

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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SENATE

NO. 126

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Referred to Committee on Legal Affairs and 1000 ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Parent of Androscoggin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

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AN ACT to Create the Office of Purchasing Agent and to  
Prescribe the Powers and Duties Thereof.

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Be it enacted by the People of the State of Maine, as follows:

Section 1. There is hereby created the office of State  
2 Purchasing Agent, the incumbent of which office shall be  
3 a citizen of this state, who shall be appointed by the Gov-  
4 ernor, by and with the advice and consent of the council.  
5 He shall hold his office for a term of four years and until  
6 his successor is appointed and qualified. He shall receive  
7 an annual salary of four thousand dollars, payable in equal  
8 weekly installments. He shall give bond to the State of  
9 Maine in the sum of fifty thousand dollars, which bond  
10 shall be conditioned for the faithful performance of his  
11 duties, and conditioned also that he shall not be interested

12 or concerned, directly or indirectly, financially or other-  
13 wise, with any person, partnership, firm or corporation  
14 with whom or which any purchase or contract for pur-  
15 chase shall be made in the performance of his duties. The  
16 premiums upon such bonds shall be paid by the state, upon  
17 the approval of the Governor and Council.

Sect. 2. The purchasing agent shall have an office in  
2 the State House and may employ at the expense of the  
3 State such clerical, stenographic and other assistance, in-  
4 cluding a deputy, as may be necessary for the conduct of  
5 the affairs of this office. Said deputy shall be appointed  
6 by the purchasing agent by and with the consent and ad-  
7 vice of the Governor and Council at an annual salary of  
8 eighteen hundred dollars. The purchasing agent may be  
9 removed at any time by the Governor, by and with the  
10 advice of the Council, for cause affecting the performance  
11 of his duties.

Sect. 3. Said purchasing agent shall contract for the  
2 purchase of all fuel, water, light, provisions, supplies, ma-  
3 terials and equipment of all state buildings, institutions and  
4 departments. He shall also purchase necessary clothing  
5 and wearing apparel for the inmates of all state institu-  
6 tions which are now or hereafter shall be furnished by the  
7 state. The provisions of this act relating to the duties of  
8 the purchasing agent shall not apply to the construction of  
9 buildings to be erected for state purposes where such con-  
10 struction is under contract authorized by law; nor to such  
11 provisions, supplies or equipment, as butter, eggs, milk,

12 potatoes, fish, meat, medicines, medical supplies or surgical  
13 instruments.

Sect. 4. When any of the state institutions are in need  
2 of materials or supplies, mentioned in the preceeding sec-  
3 tion, requisition therefor shall be made to such purchasing  
4 agent by the trustees, superintendent, **steward, warden,**  
5 managing office or board of such institution, and said  
6 purchasing agent shall supply them; and when the amount  
7 to be purchased at any time exceeds an expenditure of five  
8 hundred dollars, such purchasing agent shall advertise for  
9 sealed proposals to furnish such materials or supplies,  
10 by notice in two or more daily papers published in the  
11 state; such notice shall be published at least five days suc-  
12 cessively, the last publication to be at least five days be-  
13 fore the date on which such bids are to be opened. Bids  
14 received shall be opened by such purchasing agent and  
15 the contract for such materials or supplies awarded to  
16 the bidder whose bid, in the judgment of said purchasing  
17 agent, is for the best interests of the state. In case no sat-  
18 isfactory bid is received and in any case where the inter-  
19 ests of the state demand, such purchasing agent may pro-  
20 cure such materials or supplies without bids in such other  
21 manner as in his judgment shall be for the best interests  
22 of the state. All bids shall, within ten days after they are  
23 opened, be forwarded to the State Auditor's Department,  
24 and shall be kept on file in his office and open to public  
25 inspection.

Sect. 5. The purchasing agent, in conjunction with the state auditor, is empowered to require state institutions to adopt a uniform system in matters of accounting as to supplies furnished and on hand, and in matters of making requisition therefor, and as to such other details as may insure the speedy and economic purchase, delivery of, and accounting for all materials, equipment or supplies, as provided in section 3 hereof.

Sect. 6. Within one month after this act goes into effect, the trustees, superintendent, steward, warden, managing office or board of such institutions, shall render an inventory to the purchasing agent of all materials, equipment or supplies, as provided in section 3 hereof, which they may have on hand and the value of the same, and they may be required at such other times as the purchasing agent may decide, to furnish a list of such materials, equipment or supplies, as above provided, as they may have on hand at the time. And the said purchasing agent shall report biennially on the first day of December, to the Governor and Council a detailed account of all contracts made by him, the name of the person, firm or corporation with whom made, the purpose of the same, and the amount paid on each contract. He shall also render a detailed account of all supplies, material, equipment and provisions, furnished as aforesaid; together with the amount on hand at the time of said report. The purchasing agent shall certify on all requisitions the extent to which

20 they are filled and the date, and file a copy of the same in  
21 the office of the State Auditor.

Sect. 7. Blanks for all contracts and proposals shall be  
2 of uniform size and style, and shall be furnished by said  
3 purchasing agent at the expense of the state, and all con-  
4 tracts let by said purchasing agent shall be in such form  
5 as said purchasing agent may direct. All contracts made  
6 by said purchasing agent shall be made in duplicate and  
7 one copy shall forthwith be forwarded to the State Audi-  
8 tor.

Sect. 8. Said purchasing agent shall, from time to time,  
2 make requisitions upon the Governor and Council for the  
3 necessary funds to carry out the provisions of the act,  
4 stating in detail the funds required and for what purpose,  
5 and the Governor and Council may draw an order in the  
6 favor of the purchasing agent for such sum. Said pur-  
7 chasing agent shall, on or before the tenth day of each  
8 month, render an account in such form as the Governor  
9 and Council may prescribe, of the expenditures of his de-  
10 partment for the preceeding month and the State Auditor  
11 shall examine and audit the same.

Sect. 9. The purchasing agent may visit the various  
2 state institutions, offices and buildings for which it shall  
3 be necessary for him to supply as provided in section 3  
4 of this act, for the purpose of familiarizing himself with  
5 the conditions and needs thereof. He may, when expedi-  
6 ent with the best interests of his duties, visit the various  
7 market centers, mines for coal or other places for the

8 purpose of securing the most advantageous contracts. The  
9 expenses as provided above shall be paid by the state when  
10 properly approved by the Governor and Council.

Sect. 10. Whoever gives, offers or promises to said pur-  
2 chasing agent, or any employee of his office, before or after  
3 he is qualified, any valuable consideration or gratuity what-  
4 ever, or does, offers or promises to do, any act beneficial  
5 to said agent or employee, with intent to influence his ac-  
6 tion, opinion or judgment in any matter provided by this  
7 act, shall be punished by imprisonment for not less than  
8 one year; and whoever accepts such bribe or beneficial  
9 thing, in manner and for the purpose aforesaid, shall for-  
10 feit his office, be forever disqualified to hold any public of-  
11 fice, trust or appointment under the state, and be punished  
12 by imprisonment for not less than three years.

Sect. 11. The words "Public Printer" are hereby changed  
2 to "Purchasing Agent"; and all the duties, authority and  
3 power conferred upon the Public Printer are hereby con-  
4 ferred upon the Purchasing Agent.

Sect. 12. The provisions of this act shall not apply to the  
2 Military Department.

Sect. 13. All acts and parts of acts and sections of the  
2 Public Laws inconsistent with this act are hereby repealed.