

07 EXECUTIVE DEPARTMENT

105 STATE PLANNING OFFICE

CHAPTER 300: CERTIFICATION STANDARDS FOR MUNICIPAL CODE
ENFORCEMENT OFFICERS AND THIRD-PARTY INSPECTORS

SUMMARY: This chapter establishes the standards and procedures that the State Planning Office uses to certify and recertify local code enforcement officers and third-party inspectors, as required by 30-A MRSA, section 4451, subsection 5. This chapter repeals and replaces the chapter adopted on February 8, 1998.

SECTION 1: PURPOSE

The purpose of this chapter is to establish the standards and procedures that the State Planning Office uses to certify and recertify local code enforcement officers, local plumbing inspectors, building officials, and third-party inspectors. The chapter establishes the minimum standards for all code enforcement officers appointed in Maine and recertification standards that recognize the experience and diverse job responsibilities of Maine’s professional code enforcement community. The rules are intended to be flexible to accommodate the range of experiences of code enforcement officers, while laying out basic requirements for newly-appointed code enforcement officers.

SECTION 2: DEFINITIONS

The following terms, as used in this chapter, shall have the following meanings, unless the context indicates otherwise.

1. **80K certification.** “80K certification” means a written notice from the Office that an eligible individual has demonstrated an understanding with District Court procedures for the prosecution of alleged land use violations pursuant to Rule 80K of the Maine Rules of Civil Procedures and 30-A MRSA, section 4453.
2. **Any building code.** “Any building code” means a building code or standard locally-adopted based on the Maine model building code under 10 MRSA, chapter 1101 or a national model building code used to regulate the construction of buildings. A life safety or fire code is not considered as any building code for the purposes of this definition.
3. **Basic training.** “Basic training” means the education workshops coordinated through the Office, which are presented at an introductory level and are applicable to newly-appointed code enforcement officers.
4. **Building.** “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
5. **Building standards.** “Building standards” means the laws, codes, standards, rules, and ordinances related to 30-A MRSA, chapter 141 that grants municipal ordinance powers; 30-A MRSA, chapter 185, subchapter 3 that provides for municipal regulation of

construction and improvements; 25 MRSA, chapter 313 that regulates municipal inspections of buildings; 25 MRSA, chapter 331 that regulates construction for physically disabled; and 10 MRSA, chapter 1103, the Maine Uniform Building and Energy Code that consists of the: commercial building code, commercial energy code, indoor commercial ventilation code, indoor residential ventilation code, residential building code, residential energy code, and residential radon code.

6. **Building official.** “Building official” means an individual appointed by a municipality pursuant to 25 MRSA, section 2351. For purposes of this rule, a code enforcement officer is considered a building official when appointed by the municipality under section 2351 to administer any of the building codes that are part of the building standards specific area.
7. **Certification.** “Certification” means a written notice from the Office that an individual may act as a local code enforcement officer or a third-party inspector having demonstrated a basic understanding of the laws, codes, standards, rules, and ordinances of those specific areas of their job responsibility and, for a code enforcement officer, the legal and administrative requirements of permitting and enforcement. This certification does not replace any other certification required by state or local law or rule.
8. **Code enforcement officer.** “Code enforcement officer” means an individual who has been appointed and sworn by a municipality to enforce laws and ordinances in any one or more of the following specific areas of responsibility: A) shoreland zoning under 38 MRSA, chapter 3, subchapter 1, article 2-B; B) comprehensive planning and land use under 30-A MRSA, chapter 187; C) internal plumbing under 30-A MRSA, chapter 185, subchapter 3; D) subsurface wastewater disposal under 30-A MRSA, chapter 185, subchapter 3; and E) building standards under 30-A MRSA, chapters 141 and 185; 10 MRSA, chapter 1103; and 25 MRSA, chapter 313 and 331.
9. **Comprehensive planning and land use.** “Comprehensive planning and land use” means the laws, codes, standards, rules, and ordinances related to 30-A MRSA, Chapter 187.
10. **Commercial building code.** “Commercial building code” means the 2009 International Building Code published by the International Code Council and as adopted and as may be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21.
11. **Commercial energy code.** “Commercial energy code” means Chapter 5 of the 2009 International Energy Conservation Code publishing by the International Code Council and as adopted and as may be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21 or ASHRAE Standard 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., and as adopted and may be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21.

