

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2097

H.P. 1412

House of Representatives, January 7, 2026

An Act to Modify the Law Governing Revocation of a Code Enforcement Officer's Certification

Submitted by the Maine Office of Community Affairs pursuant to Joint Rule 203.
Reference to the Committee on Housing and Economic Development suggested and
ordered printed.

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GERE of Kennebunkport.

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

2 **Sec. 1. 30-A MRSA §4221, sub-§2**, as amended by PL 2011, c. 655, Pt. FF, §7
3 and affected by §16, is further amended to read:

4 **2. Certification requirements.** A person may not hold the office of plumbing
5 inspector unless currently certified as qualified pursuant to section 4451. Certification is
6 effective for a period of 5 years unless sooner revoked or suspended ~~by the District Court~~
7 as provided for in section 4451 4451-B.

8 **Sec. 2. 30-A MRSA §4450** is enacted to read:

9 **§4450. Definitions**

10 For purposes of this subchapter, "director" means the Director of the Maine Office of
11 Community Affairs as established by Title 5, section 3203 and "staff" means an employee
12 or contractor of the Maine Office of Community Affairs as established by Title 5, section
13 3202.

14 **Sec. 3. 30-A MRSA §4451, sub-§6**, as amended by PL 2025, c. 388, Pt. D, §38, is
15 further amended to read:

16 **6. Certification; terms; ~~revocation~~.** The Maine Office of Community Affairs shall
17 certify individuals as to their competency to successfully enforce ordinances and other land
18 use regulations and permits granted under those ordinances and regulations and shall issue
19 certificates attesting to the competency of those individuals to act as code enforcement
20 officers. Certificates issued by the former State Planning Office, the Department of
21 Economic and Community Development, Office of Community Development, the
22 Department of Public Safety, Office of the State Fire Marshal or the Maine Office of
23 Community Affairs are valid for 6 years unless revoked ~~by the District Court~~ or suspended
24 as provided for in section 4451-B. An examination is not required for recertification of
25 code enforcement officers. The Maine Office of Community Affairs shall recertify a code
26 enforcement officer if the code enforcement officer successfully completes at least 12 hours
27 of approved training in each area of job responsibility during the 6-year certification period.

28 ~~A. The District Court may revoke the certificate of a code enforcement officer, in~~
29 ~~accordance with Title 4, chapter 5, when it finds that:~~

30 ~~(1) The code enforcement officer has practiced fraud or deception;~~

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

34 ~~(3) The code enforcement officer is incompetent or unable to perform properly the~~
35 ~~duties of the office.~~

36 ~~B. Code enforcement officers whose certificates are invalidated under this subsection~~
37 ~~may be issued new certificates provided that they are newly certified as provided in~~
38 ~~this section.~~

39 **Sec. 4. 30-A MRSA §4451-A** is enacted to read:

40 **§4451-A. Complaint review committee**

1 **1. Committee.** The complaint review committee, referred to in this section as "the
2 committee," is established. The director shall appoint 5 members to serve on the
3 committee. The director shall name one member as chair and one member as secretary.
4 Two of the members must be members of the Technical Building Codes and Standards
5 Board, established in Title 5, section 12004-G, subsection 5-A. The remaining members
6 may not be members of the Technical Building Codes and Standards Board and must be
7 residents of this State who have professional experience and familiarity with established
8 building techniques, building codes and enforcement and other areas associated with
9 building trades, or other comparable professional experience. A majority of the members
10 of the committee, including at least one Technical Building Codes and Standards Board
11 member, constitutes a quorum and must be present for deliberations and votes. A majority
12 vote of all members present is necessary for any action or to recommend taking corrective
13 or disciplinary action on a complaint or to order an independent investigation pursuant to
14 subsections 2 and 3.

