printing under section twenty-six of chapter three, as is now vested in them under sections twenty-four and twenty-five.

If these two bills are enacted into law, the volume of the State printing will be somewhat reduced, and will be within the control, theoretically, at least, of the governor and council, and the distribution of the reports will be placed on a more systematic and economical basis. If, in addition to that, accounts were kept by some State official under the direction of the governor and council, and made public, showing in detail the exact cost of the printing for each department and State institution, it is believed by the committee that a further curtailment in volume would result. Notwithstanding the control, in respect to volume, that is theoretically, as we have said, vested in the governor and council, and the power of the legislature to limit appropriations, and otherwise define the limits within which printing shall be done at the expense of the State, the question of what shall be printed must, after all, be left very largely to the discretion and sound judgment of the heads of departments them-

selves ; but it is proper, on the other hand, that the State should have the benefit of such restraint upon the exercise of that discretion as would result from the annual or biennial publication of detailed figures showing the cost to the State of the printing for each department of the State government. Such information could be furnished by the State official whose duty it shall be to keep the accounts. It is largely a matter of book-keeping, and it may be sufficient to make the suggestion without embodying it in a formal statute.

These recommendations and suggestions of the committee in respect to the volume of printing are the more important and necessary, in view of the recent marked increase in volume, even during the decade covered by the existing law, and in view of the probability of further increase in the future, whatever restraints are imposed by the legislature.

We come now to the other branch of the inquiry, which we were charged to make, namely, to the matter of the law creating the office of public printer, and fixing his compensation. We have carefully studied this law, and have learned what we could of its origin, meaning and practical working. We have heard numerous witnesses, including the public printer himself, his partner, who has been in immediate and personal charge of the State printing, the State auditor, practical printers of our own State and from Massachusetts, and the secretary of the New Hampshire Printing Commission ; and have had the benefit of the arguments of counsel. As a result of all this, certain facts stand out very clearly, and certain other things, as hereinafter specified, are not so clear.

The statute divides the State printing into classes, book or pamphlet work, and miscellaneous work. These are sharply distinguished in the statute, not only in price but also in the manner in which they are ordered, the person to whom each is delivered, and the evidence of their completion and delivery which must be furnished the auditor. So far as the book work, which comprises almost two-thirds of the whole, is concerned, itemized bills approved by the auditor are filed with the governor and council. So far as miscellaneous work is concerned, the public printer has received in each case, so far as our investigation has gone, upon delivery of each completed job of printing, the receipt required by section thirty, of chapter three, of

the Revised Statutes, and the same has been attached to a sample of the job and submitted to the auditor, as required by the same section, together with a bill, in which the charges are indicated by numbers only, but corresponding to the numbers of the samples. On approval by the auditor, the bill, containing numbers but not items, has been presented to the governor and council, paid and receipted, and preserved in the office of the secretary of State. The receipts and samples have not been so preserved, or preserved at all, except for a brief time after payment of the bill. These samples and receipts, it is proper to say, are made by law the printer's vouchers for the completion and delivery of the work. The governor and council have never, until after this investigation began, requested the filing by the public printer of itemized bills, or the preservation of samples and receipts. It may be remarked that the samples are of greatly varying size and of great number, and are not easily filed in any systematic way. It also appears that the method of book-keeping employed by the printer has not been such as to show readily what miscellaneous printing has been done from time to time for each department or institution.

The committee has two comments to make on these facts, and desires to emphasize each of them.

The public printer's method of making out bills by numbers instead of items, though, in connection with the numbered samples, a more convenient method for the auditor than any other, does not furnish the information which it is necessary for the State to preserve, and the printer's book-keeping is subject to the same objection.

On the other hand, it is the opinion of the committee that these methods have not resulted in any financial loss to the State. For the State to have lost thereby would mean collusion between the printer and the auditor, of which there is not only no evidence, but the circumstances are such that all the presumptions, both of fact and of law, are that there has been no such collusion. We say presumptions, because it has been impossible for us, during this investigation, to audit the auditor's work. In fact, we have seen vouchers for only a fraction of a single year. But both the printer and the auditor are men of high character, and there is nothing to rebut the testimony in the case, both of the printer and the auditor, that all work

done by the printer for the State that should have been submitted to the auditor, and was payable out of the general printing appropriation, has been properly paid for at the statute rates, and no more. And it is proper to say here, in justice to the printer and the auditor, that there has been no violation by either of them of any law of the State, so far as the investigation has acquainted us with the facts.

