

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

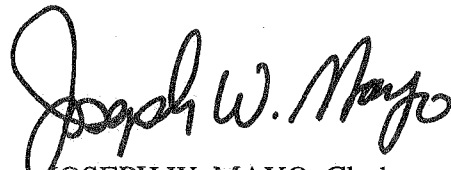
No. 92

H.P. 67

House of Representatives, January 9, 1997

An Act to Establish State Auditor As an Appointed Position.

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


JOSEPH W. MAYO, Clerk

Presented by Representative LANE of Enfield.
Cosponsored by Senator AMERO of Cumberland and
Representatives: BRAGDON of Bangor, CAMPBELL of Holden, CARLETON of Wells,
KASPRZAK of Newport, MACK of Standish, MERES of Norridgewock, WATERHOUSE of
Bridgton, WINGLASS of Auburn.

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

4 **Sec. 1. 5 MRSA §19, sub-§1, ¶C**, as enacted by PL 1979, c. 734,
§2, is amended to read:

6 C. "Elected executive employee" means the constitutional
officers ~~and the State Auditor.~~

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

12 **§241. State Auditor; salary**

14 The State Auditor ~~shall be~~ is the head of the Department of
Audit, ~~as heretofore established. He shall~~ The State Auditor must
16 be a certified public accountant or a college graduate with not
less than 6 years of experience as a professional accountant or
18 auditor, including not less than 5 years of auditing experience,
of which not less than 4 years shall must have been in a
20 supervisory capacity. ~~He shall be elected~~ The State Auditor must
be nominated by the Governor and confirmed by a 2/3 majority of
22 the Legislature voting in convention by a joint ballot ~~of the~~
~~Senators and Representatives in convention and shall hold.~~ The
24 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
26 Auditor shall exercise ~~sueh~~ the powers and perform ~~sueh~~ the
duties as are set forth in this chapter. ~~In ease~~ If the office of
28 State Auditor ~~shall become~~ becomes vacant during a period when
the Legislature is not in session, the appointment of a person to
30 fill ~~sueh~~ the vacancy shall must be made immediately by the
~~President of the Senate or if that office be vacant, by the~~
32 ~~Speaker of the House, said person to hold office~~ Governor until
~~sueh time as the Legislature shall meet~~ meets in regular or
34 special session, ~~and either confirm the appointment of said~~
~~person or choose another person to fill the office during the~~
36 ~~unexpired term at which time the Legislature shall vote on the~~
~~person appointed as provided in this section.~~ If the Legislature
38 fails to confirm the nomination, the office becomes vacant until
a gubernatorial nominee is confirmed by the Legislature to fill
40 the office during the unexpired term. During any vacancy, the
duties of the office must be performed by the deputy auditor as
42 provided in section 242.

44 **SUMMARY**

46
48 This bill establishes the State Auditor position as an
appointed position by the Governor, requiring a 2/3 approval by
50 the Legislature for confirmation.