15 **2. Investigation of complaints.** Upon the request of the director or upon the
16 committee's own motion, the committee shall investigate complaints regarding any
17 violation of this chapter or rules established by the Technical Building Codes and Standards
18 Board or the Maine Office of Community Affairs by a person holding a certificate issued
19 by the Maine Office of Community Affairs or any of its predecessors pursuant to section
20 4451 and recommend appropriate action to the director. The director or the committee may
21 contract with outside investigators or agencies for use of their investigators through
22 memoranda of understanding or otherwise.

23 **3. Investigation of conduct and notice of investigation.** Before proceeding with any
24 investigation, the director, the committee or staff shall notify the chief administrative
25 officer of the agency employing the certificate holder under subsection 2 that the director
26 is investigating the certificate holder. The chief administrative officer shall investigate the
27 alleged conduct of the certificate holder or otherwise respond to the complaint and,
28 notwithstanding any provision of law to the contrary, report the findings and provide copies
29 of the investigative reports to the director within 30 days of receiving notice of the
30 investigation along with a recommended disposition. The director shall proceed with any
31 action the director determines appropriate after receiving the chief administrative officer's
32 findings and reports. This subsection does not preclude a chief administrative officer from
33 investigating and taking appropriate action up to and including termination of employment
34 before receiving a request for an investigation from the director, the committee or staff, as
35 long as the chief administrative officer notifies the director following that investigation if
36 the investigation reveals reasonable cause to believe that a certificate holder has engaged
37 in conduct subject to disciplinary action and provides to the director the findings and
38 investigative reports related to the conduct. This subsection does not preclude the director
39 from investigating the conduct of a certificate holder on the director's own initiative or
40 referring a matter of such conduct to another agency for investigation regardless of whether
41 the director receives an investigative report from the chief administrative officer under this
42 subsection.

43 **Sec. 5. 30-A MRSA §4451-B** is enacted to read:

44 **§4451-B. Certificate and disciplinary actions**

1 **1. Disciplinary proceedings and sanctions.** The director or, as delegated, the
2 complaint review committee established pursuant to section 4451-A, referred to in this
3 section as "the committee," or staff, at the sole discretion of the director, shall investigate
4 a complaint on the committee's own motion or upon receipt of a written complaint filed
5 with the director regarding noncompliance with or violation of this chapter or any rules
6 adopted by the Technical Building Codes and Standards Board, established in Title 5,
7 section 12004-G, subsection 5-A, or the Maine Office of Community Affairs. Investigation
8 may include an informal conference under subsection 3 before the committee to determine
9 whether grounds exist for suspension, revocation or denial of a certificate or for taking
10 other disciplinary action pursuant to this chapter. The director, the committee or staff may
11 subpoena witnesses, records and documents in any investigation or hearing conducted.

12 **2. Notice.** The director or, as delegated, the committee or staff shall notify the person
13 holding a certificate issued by the Maine Office of Community Affairs or any of its
14 predecessors pursuant to section 4451, the agency employing the certificate holder and the
15 administrators of the jurisdiction in which the complaint originates of the content of a
16 complaint filed against the certificate holder as soon as possible, but in no event later than
17 60 days after the director, the committee or staff receives the initial pertinent information.
18 The certificate holder has the right to respond within 30 days in all cases except those
19 involving an emergency denial, suspension or revocation, as described in Title 5, chapter
20 375, subchapter 5. The agency employing the certificate holder and the administrators of
21 the jurisdiction in which the complaint originates may respond to the director with
22 supplementary information and recommendations relevant to the complaint. If the
23 certificate holder's response to the complaint or other information related to the complaint
24 satisfies the director, the committee or staff that the complaint does not merit further
25 investigation or action, the matter may be dismissed, with notice of the dismissal to the
26 complainant, if any.

27 **3. Informal conference.** If, in the opinion of the director, the committee or staff, the
28 factual basis of the complaint is or may be true and the complaint is of sufficient gravity to
29 warrant further action, the director, the committee or staff may request an informal
30 conference with the certificate holder under subsection 2. The director, the committee or
31 staff shall provide the certificate holder with adequate notice of the conference and of the
32 issues to be discussed. The certificate holder may, without prejudice, refuse to participate
33 in an informal conference if the certificate holder prefers to request an adjudicatory hearing.

