

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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Legislative Document

No. 2097

H.P. 1412

House of Representatives, January 7, 2026

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

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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.

*R. 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

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

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

## SUMMARY

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