

§4451-G. Action after investigation

If the division director or the committee finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, the division director or the committee may take any of the following actions. [PL 2025, c. 684, §11 (NEW).]

1. Letter of guidance or concern. The division director may issue a letter of guidance or concern to a certificate holder. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the certificate holder that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action. Notwithstanding any provision of law to the contrary, letters of guidance or concern are not confidential. The division director may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a certificate holder's file for a specified period of time not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the division director in any subsequent action commenced against the certificate holder within the specified time frame. Complaints, reports and investigation materials placed on file remain confidential to the extent required by this subchapter. [PL 2025, c. 684, §11 (NEW).]

2. Consent agreement. The division director, the committee or staff may negotiate a consent agreement that resolves a complaint or investigation without further proceedings. A consent agreement may be entered into only with the consent of the certificate holder and the division director. Notwithstanding any provision of law to the contrary, any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term modification, suspension and permanent revocation of a certificate issued under this subchapter. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by the certificate holder and the division director. A consent agreement is enforceable by an action in Superior Court. [PL 2025, c. 684, §11 (NEW).]

3. Voluntary surrender of certificate. If a certificate holder offers to voluntarily surrender a certificate, the division director, the committee or staff may negotiate stipulations necessary to ensure protection of the public health and safety and the rehabilitation or education of the certificate holder. These stipulations may be set forth only in a consent agreement entered into between the division director and the certificate holder. [PL 2025, c. 684, §11 (NEW).]

4. Modification, suspension, revocation of certificate or other sanction or discipline. The division director or the committee may impose the following forms of discipline upon a certificate holder or applicant for a certificate:

- A. Denial of an application for a certificate or recertification, which may occur in conjunction with the imposition of another form of discipline; [PL 2025, c. 684, §11 (NEW).]
- B. Issuance of a written warning, censure or reprimand; [PL 2025, c. 684, §11 (NEW).]
- C. Suspension of a certificate for up to 3 years. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation imposed pursuant to paragraph F, except that the suspension remains part of the certificate holder's record; [PL 2025, c. 684, §11 (NEW).]
- D. Revocation of a certificate; [PL 2025, c. 684, §11 (NEW).]
- E. Modification of a certificate; or [PL 2025, c. 684, §11 (NEW).]

F. Imposition of conditions of probation. Probation may run for a time period that the division director determines appropriate. Probation may include conditions such as additional continuing education, mandatory professional supervision of the applicant or certificate holder, restrictions and other conditions as the division director determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant or certificate holder. Failure to comply with the conditions of probation may be grounds for disciplinary action against a certificate holder. [PL 2025, c. 684, §11 (NEW).]

[PL 2025, c. 684, §11 (NEW).]

5. Request for adjudicatory hearing. Unless otherwise indicated in this subchapter, if the division director or the committee concludes that modification, suspension, revocation or imposition of any other sanction or discipline authorized under this subchapter is in order, the division director, the committee or staff shall notify the certificate holder and inform the certificate holder of the right to request an adjudicatory hearing. If the certificate holder requests an adjudicatory hearing in writing within 21 days, the hearing must be held by a subcommittee of 3 committee members designated by the committee chair or a hearing officer, at the committee's sole discretion. The hearing must be in accordance with Title 5, chapter 375, subchapter 4 and must be held within 60 days of the certificate holder's request for hearing. The subcommittee or the hearing officer, after conducting the hearing, shall file with the committee all papers connected with the case and report recommended findings and sanctions to the committee, which may, in consultation with the division director, approve or modify them.

If, after the adjudicatory hearing, the certificate holder wishes to appeal the final decision of the division director or the committee, the certificate holder shall file a petition for review pursuant to the Maine Rules of Civil Procedure, Rule 80C with the Superior Court within 30 days of receipt of the division director's or the committee's written decision. Review under this subsection must be conducted pursuant to Title 5, chapter 375, subchapter 7. If a request for a hearing is not filed within 21 days, the certificate holder is deemed to have waived any right to hearing and the division director may, in consultation with the committee, impose any sanction or discipline allowed by this subchapter.

[PL 2025, c. 684, §11 (NEW).]

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

[PL 2025, c. 684, §11 (NEW).]

7. Recertification. A person whose certificate has been revoked under this subchapter may apply to the division director for reinstatement of certification if at least one year has elapsed since revocation of the certificate and the person is otherwise eligible for reinstatement. The granting of recertification under this subsection is governed by rules adopted by the Maine Office of Community Affairs pursuant to section 4451-I relating to certification. The person is subject to all training requirements applicable to persons whose certification has lapsed.

[PL 2025, c. 684, §11 (NEW).]

SECTION HISTORY

PL 2025, c. 684, §11 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The

text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.