34 **4. Further action.** If the director or the committee finds that the factual basis of the
35 complaint is true and is of sufficient gravity to warrant further action, the director or the
36 committee may take any of the following actions.

37 A. The director, the committee or staff may negotiate a consent agreement that resolves
38 a complaint or investigation without further proceedings. A consent agreement may
39 be entered into only with the consent of the certificate holder and the director.
40 Notwithstanding any provision of law to the contrary, any remedy, penalty or fine that
41 is otherwise available by law, even if only in the jurisdiction of the Superior Court,
42 may be achieved by consent agreement, including long-term suspension and permanent
43 revocation of a certificate issued under this chapter. A consent agreement is not subject
44 to review or appeal and may be modified only by a writing executed by all parties to
45 the original consent agreement. A consent agreement is enforceable by an action in
46 Superior Court.

1 B. If a certificate holder offers to voluntarily surrender a certificate, the director, the
2 committee or staff may negotiate stipulations necessary to ensure protection of the
3 public health and safety and the rehabilitation or education of the certificate holder.
4 These stipulations may be set forth only in a consent agreement entered into between
5 the director and the certificate holder.

6 C. Unless otherwise indicated in this chapter, if the director concludes that
7 modification, suspension, revocation or imposition of any other sanction authorized
8 under this subchapter is in order, the director shall notify the certificate holder and
9 inform the certificate holder of the right to request an adjudicatory hearing. If the
10 certificate holder requests an adjudicatory hearing in writing within 10 days, the
11 hearing must be held by a subcommittee of 3 committee members designated by the
12 committee chair or a hearing officer appointed by the director, at the director's sole
13 discretion. The hearing must be in accordance with Title 5, chapter 375, subchapter 4.
14 If no request for a hearing is filed within 10 days, the certificate holder is deemed to
15 have waived any right to hearing and the director may impose any sanction allowed by
16 this subchapter. The presiding officer of the hearing, after conducting the hearing, shall
17 file with the director all papers connected with the case and report recommended
18 findings and sanctions to the director, who may approve or modify them. If the
19 certificate holder wishes to appeal the final decision of the director, the certificate
20 holder shall file a petition for review pursuant to the Maine Rules of Civil Procedure,
21 Rule 80C with the Superior Court within 30 days of receipt of the director's decision.
22 Review under this paragraph must be conducted pursuant to Title 5, chapter 375,
23 subchapter 7.

24 **5. Grounds for action.** The director may take action against an applicant for a
25 certificate or certificate holder pursuant to this chapter or any rules adopted pursuant to this
26 chapter, including, but not limited to, a decision to impose a civil penalty or to refuse to
27 issue a certificate or to modify, suspend or revoke a certificate for any of the following
28 reasons:

29 A. Failing to meet certification or recertification requirements;

30 B. Falsifying or misrepresenting material facts in obtaining or maintaining a certificate
31 issued pursuant to section 4451;

32 C. Engaging in conduct that violates generally accepted standards in municipal code
33 enforcement and that, when viewed in light of the nature and purpose of the person's
34 conduct and circumstances known to the person, involves a gross deviation from the
35 standard of conduct that a reasonable and prudent certificate holder would observe in
36 the same or a similar situation; or

37 D. Engaging in conduct that is a violation of rules adopted by the Maine Office of
38 Community Affairs pursuant to subsection 11.

