

# MAINE STATE LEGISLATURE

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Date: 4/6/26 Majority L.D. 2097 (Filing No. H-974)

**HOUSING AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1412, L.D. 2097, "An Act to Modify the Law Governing Revocation of a Code Enforcement Officer's Certification"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 30-A MRSA §4221, sub-§2**, as amended by PL 2011, c. 655, Pt. FF, §7 and affected by §16, is further amended to read:

**2. Certification requirements.** A person may not hold the office of plumbing inspector unless currently certified as qualified pursuant to section 4451. Certification is effective for a period of 5 years unless sooner revoked or suspended by the District Court as provided for in section 4451 ~~4451-G~~.

**Sec. 2. 30-A MRSA §4450** is enacted to read:

**§4450. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Certificate holder.** "Certificate holder" means an individual holding a code enforcement officer certificate issued under section 4451 by the former State Planning Office, the Department of Economic and Community Development, Office of Community Development, the Department of Public Safety, Office of the State Fire Marshal or the Maine Office of Community Affairs.

**2. Certification review committee.** "Certification review committee" or "committee" means the committee established in section 4451-A, subsection 1.

**3. Division director.** "Division director" means the senior employee responsible for technical codes coordination in the Division of Building Codes and Standards established within the Maine Office of Community Affairs in Title 25, section 2372.

**4. Staff.** "Staff" means an employee or contractor of the Maine Office of Community Affairs established in Title 5, section 3202.

**COMMITTEE AMENDMENT**

1           **Sec. 3. 30-A MRSA §4451, sub-§1, ¶D**, as amended by PL 2025, c. 388, Pt. D,  
 2 §38, is further amended to read:

3           D. An individual whose certification has expired or is about to expire may be  
 4 temporarily authorized in writing by the Maine Office of Community Affairs to extend  
 5 that individual's certification for a period not to exceed 12 months in cases where the  
 6 necessary training or examination is suspended under subsection 3-B, paragraph E,  
 7 except that beginning July 20, 2026 and ending July 20, 2028, the Maine Office of  
 8 Community Affairs may extend an individual's certification for a period not to exceed  
 9 24 months.

10           **Sec. 4. 30-A MRSA §4451, sub-§6**, as amended by PL 2025, c. 388, Pt. D, §38, is  
 11 further amended to read:

12           **6. Certification; terms; ~~revocation.~~** The Maine Office of Community Affairs shall  
 13 certify individuals as to their competency to successfully enforce ordinances and other land  
 14 use regulations and permits granted under those ordinances and regulations and shall issue  
 15 certificates attesting to the competency of those individuals to act as code enforcement  
 16 officers. Certificates issued by the former State Planning Office, the Department of  
 17 Economic and Community Development, Office of Community Development, the  
 18 Department of Public Safety, Office of the State Fire Marshal or the Maine Office of  
 19 Community Affairs are valid for 6 years unless revoked by the District Court or suspended  
 20 as provided for in section 4451-G. An examination is not required for recertification of  
 21 code enforcement officers. The Maine Office of Community Affairs shall recertify a code  
 22 enforcement officer if the code enforcement officer successfully completes at least 12 hours  
 23 of approved training in each area of job responsibility during the 6-year certification period.

24           ~~A. The District Court may revoke the certificate of a code enforcement officer, in~~  
 25 ~~accordance with Title 4, chapter 5, when it finds that:~~

- 26                     ~~(1) The code enforcement officer has practiced fraud or deception;~~
- 27                     ~~(2) Reasonable care, judgment or the application of a duly trained and~~  
 28 ~~knowledgeable code enforcement officer's ability was not used in the performance~~  
 29 ~~of the duties of the office; or~~
- 30                     ~~(3) The code enforcement officer is incompetent or unable to perform properly the~~  
 31 ~~duties of the office.~~

32           ~~B. Code enforcement officers whose certificates are invalidated under this subsection~~  
 33 ~~may be issued new certificates provided that they are newly certified as provided in~~  
 34 ~~this section.~~

35           **Sec. 5. 30-A MRSA §4451-A** is enacted to read:

36           **§4451-A. Certification review committee**

37           **1. Certification review committee; established.** The certification review committee  
 38 is established to receive, review, investigate when appropriate and respond to complaints  
 39 regarding any violation of this subchapter or rules established by the Technical Building  
 40 Codes and Standards Board or the Maine Office of Community Affairs by a certificate  
 41 holder.