12. **Contact hour.** “Contact hour” means one (1) hour of actual time spent in a training activity.
13. **Construction.** “Construction” means the enlargement, alteration, repair, movement, demolition or change in the occupancy of a building.
14. **Degree.** “Degree” means a document issued by a recognized institution of learning, which verifies completion of a course of study, including diplomas, certificates or official transcripts.
15. **Enforce.** “Enforce” means that a municipal building official either takes action to inspect buildings in accordance with 25 MRSA, sections 2351-2361, or to review inspection reports of third-party inspectors for accuracy, pursuant to a duly adopted municipal ordinance.
16. **Examination.** “Examination” means the testing process through which an individual acquires certification, as described in section 4 of this chapter.
17. **Full-time.** “Full-time” means an individual who works 35 hours per week or more.
18. **Hardship.** “Hardship” means that a municipality, through no fault of its own, would be at risk of having its permitting decisions invalidated.
19. **Indoor commercial ventilation code.** “Indoor commercial ventilation code” means the ASHRAE Standard 62.1-2007, Ventilation for Acceptable Indoor Air Quality, published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc., and as adopted and may be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21.
20. **Indoor residential ventilation code.** “Indoor residential ventilation code” means the ASHRAE Standard 62.2-2007, Ventilation for Acceptable Indoor Air Quality in Low-Rise Residential Buildings, published by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc., and as adopted and may be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21.
21. **Internal plumbing.** “Internal plumbing” means the laws, codes, standards, rules, and ordinances related to 30-A MRSA, chapter 185, subchapter 3.
22. **Legal issues and enforcement techniques.** “Legal issues and enforcement techniques” means familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures, and methods and procedures of enforcement.
23. **Local plumbing inspector.** “Local plumbing inspector” means an individual appointed by the municipality pursuant to 30-A MRSA, section 4221. For purposes of this rule, a

code enforcement officer is considered a local plumbing inspector when appointed by the municipality under section 4221 to administer the internal plumbing or subsurface waste disposal specific areas.

24. **Maine Uniform Building and Energy Code.** "Maine Uniform Building and Energy Code" means the uniform statewide building and energy code adopted and amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, chapter 1103.
25. **Office.** "Office" means the State Planning Office.
26. **Population.** "Population" means the number of residents living in the municipality according to the US Census Bureau's most recent decennial census.
27. **Professional activity.** "Professional activity" means related volunteer service or participation not considered a requirement for the continuing employment of the code enforcement officer. It may include service as an officer of a national, state or regional association or service on a committee, advisory board or task force of a regional, state or federal government or model code organization or institution, teaching code administration related courses or working for related service or charitable organizations.
28. **Professional certification.** "Professional certification" means the individual has successfully completed the examination, education, or work experience requirements for recognition by an acknowledged professional association or institute for knowledge, technical expertise and adherence to standards of practice.
29. **Professional license.** "Professional license" means the individual has successfully completed the examination, education, or work experience requirements to engage in a profession, occupation, business or industry in the State of Maine.
30. **Recertification training.** "Recertification training" means those continuing education sessions which are provided by state agencies, educational institutions, professional associations or other relevant organizations and approved by the Office as providing a code enforcement officer or third-party inspector with updated knowledge in a specific area.
31. **Recertification.** "Recertification" means written notice from the Office that a code enforcement officer has met the recertification standards in section 5 of this chapter or that a third-party inspector has met the recertification standards in section 8 of this chapter.
32. **Registered code enforcement officer.** "Registered code enforcement officer" means a person who administers laws, codes, ordinances, and regulations on behalf of an appointing municipality and who is registered with the Office in accordance with section 10 of this chapter.
33. **Residential building code.** "Residential building code" means the 2009 International Residential Code published by the International Code Council and as adopted and as may

be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21.

