

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 717

H.P. 512

House of Representatives, February 10, 2005

An Act To Clarify State Auditor Qualifications

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SHIELDS of Auburn.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Representatives: CURLEY of Scarborough, LEWIN of Eliot, McKENNEY of Cumberland,
MOULTON of York, Senators: ANDREWS of York, DOW of Lincoln, RAYE of Washington.

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

2
4 **Sec. 1. 5 MRSA §241**, as amended by PL 1997, c. 516, §1, is further amended to read:

6 **§241. State Auditor; salary**

8 The State Auditor shall ~~be~~ is the head of the Department of Audit, as heretofore 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 have been in a supervisory capacity or qualified to be certified as a public accountant pursuant to Title 32, section 12228.~~ He shall The State Auditor must be elected by the Legislature by a joint ballot of the Senators and Representatives in convention and ~~shall hold~~ holds office for a term of 4 years or until ~~his~~ a successor is elected and qualified. ~~He shall exercise~~ The State Auditor exercises such powers and ~~perform~~ performs such 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 vacancy shall must be made immediately by the President of the Senate or, if that office be is vacant, by the Speaker of the House, ~~said~~ the appointed person to hold office until such time as the Legislature shall ~~meet~~ meets in regular or special session, and either ~~confirm~~ confirms the appointment of ~~said~~ the person or ~~choose~~ chooses another person to fill the office during the unexpired term.

32 If a person elected to the office of State Auditor is not qualified as, or has not successfully completed or passed the examination for, a certified public accountant, ~~public accountant or certified internal auditor~~ at the time of election and fails to become so qualified within 9 months of being sworn into office, ~~as required by section 242,~~ that person may no longer serve as State Auditor and is ineligible for reelection by the same Legislature and the office of State Auditor is ~~deemed~~ vacant.

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

44 **§242. Organization; deputy**

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

2 Any ~~person elected to the position of State Auditor or any~~
3 person permanently employed by the Department of Audit as deputy
4 auditor, director of audits or assistant director of audits must
5 be currently qualified as or have successfully completed or
6 passed the examination for a certified public accountant, public
7 accountant or certified internal auditor. ~~Persons--not--se~~ A
8 person not qualified may be employed in these audit supervisory
9 positions on a temporary basis not to exceed 9 months.
10

11 In the event of a vacancy in the office of State Auditor
12 because of death, resignation, removal or other cause, the deputy
13 auditor shall perform the duties of the office until a State
14 Auditor has been appointed in conformity with section 241, and
15 has been duly qualified. In the event of absence or disability of
16 the State Auditor, the deputy auditor shall likewise perform the
17 duties of the office during his the State Auditor's absence.
18

19 **Sec. 3. Application.** This Act applies on the date the current
20 State Auditor's term ends or when that person no longer serves in
21 this position.
22

23 SUMMARY

24 This bill requires that the State Auditor after the current
25 term must be a certified public accountant or qualified to be
26 certified as a public accountant licensed pursuant to the Maine
27 Revised Statutes, Title 32, section 12228. The bill also removes
28 obsolete language and gender-specific references.