

# MAINE STATE LEGISLATURE

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79-91

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

May 7, 1979

Lawrence Parker, Jr., CPA  
Secretary  
Board of Accountancy  
84 Harlow Street  
Bangor, ME 04401

Dear Larry:

This responds to your request for an opinion of this office concerning the legality of an "opinion" of an "auditor" employed within Depositors Corporation. I apologize for the length of the delay in response. The press of litigation and items of considerable urgency have hitherto prevented me from reaching this.

You enclosed a copy of the "opinion". In it, an individual with the title "Auditor, Depositors Corporation" offered his opinion to the Chairman of the Audit Committee of the Corporation concerning the financial statements of the "Pooled Trust Funds, Part A and Part B, of the Depositors Trust Company as of December 31, 1977", rendered "in conformity with generally accepted accounting principles". You have asked whether the individual, by such action, violated 32 M.R.S.A. §§3994(7), 3994(10) or §3995. It is our opinion that no violation of these sections occurred.

Section 3994(7) and section 3994(10) each contains prohibitions concerning the use, in this instance, of the term "auditor". Each subsection also states it does not prohibit any officer, employee, partner or principal of any organization from "affixing his signature to any statement or report in reference to the financial affairs of said organization with any wording designating the position, title or office which he holds in said organization" (§3994(7)), or "from describing himself by the position, title or office he holds in such organization" (§3994(10)). These exceptions clearly cover the situation under discussion.

Lawrence Parker, Jr., CPA

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Section 3995 contains certain other exceptions to the provisions of Chapter 58, and has no application here.

I trust this opinion will prove helpful to the Board. Please let us know should you have further questions.

Very truly yours,



WILLIAM J. KELLEHER  
Assistant Attorney General

WJK/glm