

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 33

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.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

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:

2
4 Sec. 1. 5 MRSA §241, as amended by PL 1973, c. 792, §1, is further amended to read:

6 **§241. State Auditor; salary**

8 The State Auditor shall be is the head of the Department of
10 Audit, ~~as heretofore established.~~ He shall The State Auditor must
12 be a certified public accountant or a college graduate with not
14 less than 6 years of experience as a professional accountant or
16 auditor, including not less than 5 years of auditing experience,
18 of which not less than 4 years shall must have been in a
20 supervisory capacity. ~~He shall be elected~~ The State Auditor is
22 nominated by the Governor and must be confirmed by a 2/3 majority
24 of the Legislature by a joint ballot ~~of the Senators and~~
26 Representatives in convention and shall hold. The term of office
28 for a term of 4 of the State Auditor is 7 years ~~or until his~~
30 successor is elected and qualified. He The State Auditor may
32 serve only one term. The State Auditor shall exercise such the
34 powers and perform such the duties as are set forth in this
36 chapter. ~~In case~~ If the office of State Auditor shall become
38 becomes vacant during a period when the Legislature is not in
40 session, the appointment of a person to fill such the vacancy
42 shall must be made immediately by the President of the Senate or
44 if that office be vacant, by the Speaker of the House, said
46 person to hold office Governor until such time as the Legislature
48 shall meet meets in regular or special session, and either
50 confirm the appointment of said person or choose another person
 to fill the office during the unexpired term at which time the
 Legislature shall vote upon the individual appointed as provided
 in this section. If the Legislature fails to confirm the
 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.

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

42 **§241-A. Transition period**

44 In order to provide for an orderly transition following the
46 quadrennial septennial election of the State Auditor, the State
48 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.

50 Sec. 3. 5 MRSA §242, as amended by PL 1987, c. 802, §§1 and
 2, is further amended to read:

