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Testimony of the Maine Municipal Association

In Opposition to

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

January 22, 2026

Senator Curry, Representative Gere, and distinguished members of the Housing and Economic Development Committee, my name is Tanya Emery, and I am providing testimony in opposition to LD 2097 at the direction of the Maine Municipal Association's (MMA) Legislative Policy Committee (LPC). Our LPC is composed of municipal officials from across Maine, elected by their peers to represent member communities. MMA is a nonpartisan, nonprofit member service organization that aims to help provide policy solutions that work for all residents of Maine.

LD 2097 would radically change how state and local governments manage complaints about code enforcement officers (CEOs). CEOs are frontline employees and must make tough decisions regularly, requiring interpretation of complex and constantly evolving codes, ordinances, and regulatory frameworks. MMA's LPC does not believe that concentrating disciplinary powers in the hands of a single political appointee while ignoring pleas from municipalities for additional CEO training and resources is the way to address any challenges the state has with CEOs. Our primary concerns with the bill as currently drafted include:

- Section 5 – Grounds for action. Municipalities routinely receive “complaints” about CEOs that are actually complaints about the decision made - even when those decisions are 100% factually sound and entirely appropriate. The current bill language does not provide enough assurance that interpretation decisions are not grounds for decertification. How will the Maine Office of Community Affairs (MOCA) ensure that the process is not overrun with complaints that are simply disagreement about a decision? MMA's LPC is concerned about the broad language in this section and requests clarity here.
- Section 6 – Discipline. Civil penalties are untenable in this context and must be removed. CEOs do not even currently have access to enough training to maintain certifications, which puts them in violation at the start of this law if it were to pass. The introduction of these specific civil penalties will surely have a dramatic effect on the CEO profession in Maine. Neglect of official duty by a municipal official is already deemed a civil violation, for which a fine of not more than \$100 for each offense may be adjudged under Title 30-A, Part 2, Subpart 3, Chapter 123, Subchapter 1.
- The bill must be amended to clarify that it applies to Licensed Plumbing Inspectors and Third-Party Inspectors as well as CEOs.
- Requiring a full-blown investigation by the agency employing the CEO will present a significant burden, especially for small municipalities, particularly if the minimum criteria set by MOCA does



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not effectively reject meritless complaints. In conversations with MOCA, they seem amenable to considering a lighter touch such as a letter with comments, or that the investigation be optional for the employer. If MOCA's investigation determines there are grounds for disciplinary action, the CEO's employer could then use that investigation as a basis to consider their own action in response.

MMA's Legislative Policy Committee has serious concerns about this bill. We do, however, want to explicitly state our appreciation for the opportunity to work with the MOCA alongside our affiliate organization, the Maine Building Officials & Inspectors Association (MBOIA) to find common ground and collaborate on improving the bill as currently drafted. We kindly request that the committee urge MOCA to continue to work with MMA, MBOIA, and other stakeholders prior to the work session so that we may propose amendments based on our discussions.

Thank you for your time and attention to this matter, and I am happy to answer any questions you might have.

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