1 2. Certification review committee; membership. The division director shall appoint  
2 7 members to serve on the committee. The division director shall name one member as  
3 chair and one member as secretary of the committee.

4 A. Two of the members must be members of the Technical Building Codes and  
5 Standards Board, established in Title 5, section 12004-G, subsection 5-A, one of whom  
6 must hold a certification pursuant to section 4221 or 4451.

7 B. The remaining 5 members must be residents of this State who have professional  
8 experience and familiarity with the topic areas for which the Division of Building  
9 Codes and Standards issues certifications, except they may not be members of the  
10 Technical Building Codes and Standards Board. At least one of the 5 members must  
11 be selected from a list of names provided to the division director by a statewide  
12 organization representing code enforcement officers.

13 3. Quorum. A majority of the members of the committee, including at least one  
14 Technical Building Codes and Standards Board member, constitutes a quorum and must be  
15 present for deliberations and votes. A majority vote of all members present is necessary  
16 for any action or to recommend taking corrective or disciplinary action on a complaint or  
17 to order an independent investigation pursuant to section 4451-D or 4451-E.

18 **Sec. 6. 30-A MRSA §4451-B** is enacted to read:

19 **§4451-B. Receipt and review of complaints**

20 Upon the request of the division director or upon the committee's own motion, the  
21 committee shall review complaints about a certificate holder received regarding  
22 noncompliance with or violation of this subchapter or rules adopted by the Technical  
23 Building Codes and Standards Board established in Title 5, section 12004-G, subsection  
24 5-A or the Maine Office of Community Affairs and recommend appropriate action to the  
25 division director.

26 **Sec. 7. 30-A MRSA §4451-C** is enacted to read:

27 **§4451-C. Notice; response**

28 Before proceeding with any investigation regarding a complaint filed against a  
29 certificate holder, the division director, the committee or staff shall notify the certificate  
30 holder, the municipality, state agency or entity employing the certificate holder and the  
31 administrators of the jurisdiction in which the complaint originates of the content of a  
32 complaint filed against the certificate holder and that an investigation of the complaint may  
33 occur. Notice must be given as soon as possible, but no later than 60 days after the division  
34 director, the committee or staff receives the complaint or other pertinent information.

35 1. Certificate holder response. The certificate holder has the right to respond to the  
36 complaint within 30 days of receiving notice of the complaint in all cases except those  
37 involving an emergency refusal to renew or an emergency suspension or revocation of a  
38 certificate, as described in Title 5, chapter 375, section 10004.

39 2. Review and response by employer. Within 30 days of receiving notice of a  
40 complaint, the municipality, state agency or entity employing the certificate holder shall  
41 review the alleged conduct of the certificate holder or otherwise respond to the complaint  
42 and, notwithstanding any provision of law to the contrary, report the findings of the review  
43 to the division director along with a recommended disposition.

1        3. Jurisdiction's response. The administrators of the jurisdiction in which the  
2 complaint originates may respond to the division director with supplementary information  
3 and recommendations relevant to the complaint.

4        This section does not preclude a municipality, state agency or entity employing a  
5 certificate holder from investigating and taking appropriate action, up to and including  
6 termination of employment, before it receives notice from the division director, the  
7 committee or staff under this section, as long as the municipality, state agency or entity  
8 notifies the division director following its investigation if the investigation reveals  
9 reasonable cause to believe that a certificate holder has engaged in conduct subject to  
10 disciplinary action and provides to the division director the findings related to the conduct.

11        This section does not preclude the division director from investigating the conduct of  
12 a certificate holder on the division director's own initiative.

