

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 399

H.P. 274

House of Representatives, February 12, 2013

An Act To Change the Name of the Department of Audit

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GRAHAM of North Yarmouth.
Cosponsored by Senator LACHOWICZ of Kennebec and
Representatives: CHENETTE of Saco, COTTA of China, MacDONALD of Old Orchard
Beach, NADEAU of Fort Kent, NADEAU of Winslow, PEASE of Morrill.

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

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

4 The State Auditor ~~shall be~~ is the head of the ~~Department of Audit, as heretofore~~
5 ~~established~~ Office of the State Auditor. ~~He shall~~ The State Auditor must be a certified
6 public accountant or a college graduate with not less than 6 years of experience as a
7 professional accountant or auditor, including not less than 5 years of auditing experience,
8 of which not less than 4 years ~~shall~~ must have been in a supervisory capacity. ~~He shall~~
9 The State Auditor must be elected by the Legislature by a joint ballot of the Senators and
10 Representatives in convention and ~~shall hold~~ holds office for a term of 4 years or until ~~his~~
11 a successor is elected and qualified. ~~He~~ The State Auditor shall exercise such powers and
12 perform such duties as are set forth in this chapter. In case the office of State Auditor
13 ~~shall become~~ becomes vacant during a period when the Legislature is not in session, the
14 appointment of a person to fill such vacancy ~~shall~~ must be made immediately by the
15 President of the Senate or if that office ~~be is~~ vacant, by the Speaker of the House, ~~said and~~
16 the person to hold appointed holds that office until such time as the Legislature ~~shall meet~~
17 meets in regular or special session, and either confirm the appointment of ~~said the~~ the person
18 or ~~choose~~ chooses another person to fill the office during the unexpired term.

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

21 **§242. Organization; deputy**

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

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

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

37 **Sec. 3. 5 MRSA §243, first ¶**, as amended by PL 1999, c. 208, §1, is further
38 amended to read:

39 The ~~Department of Audit~~ Office of the State Auditor has authority:

1 **Sec. 4. 5 MRSA §243, sub-§3**, as amended by PL 1999, c. 208, §1, is further
2 amended to read:

3 **3. Municipalities.** To perform audits for cities, towns and villages as required by
4 Title 30-A, sections 5821 to 5823. The rate charged by the ~~department office~~ to perform
5 audits must include the proportional amount of the State Auditor's duties and be used to
6 offset the General Fund costs of the State Auditor;

7 **Sec. 5. 5 MRSA §243-B**, as corrected by RR 2011, c. 1, §3, is amended to read:

8 **§243-B. Report regarding discrepancies**

9 If in the course of any audit of a state department or agency the ~~Department of Audit~~
10 Office of the State Auditor finds significant discrepancies in the financial records of that
11 state department or agency, the State Auditor shall report, in person, to the joint standing
12 committee of the Legislature that has jurisdiction over that state department or agency
13 within 60 days of the audit findings and the joint standing committees of the Legislature
14 having jurisdiction over appropriations and financial affairs and state and local
15 government matters. If the Legislature is not in session during that 60 days, the State
16 Auditor may report in writing to those committees.

17 **Sec. 6. 5 MRSA §244-C, sub-§1, ¶B**, as enacted by PL 1997, c. 703, §1, is
18 amended to read:

19 B. "Auditor" means the State Auditor or an agent of the State Auditor who is an
20 employee of the ~~Department of Audit~~ Office of the State Auditor.

21 **Sec. 7. 5 MRSA §244-C, sub-§3, ¶D**, as enacted by PL 1997, c. 703, §1, is
22 amended to read:

23 D. Other auditors in their work reviewing the ~~Department of Audit~~ Office of the
24 State Auditor.

25 **Sec. 8. 5 MRSA §246, sub-§1**, as amended by PL 1985, c. 785, Pt. B, §13, is
26 further amended to read:

27 **1. Position created.** There is created within the ~~Department of Audit~~ Office of the
28 State Auditor the position of fiscal administrator of the unorganized territory. The fiscal
29 administrator ~~shall~~ must be a person qualified by education or experience in the
30 administration of budgets. The position ~~shall be~~ is subject to the Civil Service Law.

31 **Sec. 9. Maine Revised Statutes headnote amended; revision clause.** In the
32 Maine Revised Statutes, Title 5, chapter 11, in the chapter headnote, the words
33 "department of audit" are amended to read "office of the state auditor" and the Revisor of
34 Statutes shall implement this revision when updating, publishing or republishing the
35 statutes.

36 **Sec. 10. Maine Revised Statutes amended; revision clause.** Wherever in the
37 Maine Revised Statutes the words "Department of Audit" appear or reference is made to
38 that department, they are amended to read or mean, "Office of the State Auditor," and the

1 Revisor of Statutes shall implement this revision when updating, publishing or
2 republishing the statutes.

3 **SUMMARY**

4 This bill changes the name of the Department of Audit to the Office of the State
5 Auditor.