

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1621

S.P. 617

In Senate, April 24, 1991

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

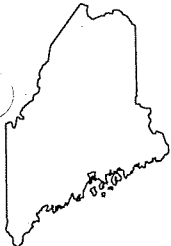
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec
Cosponsored by Representative DAGGETT of Augusta.

STATE OF MAINE

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

An Act Concerning Enforcement of Land Use Regulations.



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

2
30-A MRSA §4451 as amended by PL 1989, c. 878, Pt. A, §87,
4 is repealed and the following enacted in its place:

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

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 can not be met
20 without imposing a hardship on the municipality employing
21 the individual; and

22
23 C. Land use code enforcement officers employed by
24 municipalities prior to January 1, 1993 are automatically
25 certified and are required to recertify each succeeding year.

26
27 2. Training and certification of code enforcement
28 officers. In cooperation with the Department of Environmental
29 Protection, the office shall establish a continuing education
30 program for individuals engaged in land use code enforcement.
31 This program provides basic and advanced training in the
32 technical and legal aspects of code enforcement necessary for
33 certification of the following:

34 A. State and federal environmental requirements;

35
36 B. Local zoning ordinances; and

37
38 C. Shoreland zoning.

39
40
41 3. Examination. The office shall conduct at least one
42 examination each year to examine candidates for certification or
43 recertification at a time and place designated by the office.
44 The office may conduct additional examinations to carry out the
45 purposes of this subchapter.

46
47 4. Certification standards. The office shall establish by
48 rule the qualifications, conditions and licensing standards and
49 procedures for the certification and recertification of
50 individuals as land use code enforcement officers. A land use
code enforcement officer need only be certified in the areas of

2 actual job responsibilities. The rules established under this
3 subsection identify standards for each of the areas of training
4 such as administration and enforcement under subsection 3, in
5 addition to general standards that apply to all land use code
6 enforcement officers.

7 5. Certification; terms; revocation. The office shall
8 certify individuals as to their competency to successfully
9 enforce land use ordinances and other land use regulations and
10 permits granted under those ordinances and regulations and shall
11 issue certificates attesting to the competency of those
12 individuals to act as land use code enforcement officers.
13 Certificates are valid for one year unless revoked by the
14 Administrative Court. Certificates are renewed when the land use
15 code enforcement officer completes 16 hours of classroom training
16 approved by the office each calendar year.

17 A. The Administrative Court may revoke the certificate of a
18 land use code enforcement officer, in accordance with Title
19 4, chapter 25, when the court finds that:

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

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

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

29 B. Land use code enforcement officers whose certificates
30 are invalidated under this subsection may be issued new
31 certificates provided that they are newly certified as
32 provided in this section.

40 STATEMENT OF FACT

41 This bill makes technical changes to the law governing land
42 use code enforcement officers. The bill changes the training
43 requirements to include training in state and federal
44 environmental requirements, zoning ordinances and shoreland
45 zoning. The bill also requires that training be coordinated with
46 the Department of Environmental Protection.
47
48