13        **Sec. 8. 30-A MRS §4451-D** is enacted to read:

14        **§4451-D. Further action**

15        The division director may proceed with any action the division director determines  
16 appropriate after the response time periods in subsection 4451-C have passed. Further  
17 action may include, but is not limited to, the following:

18        1. Dismissal of complaint. If the certificate holder's response to the complaint or other  
19 information related to the complaint satisfies the division director, the committee or staff  
20 that the complaint does not merit further investigation or action, the matter may be  
21 dismissed by the division director or the committee, with notice of the dismissal to the  
22 certificate holder and the complainant, if any;

23        2. Referral. The division director may refer the matter of the complaint to another  
24 agency for investigation regardless of whether the division director receives a response  
25 under section 4451-C, with notice of the referral to the certificate holder; or

26        3. Investigation. The division director at the division director's sole discretion or, as  
27 delegated, the committee or staff, may investigate a complaint that is not dismissed or  
28 referred under this section. An investigation may include an informal conference under  
29 section 4451-E to determine whether grounds exist to deny an application for a certification  
30 or recertification or for modification, suspension or revocation of a certificate or for taking  
31 other disciplinary action pursuant to this section and section 4451-G. The division director  
32 or the committee may contract with outside investigators or agencies for use of their  
33 investigators through memoranda of understanding or other written agreement. The  
34 division director, the committee or staff may subpoena witnesses, records and documents  
35 in any investigation or hearing conducted.

36        **Sec. 9. 30-A MRS §4451-E** is enacted to read:

37        **§4451-E. Informal conference**

38        If, in the opinion of the division director, the committee or staff, the factual basis of the  
39 complaint is or may be true and the complaint is of sufficient gravity to warrant further  
40 action, the division director, the committee or staff may request an informal conference  
41 with the certificate holder either prior to or during an investigation. The division director,  
42 the committee or staff shall provide the certificate holder with adequate notice of the

1 conference and of the issues to be discussed. The certificate holder may, without prejudice,  
 2 refuse to participate in an informal conference.

3 **Sec. 10. 30-A MRSA §4451-F** is enacted to read:

4 **§4451-F. Grounds for action**

5 The division director or the committee may take action against an applicant for a  
 6 certificate or a certificate holder pursuant to this subchapter or any rules adopted pursuant  
 7 to this subchapter, including, but not limited to, a decision to refuse to issue or renew a  
 8 certificate or to modify, suspend or revoke a certificate for one or more of the following  
 9 reasons:

10 **1. Certification or recertification requirements.** Failing to meet certification or  
 11 recertification requirements;

12 **2. Material facts.** Falsifying or misrepresenting material facts in obtaining or  
 13 maintaining a certificate issued pursuant to section 4451;

14 **3. Dishonest, fraudulent or illegal conduct; intentional misconduct.** Engaging in  
 15 conduct constituting dishonest, fraudulent or illegal dealings or intentional misconduct that,  
 16 when viewed in light of the nature and purpose of the person's conduct and circumstances  
 17 known to the person, involves deviation from the standard of conduct, as defined in rule,  
 18 that a reasonable and prudent certificate holder would observe in the same or a similar  
 19 situation; or

20 **4. Duties authorized.** Repeatedly failing to effectively perform the duties authorized  
 21 by the issued certificate.

22 **Sec. 11. 30-A MRSA §4451-G** is enacted to read:

23 **§4451-G. Action after investigation**

24 If the division director or the committee finds that the factual basis of the complaint is  
 25 true and is of sufficient gravity to warrant further action, the division director or the  
 26 committee may take any of the following actions.

