

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 595, L.D. 846, Bill, "An Act Concerning Training and Certification for Land Use Code Enforcement Officers"

Amend the bill by striking the title and substituting the following:

'An Act Concerning Training and Certification of Code Enforcement Officers'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'30-A MRSA §4451, as amended by PL 1989, c. 878, Pt. A, §87, is further amended to read:

§4451. Training and certification for code enforcement officers

1. Certification required; exceptions. Beginning January 1, 1993, a municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the office, except that:

A. An individual has 12 months after beginning employment to be trained and certified as provided in this section; and

B. Whether or not any extension is available under paragraph A, the office may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual.

A person employed by a municipality or municipalities as a code enforcement officer for at least 3 years prior to January 1, 1990

2 is deemed certified under this section and, 5 years after the  
3 effective date of this paragraph, is subject to the  
4 recertification requirements of subsection 6.

5  
6 2. **Penalty.** Any municipality that violates this section  
7 commits a civil violation for which a forfeiture of not more than  
8 \$100 may be adjudged. Each day in violation constitutes a  
9 separate offense.

10 2-A. Code enforcement officer; definition and duties. As  
11 used in this subchapter, "code enforcement officer" means a  
12 person certified under this section and employed by a  
13 municipality to enforce all applicable laws and ordinances in the  
14 following areas:

15 A. Shoreland zoning under Title 38, chapter 3, subchapter  
16 I, article 2-B;

17 B. Comprehensive planning and land use under Part 2,  
18 Subpart VI-A;

19 C. Internal plumbing under chapter 185, subchapter III;

20 D. Subsurface wastewater disposal under chapter 185,  
21 subchapter III; and

22 E. Building standards under chapter 141; chapter 185,  
23 subchapter I; and Title 25, chapters 313 and 331.

24  
25 3. **Training and certification of code enforcement**  
26 **officers.** In cooperation with the Technical College System and  
27 the Department of Human Services, the office shall establish a  
28 continuing education program for individuals engaged in code  
29 enforcement. This program shall must provide basic and advanced  
30 training in the technical and legal aspects of code enforcement  
31 necessary for certification, ~~including, but not limited to,~~

32 ~~A. Plumbing inspection;~~

33 ~~B. Soils and site evaluation;~~

34 ~~C. Electrical inspection;~~

35 ~~D. State and federal environmental requirements;~~

36 ~~E. Zoning ordinances;~~

37 ~~F. Court techniques; and~~

38 ~~G. Other enforcement information.~~

2 4. **Examination.** The office shall conduct at least one  
3 examination each year to examine candidates for certification or  
4 recertification at a time and place designated by it. The office  
5 may conduct additional examinations to carry out the purposes of  
6 this subchapter.

7 5. **Certification standards.** The office shall establish by  
8 rule the qualifications, conditions and licensing standards and  
9 procedures for the certification and recertification of  
10 individuals as code enforcement officers. A code enforcement  
11 officer need only be certified in the areas of actual job  
12 responsibilities. The rules established under this subsection  
13 shall must identify standards for each of the areas of training  
14 under subsection 3 2-A, in addition to general standards that  
15 apply to all code enforcement officers.

16 6. **Certification; terms; revocation.** The office shall  
17 certify individuals as to their competency to successfully  
18 enforce ordinances and other land use regulations and permits  
19 granted under those ordinances and regulations and shall issue  
20 certificates attesting to the competency of those individuals to  
21 act as code enforcement officers. Certificates are valid for 5  
22 years unless revoked by the Administrative Court. An examination  
23 is not required for recertification of code enforcement  
24 officers. The office shall recertify a code enforcement officer  
25 if the code enforcement officer successfully completes at least  
26 12 hours of approved training in each area of job responsibility  
27 during the 5-year certification period.

28 A. The Administrative Court may revoke the certificate of a  
29 code enforcement officer, in accordance with Title 4,  
30 chapter 25, when it finds that:

31 (1) The code enforcement officer has practiced fraud  
32 or deception;

33 (2) Reasonable care, judgment or the application of a  
34 duly trained and knowledgeable code enforcement  
35 officer's ability was not used in the performance of  
36 the duties of the office; or

37 (3) The code enforcement officer is incompetent or  
38 unable to perform properly the duties of the office.

39 B. Code enforcement officers whose certificates are  
40 invalidated under this subsection may be issued new  
41 certificates provided that they are newly certified as  
42 provided in this section.

43 7. **Other professions unaffected.** This subchapter shall may  
44 not be construed to affect or prevent the practice of any other  
45 profession.'

2

STATEMENT OF FACT

4

6 This amendment replaces the bill. Under current law, after  
8 January 1, 1993, a municipality may not hire a person to work as  
10 a code enforcement officer unless that person is certified by the  
12 Office of Comprehensive Land Use Planning. Under this amendment,  
14 a person employed by a municipality as a code enforcement officer  
16 for at least 3 years prior to January 1, 1990 is exempt from this  
18 requirement for purposes of certification. The amendment adds a  
20 new section setting forth the duties of code enforcement  
officers, excluding the requirement in existing law that code  
enforcement officers be responsible for enforcement of electrical  
codes. The examination requirements for recertification of code  
enforcement officers are repealed and replaced with automatic  
recertification, without reexamination, of code enforcement  
officers that meet minimum continuing education requirements.  
The amendment also makes several technical and grammatical  
changes to the bill.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
(4/25/91) (Filing No. H-183)