34. **Residential energy code.** “Residential energy code” means the 2009 International Energy Conservation Code published by the International Code Council and as adopted and as may be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21.
35. **Residential radon code.** “Residential radon code” means the ASTM E 1465-06, Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings, published by the ASTM International and as adopted and as may be amended by the Technical Building Codes and Standards Board pursuant to 10 MRSA, section 9722, subsection 6 and PL 2007, chapter 699, section 21.
36. **Shoreland zoning.** “Shoreland zoning” means the laws, codes, standards, rules, and ordinances related to 38 MRSA, chapter 3, subchapter 1, article 2-B.
37. **Specific area.** “Specific area” means the body of laws, codes, standards, rules, and ordinances for which a code enforcement officer is appointed and sworn to enforce, and in which a code enforcement officer is required to be certified. These may include: shoreland zoning, comprehensive planning and land use, internal plumbing, subsurface wastewater disposal, and building standards.
38. **Subsurface waste disposal.** “Subsurface waste disposal” means the laws, codes, standards, rules, and ordinances related to 30-A MRSA, chapter 185, subchapter 3.
39. **Technical Building Codes and Standards Board.** “Technical Building Codes and Standards Board” means the board established in 5 MRSA, section 12004-G, subsection 5-A and 10 MRSA, section 9722.
40. **Third-party inspector.** “Third-party inspector” has the same definition as 25 MRSA, section 2371, subsection 6 and means a person certified by the State Planning Office to conduct building inspections under 30-A MRSA, section 4451 for compliance with the Maine Uniform Building and Energy Code.
41. **Training activity.** “Training activity” means approved professional and educational activities as described in section 5.1 of this chapter that keeps the code enforcement officer current in the officer’s specific areas of job responsibilities and is intended to meet the recertification requirement in 30-A MRSA, section 4451, subsection 6.
42. **Work experience.** “Work experience” means employment as a municipal code enforcement officer in Maine enforcing Maine laws, codes, and ordinances.

SECTION 3: GENERAL PROVISIONS

A municipality may not appoint an individual who is not certified by the Office to perform the duties of a code enforcement officer, except as provided below:

1. Grace Period

Except as otherwise provided in this paragraph, a duly-appointed municipal code enforcement officer shall be certified by the Office within twelve (12) months of the date of that officer's employment in the specific areas of the officer's job responsibility. The 12-month grace period expires at the end of the month in which the municipal code enforcement officer's one-year anniversary falls.

An individual shall acquire certification in the specific areas of internal plumbing and subsurface wastewater disposal prior to municipal appointment except that an individual may be temporarily authorized in writing by the Department of Human Services, Division of Environmental Health to be employed as a local plumbing inspector for a period not to exceed six (6) months in accordance with department rule, 10-144 CMR 240.

A code enforcement officer who is appointed by the municipality to administer an additional specific area of responsibility has twelve (12 months) to be certified in that additional specific area. The 12-month grace period expires at the end of the month of the twelfth month following the assumption of the additional specific area of responsibility.

2. Extension of Grace Period

Municipalities may petition the Office for up to a twelve (12)-month extension of the original grace period in cases where:

- the municipality can demonstrate that the necessary training or examination was not available within that time period;
- the necessary training or examination is suspended by the Office under section 10 of this chapter; or
- the certification process would impose a hardship on the municipality.

The Office determines whether the petitioning municipality has met the criteria for an extension in all specific areas, except an individual shall abide by the requirements of the Department of Health and Human Services, Division of Environmental Health to be employed as a plumbing inspector.

Within 20 days of receipt of the petition, the Office shall issue a decision in writing whether the extension has been granted with the reasons for approval or denial.

A. Appeal

A municipality whose petition for an extension is denied may appeal. A municipality may request a review of the extension decision from the Director of the State Planning Office in writing within 20 days of notification of the decision on the municipality's petition.

The Director may delegate the appeal to another senior staff person who was not involved in the original hardship decision.

In considering an appeal, the Director shall:

- (1) examine the municipality's petition against the standards in this section and section 2.18; and
- (2) determine whether the Office followed the required process and reasonably interpreted the facts to reach the conclusion upon which the extension decision under appeal was based.

Within 20 days of the request for appeal, the Director shall make a decision and notify the municipality in writing whether the appeal is granted. The decision of the Director constitutes final agency action.

A duly appointed code enforcement officer may continue to serve in that capacity until a final agency decision is rendered on the appeal.

3. Certificate of Appointment

Upon initial appointment, and annually upon reappointment, a municipality shall file a certificate of appointment with the Office. The certificate must indicate the appointment, reappointment or continuation of the municipality's code enforcement officers, the date of appointment or reappointment, and the specific areas of job responsibility for which the officers have been appointed.

4. Transferability

A valid certification of a code enforcement officer who changes employment is transferable from one Maine municipality to another.

A valid certification of a code enforcement officer who serves more than one Maine municipality is applicable to each Maine municipality, so long as the certified individual is duly appointed by the municipal officers of each municipality.

An individual who holds a valid certification may transfer that certification between a code enforcement officer and a third-party inspector only in accordance with 25 MRSA, section 2371 (6).

SECTION 4: CERTIFICATION STANDARDS AND PROCEDURES

A municipally-employed code enforcement officer shall be certified by the Office. A code enforcement officer need only be certified in the specific area for which that officer has responsibility.

