

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1743

S.P. 624

In Senate, January 19, 1994

**An Act Regarding Municipal Code Enforcement Officers and
Enforcement of Penalties.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on State and Local Government 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 McCORMICK of Kennebec.
Cosponsored by Senator: TITCOMB of Cumberland, Representatives: COLES of Harpswell,
HEESCHEN of Wilton, KONTOS of Windham, MARSH of West Gardiner, TREAT of
Gardiner.

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

2
3 **Sec. 1. 30-A MRSA §4451, sub-§1, ¶A**, as enacted by PL 1989, c.
4 104, Pt. A, §45 and Pt. C, §10, is amended to read:

6 A. An individual has 12 months after beginning employment
7 to be trained and certified as provided in this section.
8 This exception expires on June 30, 1995; and

10 **Sec. 2. 30-A MRSA §4451, sub-§2**, as enacted by PL 1989, c.
11 104, Pt. A, §45 and Pt. C, §10, is amended to read:

12 **2. Penalty.** Any municipality that violates this section
13 commits a civil violation for which a forfeiture of not more than
14 \$100 may be adjudged. Each day in violation constitutes a
15 separate offense. The Attorney General or the District Attorney
16 shall bring action against a municipality that violates this
17 section. A party with standing demonstrating particularized
18 injury may bring action against a municipality that violates this
19 section.

22 **Sec. 3. 30-A MRSA §4451, sub-§§3 and 4**, as amended by PL 1991,
23 c. 163, are further amended to read:

24 **3. Training and certification of code enforcement**
25 **officers.** In cooperation with the Technical College System and
26 ~~the Department of Human Services~~, the office shall establish a
27 training, certification and continuing education program
28 programs for individuals entering and engaged in code enforcement. This
29 program must provide basic and advanced training in the technical
30 and legal aspects of code enforcement necessary for certification.

32 **4. Examination.** The office shall conduct at least one
33 examination in each area defined in subsection 2-A each year to
34 examine candidates for certification at a time and place
35 designated by it. The office may conduct additional examinations
36 to carry out the purposes of this subchapter.

38 **Sec. 4. 38 MRSA §441, sub-§1**, as amended by PL 1989, c. 403,
39 §10, is further amended to read:

42 **1. Appointment.** In every municipality, the municipal
43 officers shall annually by July 1st appoint or reappoint a
44 certified code enforcement officer, as defined in Title 30-A,
45 section 4451, for a 5-year period whose job may include being a
46 local plumbing inspector or a building inspector and who ~~may or~~
47 ~~may not be a resident of the municipality for which he is~~
48 appointed is not required to reside in the municipality. The
49 ~~municipal officers may appoint the planning board to act as the~~
50 ~~code enforcement officer.~~ The municipal officers may remove a
51 code enforcement officer for cause, after notice and hearing.
52 This removal provision shall only apply to code enforcement

2 officers who have completed a reasonable period of probation as
4 established by the municipality pursuant to Title 30-A, section
6 2601. If not reappointed by a municipality, a code enforcement
officer may continue to serve until a certified successor has
been appointed and sworn or a waiver is granted pursuant to Title
30-A, section 4451, subsection 1.

8
10 **STATEMENT OF FACT**

12 This bill requires that code enforcement officers appointed
14 by municipalities pursuant to shoreland zoning ordinances be
16 certified and appointed for 5-year periods. The bill clarifies
18 when a municipality must employ a certified code enforcement
officer and who has standing to bring action against the
municipality for violation of the law regarding training and
certification of code enforcement officers.

20
22
24 This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.