



MAINE OFFICE OF
**Community
Affairs**

Testimony of the Maine Office of Community Affairs
Director Samantha Horn
January 22, 2026

**Before the Joint Standing Committee on Housing and Economic Development
In Support of LD 2097 An Act to Modify the Law Governing Revocation of a Code Enforcement
Officer's Certification (Department Bill)**

Senator Curry, Representative Gere, and distinguished Members of the joint standing committee on Housing and Economic Development, my name is Samantha Horn, Director of the Maine Office of Community Affairs. I am testifying in support of LD 2097, An Act to Modify the Law Governing Revocation of a Code Enforcement Officer's Certification.

The Maine Office of Community Affairs, or MOCA, was created in 2024 to foster communication and partnerships between the State and communities in this State. Our charge is to engage with municipalities, tribal governments and regional councils to provide coordinated and efficient planning, technical assistance and financial support to better plan for challenges, pursue solutions and create stronger, more resilient communities.

Sometimes in state government it's tempting to think that making laws and rules will create the outcome we want. But as you well know from experience, how those laws and rules are implemented is, very often, the ball game. In the case of laws and rules about where and how housing, businesses, and other types of development can be built and operated, municipalities are at the epicenter of implementation. And in municipalities, the people on the ground ensuring that the rules are followed are code enforcement officers, licensed plumbing inspectors, and contracted third party inspectors.

People in those professions are highly sought after and there aren't enough of them. In small towns, the code enforcement officer is often advising the planning board because the town doesn't have a planner on staff. And they are in the field, talking to builders and property owners – they are often one of the most prominent town officials. We need to provide additional support for the codes professionals that are already in the field, and easier pathways to entering the profession.

At the same time, we need to fix some of the statutory language that is standing in the way of creating a more robust system for code enforcement. Since September 2025, MOCA has administered the training and certification program for the people who enforce land use laws and municipal ordinances. The Department bill that is before you today addresses one piece of that system – the legal process for handling complaints about codes professionals. Today, statute only gives one option for addressing complaints – if the issue can't be resolved informally, then the state has to take the certificate holder to court to revoke their certification. This all or nothing approach is expensive and high stakes. It is also inconsistent with the principle that actions we take should be in proportion to the violation and to the potential impact. Small issues should be resolved quickly and with a focus on training. Large issues should be addressed with the input of peers who know how tough the job is and can make an appropriate assessment.

To investigate all cases as if they could potentially end up in court requires the time of trained law enforcement investigators and will be a substantial drain on the resources of MOCA – resources that could go to training and technical assistance. In fact, the impetus for submitting this bill even before the Division of building Codes and Standards transitioned to MOCA was because the Fire Marshal's Office was seeing an uptick in the number and seriousness of the complaints filed and notified us that it would be costly for MOCA to perpetuate this system that doesn't accomplish valuable outcomes. It seemed foolish to keep going with a system that is both expensive and ineffective! We need a system that is practical and more in line with other entities like the Emergency Medical Services board or the Maine Criminal Justice Academy that provides a proportional response and allows for a learning experience to correct the issue rather than an all or nothing approach that strips the CEO of their certification.

MOCA put forward a proposal in the form of this bill. We have heard a lot of concerns from the codes community and from MMA. We understand the concerns and are very willing to work on changes so we end up with a system that functions well for the codes professionals, for the public, and for the efficient operation of government. Attached to my testimony is a document that explains MOCA's understanding of the issues and lays out a potential path forward. We are happy to work with the professional associations and MMA to produce revised language for the work session.

Thank you for your time, and I am happy to answer any questions you may have.

Attachment to MOCA testimony – LD 2097

The Maine Municipal Association (MMA), the Maine Building Officials and Inspectors Association (MBOIA) and members of the codes professions have raised concerns about aspects of LD 2097. MOCA has engaged in discussions about changes to the bill. Based on conversations to date, the following is a summary of key issues and where MOCA stands today on each issue. We are also happy to discuss other issues as they arise. Based on feedback from MMA and MBOIA we expect that we can reach agreement on most issues and present a redline for the committee's consideration at work session.

Key issue – where decision-making rests: We hear the concern about decision-making resting in the hands of the Director, particularly because the Director is a political appointee. One example of an alternate process that was raised is the EMS licensing statute Title 32, §90-A: Licensing actions. There are similarities between LD 2097 and the EMS process. One notable difference is that in the EMS example, the Commissioner of the department does not have the authority to make decisions about discipline – the board takes any action. However, the EMS board appears to be substantially more robust and independent than the Complaint Committee that is proposed in LD 2097. Furthermore, the Technical Building Codes and Standards Board (TBCSB), with which the committee would be affiliated, deals only with building codes, not land use, legal issues and other topics. We are concerned that the committee, in the case of LD 2097, will not have the administrative capacity to act similarly to the EMS board, and that the TBCSB on its own would not have the requisite knowledge of all aspects of codes. A hybrid approach that better defines the role of the committee but still leaves the administrative role in the hands of either the Director or the State Building Official is more practical, as we expect the number of complaints that are truly substantive and worthy of the committee's time will be relatively few and a new administrative structure is not warranted.

Topics we continue to discuss where we appear to have common ground:

- Section 5 – Grounds for Action: tighten language to ensure that code interpretation issues that don't rise to the level of violations of ethics or conduct are not grounds for decertification. For example, complaints based on code interpretations that are made during the normal course of business should be resolved by appealing the decision, not attempting to have the CEO's certification revoked. In contrast, actions of a code official that are a substantial deviation from normal practices and result in unsafe conditions or fraud could be subject to review.
- Staff should dismiss meritless complaints and resolve minor ones without committee involvement (this is covered in the bill, but it's worth emphasizing)

- Remove the civil penalties from this bill. Potentially reconsider in a few years if there is a more robust support system for codes professionals.
- Language should be added to make it clear that Licensed Plumbing Inspectors and Third Party Inspectors are included.
- Make it clear that one of the committee seats will be a nominee of a statewide organization representing code enforcement officers and discuss whether 5 seats is sufficient to cover the relevant disciplines.
- *§4451-B(3) Informal conference* should be modified so that declining an informal conference does not imply a request for an adjudicatory hearing.
- The requirement for an agency (town/company/other employer) to first conduct an investigation should be softened. We could make it less formal – perhaps a “review” – or it could become optional. We’re hesitant to make it optional because much of what the public complains about is an employment or local politics issue, rather than a certification issue, and we want that to be dealt with at the municipal or company level. We would like to get at least some kind of input from the employer before MOCA makes a decision about whether to get involved.
- There was a question about whether municipal fire inspectors should be included, but I don’t think MOCA has any jurisdiction there.
- There was a request to eliminate the reference to “MOCA rules”, and only refer to the MUBEC rules, however, since there are more topics for CEOs than just MUBEC, we need a broader reference.