

MAINE STATE LEGISLATURE

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L.D. 1554

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1111, L.D. 1554, Bill, "An Act to Eliminate Inconsistencies and Unnecessary Duplication Regarding the Training and Certification of Individuals Who Enforce Land Use Regulations"

Amend the bill in section 2 in subsection 9 in the last line (page 1, line 26 in L.D.) by striking out the following: "4451, subsection 5" and inserting in its place the following: '4453'

Further amend the bill by striking out all of sections 5 and 6 and inserting in their place the following:

Sec. 5. 30-A MRSA §4451, sub-§1, ¶¶A and B, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

A. An individual other than an individual appointed as a plumbing inspector 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.; and

Sec. 6. 30-A MRSA §4451, sub-§1, ¶C is enacted to read:

C. An individual may be temporarily authorized in writing by the Department of Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months.

2 **Sec. 7. 30-A MRSA §4451, sub-§3**, as amended by PL 1991, c.
163, is further amended to read:

4 **3. Training and certification of code enforcement**
5 **officers.** In cooperation with the Maine Technical College
6 System, the Department of Environmental Protection and the
7 Department of Human Services, the office shall establish a
8 continuing education program for individuals engaged in code
9 enforcement. This program must provide basic and advanced
10 training in the technical and legal aspects of code enforcement
11 necessary for certification.'

12 Further amend the bill in section 7 in subsection 7 in the
13 4th line (page 3, line 9 in L.D.) by striking out the following:
14 "4451" and inserting in its place the following: '4453'

15 Further amend the bill by inserting after section 7 the
16 following:

17 '**Sec. 8. 30-A MRSA §4453** is enacted to read:

18 **§4453. Certification for representation in court**

19 The office shall establish certification standards and a
20 program to certify familiarity with court procedures for the
21 following individuals:

22 1. Code enforcement officers. Code enforcement officers as
23 set forth in sections 4451 and 4452 and Title 38, section 441;

24 2. Plumbing inspectors. Plumbing inspectors as set forth in
25 sections 4221 and 4451;

26 3. Department of Environmental Protection. Department of
27 Environmental Protection employees as set forth in Title 38,
28 section 342, subsection 7; and

29 4. Maine Land Use Regulation Commission. Maine Land Use
30 Regulation Commission employees as set forth in Title 12, section
31 685-C, subsection 9.'

32 Further amend the bill in section 8 in subsection 7 in the
33 last line (page 3, line 25 in L.D.) by striking out the
34 following: "4451, subsection 5" and inserting in its place the
35 following: '4453'

36 Further amend the bill in section 9 in subsection 2 in the
37 first paragraph in the next to the last line (page 3, line 34 in
38 L.D.) by striking out the following: "4451, subsection 5" and
39 inserting in its place the following: '4453'

2 Further amend the bill by relettering or renumbering any
4 nonconsecutive Part letter or section number to read
consecutively.

6 Further amend the bill by inserting at the end before the
summary the following:

8
10 **FISCAL NOTE**

12 The additional costs associated with providing temporary
14 authorizations can be absorbed by the Department of Human
Services utilizing existing budgeted resources.

16 The Department of Environmental Protection will incur some
18 minor additional costs to work with the State Planning Office in
the development of a continuing education program for individuals
20 engaged in code enforcement. These costs can be absorbed within
the department's existing budgeted resources.'

22
24 **SUMMARY**

This amendment makes several technical changes to the bill.
26 The amendment also clarifies that a municipality may employ a
local plumbing inspector who has not yet been certified by the
28 State Planning Office if the plumbing inspector receives
temporary authorization from the Department of Human Services,
30 Division of Health Engineering. Temporary authorization may be
granted for a period not to exceed 12 months. The amendment also
32 removes the authority granted in the bill to the State Planning
Office to charge fees to cover the costs of training and
34 certification of code enforcement officers. The amendment also
adds a fiscal note to the bill.