27 **1. Letter of guidance or concern.** The division director may issue a letter of guidance  
 28 or concern to a certificate holder. A letter of guidance or concern may be used to educate,  
 29 reinforce knowledge regarding legal or professional obligations or express concern over  
 30 action or inaction by the certificate holder that does not rise to the level of misconduct  
 31 sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is  
 32 not a formal proceeding and does not constitute an adverse disciplinary action.  
 33 Notwithstanding any provision of law to the contrary, letters of guidance or concern are  
 34 not confidential. The division director may place letters of guidance or concern, together  
 35 with any underlying complaint, report and investigation materials, in a certificate holder's  
 36 file for a specified period of time not to exceed 10 years. Any letters, complaints and  
 37 materials placed on file may be accessed and considered by the division director in any  
 38 subsequent action commenced against the certificate holder within the specified time  
 39 frame. Complaints, reports and investigation materials placed on file remain confidential  
 40 to the extent required by this subchapter.

41 **2. Consent agreement.** The division director, the committee or staff may negotiate a  
 42 consent agreement that resolves a complaint or investigation without further proceedings.  
 43 A consent agreement may be entered into only with the consent of the certificate holder

1 and the division director. Notwithstanding any provision of law to the contrary, any  
 2 remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction  
 3 of the Superior Court, may be achieved by consent agreement, including long-term  
 4 modification, suspension and permanent revocation of a certificate issued under this  
 5 subchapter. A consent agreement is not subject to review or appeal and may be modified  
 6 only by a writing executed by the certificate holder and the division director. A consent  
 7 agreement is enforceable by an action in Superior Court.

8 **3. Voluntary surrender of certificate.** If a certificate holder offers to voluntarily  
 9 surrender a certificate, the division director, the committee or staff may negotiate  
 10 stipulations necessary to ensure protection of the public health and safety and the  
 11 rehabilitation or education of the certificate holder. These stipulations may be set forth  
 12 only in a consent agreement entered into between the division director and the certificate  
 13 holder.

14 **4. Modification, suspension, revocation of certificate or other sanction or**  
 15 **discipline.** The division director or the committee may impose the following forms of  
 16 discipline upon a certificate holder or applicant for a certificate:

17 A. Denial of an application for a certificate or recertification, which may occur in  
 18 conjunction with the imposition of another form of discipline;

19 B. Issuance of a written warning, censure or reprimand;

20 C. Suspension of a certificate for up to 3 years. Execution of all or any portion of a  
 21 term of suspension may be stayed pending successful completion of conditions of  
 22 probation imposed pursuant to paragraph F, except that the suspension remains part of  
 23 the certificate holder's record;

24 D. Revocation of a certificate;

25 E. Modification of a certificate; or

26 F. Imposition of conditions of probation. Probation may run for a time period that the  
 27 division director determines appropriate. Probation may include conditions such as  
 28 additional continuing education, mandatory professional supervision of the applicant  
 29 or certificate holder, restrictions and other conditions as the division director  
 30 determines appropriate. Costs incurred in the performance of terms of probation are  
 31 borne by the applicant or certificate holder. Failure to comply with the conditions of  
 32 probation may be grounds for disciplinary action against a certificate holder.

33 **5. Request for adjudicatory hearing.** Unless otherwise indicated in this subchapter,  
 34 if the division director or the committee concludes that modification, suspension,  
 35 revocation or imposition of any other sanction or discipline authorized under this  
 36 subchapter is in order, the division director, the committee or staff shall notify the  
 37 certificate holder and inform the certificate holder of the right to request an adjudicatory  
 38 hearing. If the certificate holder requests an adjudicatory hearing in writing within 21 days,  
 39 the hearing must be held by a subcommittee of 3 committee members designated by the  
 40 committee chair or a hearing officer, at the committee's sole discretion. The hearing must  
 41 be in accordance with Title 5, chapter 375, subchapter 4 and must be held within 60 days  
 42 of the certificate holder's request for hearing. The subcommittee or the hearing officer,  
 43 after conducting the hearing, shall file with the committee all papers connected with the

1 case and report recommended findings and sanctions to the committee, which may, in  
 2 consultation with the division director, approve or modify them.

