



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1354

H.P. 937

House of Representatives, March 17, 2005

An Act To Amend the Procedure for Auditing Municipalities

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative KAELIN of Winterport. Cosponsored by Senator WESTON of Waldo. **Emergency preamble. Whereas,** acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Audit currently has authority to conduct investigations into the accounting and auditing systems of a municipality; and

Whereas, this authority requires the municipality to provide 10 information to the State Auditor at the expense of the municipality; and

Whereas, the expense is a hardship on many municipalities in these times of fiscal constraint; and

16 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 18 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 20 safety; now, therefore,

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

Sec. 1. 30-A MRSA §5822, as enacted by PL 1987, c. 737, Pt.
A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and
c. 104, Pt. C, §§8 and 10, is further amended to read:

28 §5822. Investigation of accounting and auditing system

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30 The State Auditor may inquire into the accounting and auditing system of any municipality <u>only if requested by the</u> 32 <u>governing body of that municipality</u> or <u>into the accounting and</u> <u>auditing system of</u> any quasi-municipal corporation not under the 34 jurisdiction of the Public Utilities Commission. The officers of that municipality or quasi-municipal corporation shall furnish 36 information pertaining to the system in the form prescribed by the State Auditor.

Emergency clause. In view of the emergency cited in the 40 preamble, this Act takes effect when approved.

SUMMARY

44 This bill allows the State Auditor to investigate the accounting and auditing system of a municipality only if 46 requested to do so by the governing body of that municipality.