Our attention was called at one or more of our hearings to the fact that the itemized statement furnished the committee by the printer, showing somewhat in detail the printing for 1904, did not contain certain *Kennebec Journals* furnished State officials for that year, or certain bills for advertising tax sales in the *Journal*, or certain charges for publishing in the *Journal* proclamations of the governor. We ruled, however, that these matters were not within the scope of our inquiry, notwithstanding the circumstance that the public printer is and was one of the owners of the *Kennebec Journal*. It subsequently appeared that one or more of these bills, not included in the general statement, was paid, by order of the governor and council, out of the general printing appropriation. But we still hold that such charges are not for State printing, within the meaning of the statute, or the legislative order, and the fact that they were not submitted to the auditor does not alter our opinion that printing bills, payable out of the general appropriation, that should have been submitted to the auditor, have been so submitted, properly audited by him, and paid out of the treasury at the statute rates. We deem it proper, however, to place the legislature in possession of the facts, in respect to these outside charges, and to add that what is true of such charges, for the year 1904, appears to be true, also, of previous years.

An important matter, to which our attention was also called, is the re-use of saved or standing type, and the printing ahead of more work than is ordered, in anticipation of other orders, and with the risk of loss, if the anticipation is not realized. The question was whether, in such cases, the printer is entitled to make a second charge for composition without having actually set up the type a second time. The overwhelming weight of the evidence was, and we accordingly find, that under a statute or contract containing no provision to the contrary, printers have a right to any savings accruing from standing type, or from

printing ahead of orders; and we further find that when the present statute was enacted, the right of the public printer to such savings was considered by the legislature in fixing the statute rates. If the present statute is repealed, however, future contracts should express the understanding of the parties in this respect.

As to one other important aspect of this branch of the inquiry, namely, the question, "what prices should be paid for the work under existing conditions," we regret to be obliged to report that the question is so abstruse and technical, and is so complicated by the relation to it of the volume of printing, and the time which the committee has been able to devote to that special question is so limited, that we are unable to make any definite answer to it, though such answer may not be needed if the main recommendation of this report be adopted. When the law, as now, undertakes to establish a fixed and unvarying price for varying classes of printing, such prices must of necessity be based on what is deemed a fair *average* of the work done; and as in all averages, some items will be above, and some below, the standard of exact compensation. It is difficult for a legislative committee, even with the assistance of skilled printers, and with plenty of time, properly to adjust prices to meet changing conditions. Under the present law, prices can be changed only by act of the legislature. In the opinion of the committee, prices may be more fairly and easily determined by competitive bids than by legislative inquiry. Mainly, therefore, because of inherent difficulties in fixing prices by law, but partly because we have been unable to determine what are fair prices under existing conditions, or what profit to the public printer has resulted from the statute rate—information which the printer himself is unable to furnish, owing to the fact that the State printing is only one department of his business—we deem it to be in the interest of the State to repeal the existing law creating the office of public printer, and to authorize the governor and council to contract for the State printing on the basis of competitive bids, and we so recommend. The office of State auditor, however, should not be abolished, and the act abolishing the office of public printer should give that official reasonable time to complete work not on hand, and adjust his



business to the change. We suggest that he will be afforded such reasonable time, if the repealing act take effect January first, 1906. The existing law was enacted in 1895, and took effect January first, 1897.

We, accordingly, submit the accompanying bill, embodying the recommendations last made herein, and report that it ought to pass.

HESELTON,  
POTTER,  
KNOWLTON,  
SEWALL,  
KIMBALL,  
MORRISON,  
LIBBEY,  
SMITH,  
POOR,  
NEWCOMB.

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# SEVENTY-SECOND LEGISLATURE

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to abolish the office of public printer, and to authorize contracts for State printing on the basis of competitive bids.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section 1. The governor and council are hereby authorized  
2 to contract, in behalf of the State, on the basis of competitive  
3 bids, for the printing of the reports, catalogues, compilations,  
4 bulletins and circulars, authorized to be printed under sec-  
5 tions twenty-four, twenty-five and twenty-six, of chapter  
6 three, of the Revised Statutes, and for all other miscellaneous  
7 printing, now or hereafter authorized by law, for each  
8 department of the State government, including the legisla-  
9 tive printing, but excepting the printing of reports of  
10 decisions. They may, in their discretion, call for bids, and  
11 contract separately, for distinct portions of the State print-  
12 ing, but may reject any and all bids which they do not deem  
13 it in the interest of the State to accept, and may take such

14 security as they deem necessary, if any, for the faithful per-  
15 formance of any contract hereunder. No such contract shall  
16 be for a longer time than two years.

Sect. 2. Sections twenty-seven, twenty-eight, twenty-nine  
2 and thirty of chapter three of the Revised Statutes, are  
3 hereby repealed.

Sect. 3. This act shall take effect January first, in the year  
2 of our Lord one thousand nine hundred and six.



STATE OF MAINE.

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IN SENATE, March 17, 1905.

Pending acceptance of report, laid on the table to be printed, on motion by Mr. HESELTON of Kennebec.

KENDALL M. DUNBAR, *Secretary*.