MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

S.P. 35

In Senate, January 9, 1997

An Act to Change the Selection Process and Qualifications for State Auditor.

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator AMERO of Cumberland.
Cosponsored by Representative DONNELLY of Presque Isle and
Senators: FERGUSON of Oxford, GOLDTHWAIT of Hancock, HARRIMAN of
Cumberland, KIEFFER of Aroostook, Representatives: FISK of Falmouth, GIERINGER of
Portland.

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

Sec. 1. 5 MRSA §241, as amended by PL 1973, c. 792, §1, is further amended to read:

§241. State Auditor; salary

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The State Auditor shall-be is the head of the Department of Audit, -as-heretefere-established. He-shall 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 shall must have been in a supervisory capacity. He-shall-be-elected The State Auditor is nominated by the Governor and must be confirmed by a 2/3 majority of the Legislature by a joint ballot of--the--Senators--and Representatives-in-convention-and-shall-hold. The term of office for -a -term - of -4 of the State Auditor is 7 years or -until-his successor -- is -- elected -- and -- qualified. He The State Auditor may serve only one term. The State Auditor shall exercise such the powers and perform such the duties as -- are set forth in this chapter. In--case If the office of State Auditor shall--become becomes vacant during a period when the Legislature is not in session, the appointment of a person to fill such the vacancy shall must be made immediately by the President-of-the-Senate-or if-that-office-be-vacant,-by-the-Speaker-of-the-House,-said person-to-held-office Governor until such time as the Legislature shall--meet meets in regular or special session, and--either eenfirm-the-appointment-ef-said-person-er-choose-another-person to-fill-the-office-during-the-unexpired-term at which time the Legislature shall vote upon the individual appointed as provided If the Legislature fails to confirm the in this section. appointment, 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 must be 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. 5 MRSA $\S242$, as amended by PL 1987, c. 802, $\S\S1$ and 2, is further amended to read:

§242. Organization; deputy

The Department of Audit shall-be is organized in the manner the State Auditor may--deem considers best suited to the accomplishment of its functions. It shall must have such auditors, assistants and employees as the State Auditor may require requires, but they shall--be are subject to the Civil Service Law.

Any person elected appointed to the position of State Auditor er must be currently qualified as a certified public accountant and any person permanently employed by the Department of Audit as deputy auditor, director of audits or assistant director of audits must be currently qualified as or have successfully completed or passed the examination for a certified public accountant, public accountant or certified internal auditor. Persons-not-so-qualified-may-be-employed-in-these-audit supervisory-positions-on-a-temporary-basis-not-to-exceed-9-months.

In the event of a vacancy in the office of State Auditor because of death, resignation, removal or other cause, the deputy auditor shall perform the duties of the office until a State Auditor has been appointed in conformity with section 241, and has been duly qualified. In the event of absence or disability of the State Auditor, the deputy auditor shall likewise perform the duties of the office during his the State Auditor's absence.

SUMMARY

This bill provides for the appointment of the State Auditor by the Governor, subject to a 2/3 vote of the Legislature. The bill also establishes a 7-year term, with a one-term limit, and clarifies that the State Auditor must be a certified public accountant at the time of the appointment.