3 If, after the adjudicatory hearing, the certificate holder wishes to appeal the final decision  
 4 of the division director or the committee, the certificate holder shall file a petition for  
 5 review pursuant to the Maine Rules of Civil Procedure, Rule 80C with the Superior Court  
 6 within 30 days of receipt of the division director's or the committee's written decision.  
 7 Review under this subsection must be conducted pursuant to Title 5, chapter 375,  
 8 subchapter 7. If a request for a hearing is not filed within 21 days, the certificate holder is  
 9 deemed to have waived any right to hearing and the division director may, in consultation  
 10 with the committee, impose any sanction or discipline allowed by this subchapter.

11 **6. Injunction.** The State may bring an action in Superior Court to enjoin a person  
 12 from violating any provision of this subchapter, regardless of whether civil or  
 13 administrative proceedings have been or may be instituted.

14 **7. Recertification.** A person whose certificate has been revoked under this subchapter  
 15 may apply to the division director for reinstatement of certification if at least one year has  
 16 elapsed since revocation of the certificate and the person is otherwise eligible for  
 17 reinstatement. The granting of recertification under this subsection is governed by rules  
 18 adopted by the Maine Office of Community Affairs pursuant to section 4451-I relating to  
 19 certification. The person is subject to all training requirements applicable to persons whose  
 20 certification has lapsed.

21 **Sec. 12. 30-A MRSA §4451-H is enacted to read:**

22 **§4451-H. Confidentiality; access to documents; public records**

23 All complaints, charges or accusations of misconduct, replies to those complaints,  
 24 charges or accusations and any other information or materials that are considered by the  
 25 division director or the committee are confidential. If a person subject to this chapter  
 26 requests an adjudicatory hearing under the Maine Administrative Procedure Act, that  
 27 hearing must be open to the public. The subcommittee or hearing officer that presides over  
 28 the hearing shall issue a written decision that states the conduct or other facts on the basis  
 29 of which action is being taken and the reason for that action. Once issued, the written  
 30 decision is a public record under the Freedom of Access Act, regardless of whether it is  
 31 appealed. Any action taken by the division director pursuant to this subchapter as a result  
 32 of a complaint, charge or accusation must be supported by a statement of findings and must  
 33 be issued as a written decision of the division director. The written decision of the division  
 34 director and findings are public records under the Freedom of Access Act.

35 **Sec. 13. 30-A MRSA §4451-I is enacted to read:**

36 **§4451-I. Rulemaking**

37 The Maine Office of Community Affairs may adopt rules necessary to implement this  
 38 subchapter. Rules adopted pursuant to this section are routine technical rules as defined in  
 39 Title 5, chapter 375, subchapter 2-A.'

40 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
 41 number to read consecutively.

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**SUMMARY**

This amendment, which is the majority report of the committee, replaces the bill and does the following.

- 1. It reorganizes the bill to provide clarity.
- 2. It replaces the definition of "director" with a definition of "division director" and replaces the word "director" with "division director" throughout the bill.
- 3. It adds definitions of "certificate holder" and "certification review committee."
- 4. It allows the Maine Office of Community Affairs to extend a code enforcement officer's certification for up to 24 months between July 20, 2026 and July 20, 2028.
- 5. It clarifies that a certificate holder may be employed by a municipality, a state agency or an entity.
- 6. It removes the requirement that a certificate holder's employer investigate a complaint filed with the Division of Building Codes and Standards.
- 7. It removes the requirement that a certificate holder's employer share information, other than findings, from the employer's investigation of the certificate holder.
- 8. It removes the civil penalty option for a violation of laws or rules applicable to the work of a certificate holder.
- 9. It adds a requirement that a certificate holder be notified if the complaint against the certificate holder is dismissed.
- 10. It makes confidential all complaints, charges or accusations of misconduct and any other information or materials that are considered by the division director or the committee.

**FISCAL NOTE REQUIRED**  
(See attached)



# 132nd MAINE LEGISLATURE

LD 2097

LR 2777(02)

**An Act to Modify the Law Governing Revocation of a Code Enforcement Officer's Certification**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Housing and Economic Development**

**Fiscal Note Required: Yes**

**A (H-974)**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system. The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional filing fees will increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

Any additional costs to the Maine Office of Community Affairs from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.