

## **Public Comment by Justin Brown on behalf of Maine Building Officials and Inspectors Association (MBOIA).**

### **LD 2097 — An Act to Modify the Law Governing Revocation of a Code Enforcement Officer's Certification**

**January 22, 2026, 10:00am - Cross Building, Room 206**

Senator Curry, Representative Gere, and members of the Housing and Economic Development Committee, my name is Justin Brown. I have served as a Code Enforcement Officer for approximately 20 years and currently serve as Vice President of the Maine Building Officials and Inspectors Association (MBOIA). I am submitting testimony today on behalf of MBOIA regarding LD 2097.

MBOIA recognizes and supports the need for reasonable accountability for all certified and licensed professions, including Code Enforcement Officers. Our concerns with LD 2097, as currently written, relate primarily to specific details and how the proposed disciplinary framework would function in practice. Last week, several members of our Board of Directors met with Samantha Horn, Director of the Maine Office of Community Affairs, to discuss these concerns. We are hopeful that those discussions will result in improvements to the bill language.

Our primary concerns and suggested amendments include the following:

- **Clarification that the disciplinary provisions apply consistently to all certificate holders** as defined in 30-A M.R.S. §4451, including Licensed Plumbing Inspectors and Third-Party Inspectors.
- **Removal of the mandate that a Chief Administrative Officer conduct an investigation** but retain the requirement that if an investigation does occur, the results be forwarded to the committee.
- **Removal of disciplinary language authorizing monetary civil penalties**, particularly where such penalties could be imposed in addition to certificate suspension or revocation.
- **Amendment of the investigation process to allow for an initial assessment of complaints** by the director or another qualified individual. This preliminary review would allow complaints that are not materially relevant under the statute or rules to be dismissed before proceeding to a formal investigation, which we believe would streamline the process and conserve committee resources.

- **Revision of the bill language granting disciplinary authority to the director**, so that final disciplinary determinations are made by the committee rather than vested in a single individual. Given the significance of potential disciplinary outcomes, MBOIA believes decisions of this nature are best made by a multi-member body to ensure consistency, transparency, and procedural fairness.

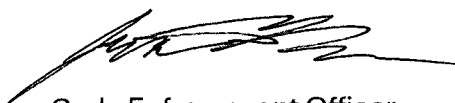
We also have concerns about how this disciplinary framework could be applied in practice and, specifically, what it should apply to. Code Enforcement Officers are routinely required to interpret zoning ordinances, building codes, and state law, and to exercise professional judgment as a core function of their role. We feel there is an opportunity to further clarify the distinction between professional judgement and misconduct. Most municipalities already provide appeal mechanisms within their local ordinances for decisions made by a Code Enforcement Officer, often through a local Board of Appeals. It is important that disagreements over interpretation or judgment calls—when made in good faith—are not elevated to disciplinary matters absent evidence of misconduct or incompetence.

Finally, MBOIA would be remiss if we did not note the broader regulatory context in which this bill is being considered. Separate legislation currently before the Legislature seeks to address contractor licensing, an issue we believe is critically important to consumer protection and accountability in the construction industry. While LD 2097 seeks to establish a formal disciplinary framework for Code Enforcement Officers—who are already certified, trained, and subject to municipal oversight—many contractors operating in Maine remain unlicensed and are subject to little direct regulatory accountability beyond civil litigation. We raise this point not to diminish the importance of professional accountability for Code Enforcement Officers, but to emphasize the need for a balanced and consistent approach to oversight across all participants in the construction and permitting process.

MBOIA supports LD 2097 if amended to address these concerns and appreciates the opportunity to work collaboratively with the committee and other stakeholders to develop a fair, practical, and effective accountability process. Thank you for your time and consideration.

Respectfully,

Justin Brown



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