

# MAINE STATE LEGISLATURE

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**STATE & LOCAL GOVERNMENT**

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**STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 694, L.D. 1880, Bill, "An Act to Change the Selection Process for the State Auditor and More Closely Align the Work of the Joint Standing Committee on Audit and Program Review with the Work of the State Auditor"

Amend the bill by striking out the title and substituting the following:

**'An Act to Change the Selection Process for the State Auditor'**

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

**'Sec. 1. 5 MRSA §241,** as amended by PL 1973, c. 792, §1, is repealed and the following enacted in its place:

**§241. State Auditor; salary**

The State Auditor is the head of the Department of Audit. The State Auditor must be a certified public accountant or a college graduate with not less than 6 years of experience as a professional accountant or auditor, including not less than 5 years of auditing experience, of which not less than 4 years must have been in a supervisory capacity. The State Auditor is nominated by the Governor and confirmed by a 2/3 majority of the Legislature voting in convention by joint ballot. The term of office of the State Auditor is 7 years. The State Auditor shall exercise the powers and perform the duties set forth in this chapter. If the office of State Auditor becomes vacant during a period when the Legislature is not in session, the appointment of a person to fill the vacancy must be made immediately by the Governor until such time as the Legislature meets in regular or

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special session, at which time the Legislature shall vote upon the individual appointed as provided in this section. If the Legislature fails to confirm the nomination, the office becomes vacant until a gubernatorial nominee is confirmed by the Legislature to fill the office during the unexpired term. During any vacancy, the duties of the office are performed by the deputy auditor as provided in section 242.

Sec. 2. 5 MRSA §241-A, as amended by PL 1989, c. 857, §15, is further amended to read:

**§241-A. Transition period**

In order to provide for an orderly transition following the quadrennial septennial election of the State Auditor, the State Auditor-elect may not take the oath of office or otherwise qualify for the office for a period of no less than 30 days following that election.

Sec. 3. 21-A MRSA §553, sub-§6, as enacted by I.B. 1993, c. 1, §1, is amended to read:

**State Auditor.** A person may not serve ~~more--than--2~~ consecutive terms as State Auditor.

Sec. 4. **Effective date.** This Act takes effect December 3, 1996.

**STATEMENT OF FACT**

This amendment replaces the bill and changes the provisions of current law governing the selection and term of the State Auditor. The amendment provides for a 7-year term of office for the State Auditor and requires nomination by the Governor and confirmation by a 2/3 joint vote of the Senate and the House of Representatives. The amendment establishes a limit of one 7-year term for the State Auditor. The changes take effect December 3, 1996.