39 **6. Discipline.** The director may impose the following forms of discipline upon a
40 certificate holder or applicant for a certificate:

41 A. Denial of an application for a certificate, which may occur in conjunction with the
42 imposition of another form of discipline;

43 B. Issuance of a written warning, censure or reprimand;

1 C. Suspension of a certificate for up to 3 years. Execution of all or any portion of a
2 term of suspension may be stayed pending successful completion of conditions of
3 probation imposed pursuant to paragraph F, except that the suspension remains part of
4 the certificate holder's record;

5 D. Revocation of a certificate;

6 E. Imposition of civil penalties of up to \$1,500 for each violation of applicable laws,
7 rules or conditions of certification or for each instance of actionable conduct or activity;
8 or

9 F. Imposition of conditions of probation. Probation may run for a time period that the
10 director determines appropriate. Probation may include conditions such as additional
11 continuing education, mandatory professional supervision of the applicant or certificate
12 holder, restrictions and other conditions as the director determines appropriate. Costs
13 incurred in the performance of terms of probation are borne by the applicant or
14 certificate holder. Failure to comply with the conditions of probation may be grounds
15 for disciplinary action against a certificate holder.

16 **7. Letter of guidance or concern.** The director may issue a letter of guidance or
17 concern to a certificate holder. A letter of guidance or concern may be used to educate,
18 reinforce knowledge regarding legal or professional obligations or express concern over
19 action or inaction by the certificate holder that does not rise to the level of misconduct
20 sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is
21 not a formal proceeding and does not constitute an adverse disciplinary action of any form.
22 Notwithstanding any provision of law to the contrary, letters of guidance or concern are
23 not confidential. The director may place letters of guidance or concern, together with any
24 underlying complaint, report and investigation materials, in a certificate holder's file for a
25 specified period of time, not to exceed 10 years. Any letters, complaints and materials
26 placed on file may be accessed and considered by the director in any subsequent action
27 commenced against the certificate holder within the specified time frame. Complaints,
28 reports and investigation materials placed on file remain confidential to the extent required
29 by this chapter.

30 **8. Injunction.** The State may bring an action in Superior Court to enjoin a person
31 from violating any provision of this chapter, regardless of whether civil or administrative
32 proceedings have been or may be instituted.

33 **9. Recertification.** A person whose certificate has been revoked under this chapter
34 may apply to the director for reinstatement of certification if at least one year has elapsed
35 since revocation of the certificate and the person is otherwise eligible for reinstatement.

36 The granting of recertification under this subsection is governed by rules adopted by the
37 Maine Office of Community Affairs pursuant to subsection 11 relating to certification. The
38 person is subject to all training requirements applicable to persons whose certification has
39 lapsed.

40 **10. Confidentiality; access to documents; public records.** All complaints, charges
41 or accusations of misconduct, replies to those complaints, charges or accusations and any
42 other information or materials that may result in suspension or revocation of a certificate
43 that are considered by the director or the committee are confidential. If a person subject to
44 this chapter requests an adjudicatory hearing under the Maine Administrative Procedure

1 Act, that hearing must be open to the public. The hearing officer who presides over the
2 hearing shall issue a written decision that states the conduct or other facts on the basis of
3 which action is being taken and the reason for that action. Once issued, the hearing officer's
4 written decision is a public record under the Freedom of Access Act, regardless of whether
5 it is appealed. Any action taken by the director pursuant to this section as a result of a
6 complaint, charge or accusation must be supported by a statement of findings and must be
7 issued as a written decision of the director. The written decision of the director and findings
8 are public records under the Freedom of Access Act.

9 **11. Rulemaking.** The Maine Office of Community Affairs may adopt rules necessary
10 to implement this subchapter. Rules adopted pursuant to this subsection are routine
11 technical rules as defined by Title 5, chapter 375, subchapter 2-A.

12 SUMMARY

13 Current law provides that the District Court may revoke the certificate of a code
14 enforcement officer under certain circumstances. This bill eliminates that provision and
15 provides that complaints regarding code enforcement officers may be filed with the
16 Director of the Maine Office of Community Affairs. The bill establishes a complaint
17 review committee whose members are appointed by the director. The director may refer
18 complaints to the complaint review committee. The complaint review committee must
19 investigate these complaints and recommend appropriate action to the director. The bill
20 authorizes the director to impose various forms of discipline upon a certificate holder or an
21 applicant for a certificate.