

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 846

H.P. 595

House of Representatives, February 26, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RICHARDS of Hampden.

Cosponsored by Representative PLOURDE of Biddeford, Representative TARDY of Palmyra and Senator VOSE of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act Concerning Training and Certification for Land Use Code
Enforcement Officers.**



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

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

6 **§4451. Training and certification for land use code enforcement**
7 **officers**

8
9 **1. Certification required; exceptions.** Beginning January
10 1, 1993, a municipality may not employ any individual to perform
11 the duties of a land use code enforcement officer who is not
12 certified by the office, except that:

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

16
17 B. Whether or not any extension is available under
18 paragraph A, the office may waive this requirement for up to
19 one year if the certification requirements cannot be met
20 without imposing a hardship on the municipality employing
21 the individual; and

22
23 C. A land use code enforcement officer employed for a
24 minimum of 3 years by a municipality between January 1, 1988
25 and December 31, 1992, is automatically certified and must
26 be recertified each succeeding year.

28 **2. Penalty.** Any municipality that violates this section
29 commits a civil violation for which a forfeiture of not more than
30 \$100 may be adjudged. Each day in violation constitutes a
31 separate offense.

32
33 **3. Training and certification of land use code enforcement**
34 **officers.** In cooperation with the ~~Technical-College-System~~ and
35 the Department of ~~Human-Services~~ Environmental Protection, the
36 office shall establish a continuing education program for
37 individuals engaged in land use code enforcement. This program
38 shall must provide basic and advanced training in the following
39 technical and legal aspects of code enforcement necessary for
40 certification, ~~including, but not limited to:~~

42 A. ~~Plumbing inspection;~~

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

46 C. ~~Electrical inspection;~~

48 D. State and federal environmental requirements;

50 E. Zoning Local zoning ordinances; and

52 F. ~~Court techniques; and~~

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~~G.---Other-enforcement-information-~~

H. Shoreland zoning.

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

5. **Certification standards.** The office shall establish by rule the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as land use code enforcement officers. A land use code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection shall ~~must~~ identify standards for each of the areas of training under subsection 3, in addition to general standards that apply to all land use code enforcement officers, such as administrative and enforcement standards.

6. **Certification; terms; revocation.** The office shall certify individuals as to their competency to successfully enforce land use ordinances and other land use regulations, and permits granted under those ordinances and regulations, and shall issue certificates attesting to the competency of those individuals to act as land use code enforcement officers. Certificates are valid for ~~5-years~~ one year unless revoked by the Administrative Court. The office shall issue subsequent certificates on an annual basis to land use code enforcement officers who complete 16 hours of approved training each year.

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

(1) The land use code enforcement officer has practiced fraud or deception;

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

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

B. Code Land use code enforcement officers whose certificates are invalidated under this subsection may be

2 issued new certificates provided that they are newly
certified as provided in this section.

4 7. Other professions unaffected. This subchapter shall may
not be construed to affect or prevent the practice of any other
6 profession.

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10 **STATEMENT OF FACT**

12 This bill makes the following changes to the law governing
training and certification for code enforcement officers.

14 1. It changes the term "code enforcement officer" to "land
use code enforcement officer" in the Maine Revised Statutes,
16 Title 30-A, section 4451.

18 2. It provides that land use code enforcement officers
employed for a minimum of 3 years by municipalities between
20 January 1, 1988 and December 31, 1992 are automatically certified.

22 3. It provides that a continuing education program for
individuals engaged in land use code enforcement will be
24 established by the Department of Economic and Community
Development, Office of Comprehensive Land Use Planning in
26 cooperation with the Department of Environmental Protection,
rather than the Department of Human Services and the Technical
28 College System.

30 4. It adds "shoreland zoning" and removes "plumbing
inspection," "soils and site evaluation," "electrical
32 inspection," "court techniques" and "other enforcement
information" from the list of subjects included in the training
34 program.

36 5. It changes the duration of certification validity from 5
years to one year.

38 6. It provides for annual recertification for those land
40 use code enforcement officers who complete 16 hours of classroom
training each year.