1. Certification Standards

To be certified, a code enforcement officer shall successfully complete a written examination provided by the Office in each specific area of job responsibility and in legal issues and enforcement techniques.

A. Specific Area

Specific area examinations test knowledge of the laws, codes, standards, rules, and ordinances, relevant to a specific area of code enforcement. The level of knowledge required to successfully complete the examination is introductory. Specific areas of certification include:

1. shoreland zoning;
2. comprehensive planning and land use;
3. internal plumbing;
4. subsurface wastewater disposal; and
5. building standards

B. Legal Issues and Enforcement Techniques

The legal issues and enforcement techniques examination tests knowledge of the legal authority, structure and practice of the municipal code enforcement officer, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and methods and procedures for enforcement.

2. Certification Duration

A certification is valid for a period of six (6) years, except as provided in section 10.

3. Certification Procedures

The Office offers examinations at least once per year on dates and at locations determined by the Office.

The Office determines the form and content of the examinations and updates examinations periodically to keep current with changing state laws and case law.

Unsuccessful candidates for certification are allowed to be reexamined without prejudice as many times as needed.

The Office provides basic training to assist the candidate with preparing for examinations.

SECTION 5: RECERTIFICATION STANDARDS AND PROCEDURES

Except as provided in section 10, all code enforcement officers shall be recertified in each specific area and in legal issues and enforcement techniques within six (6) years of obtaining any certification.

1. Recertification Standards

A code enforcement officer may become recertified by examination as described in section 4.

An examination is not required for recertification. A candidate who chooses not to become recertified through examination shall demonstrate, through recertification training or training activity, that the candidate has remained current in the candidate's specific areas of job responsibility.

To become recertified by completing training activity, a code enforcement officer shall demonstrate successful completion of twelve (12) contact hours of recertification training or training activity for each specific area of job responsibility and twelve (12) contact hours for legal issues and enforcement techniques every six (6) years. This paragraph does not apply to building standards recertification standards which are set forth in section 5.3.

A. Recertification Training

Recertification training may be either basic training provided by the Office or training provided by another organization, except that basic training may only be applied to recertification once in any specific area in any six-year cycle. The same recertification training contact hours may not be applied toward recertification in more than one specific area of code enforcement. Recertification training must be applicable as determined by the Office.

B. Training Activity

A code enforcement officer may apply up to six (6) contact hours per specific area in a six-year recertification cycle of training activity towards that officer's recertification. The same training activity contact hours may not be applied toward recertification in more than one specific area of code enforcement. Training activity must be directly related to a specific area of code enforcement, as determined by the Office. The Office applies the training activity contact hours to the most closely-related specific area of certification. Applicable training activity may consist of:

(1). Work Experience

A code enforcement officer may apply work experience in municipal codes administration to that officer's recertification. Work experience may be applied based on the following years of full-time service:

- a. five (5) to nine (9) years = 2 contact hours
- b. ten (10) to fourteen (14) years = 4 contact hours
- c. fifteen (15) or more years = 6 contact hours

If a code enforcement officer has part-time work experience in municipal codes administration, the Office converts any part-time employment period into its full-time equivalency.

(2). Post-secondary Education

A code enforcement officer may apply post-secondary education towards that officer's recertification. Education must be directly related to a specific area of

certification and must be applied based on the following types of academic learning:

- d. Completed bachelor's degree = three (3) contact hours
- e. Completed associate's degree = two (2) contact hours
- f. Completed two-year vocational program = two (2) contact hours
- g. Completed certificate program = one (1) contact hour
- h. Completed apprenticeship or internship = one (1) contact hour
- i. Post-secondary courses credited towards a new degree during the six-year certification cycle = one (1) contact hour per credit

(3). Professional License or Certification

A code enforcement officer who holds an applicable professional license in the state of Maine or a state or national professional certification may apply two (2) contact hours per specific area in each six-year recertification cycle towards that officer's recertification.

(4). Professional Activity

A code enforcement officer may apply documented time spent in a professional activity towards the officer's recertification. One contact hour may be applied for each hour of actual time spent in a professional activity during the current six-year certification period. A maximum of six (6) contact hours may be applied towards recertification in each specific area in a six-year certification cycle.

For purposes of legal issues and enforcement techniques recertification, professional activity may mean documented work experience using Rule 80K procedures such as filing court documents, preparing for court or appearing in court. The same contact hours may not be used for both legal issues and enforcement techniques recertification and Rule 80K recertification in section 6.

2. Recertification Procedures

A candidate for recertification shall file evidence of successful completion of training activity for recertification on application forms provided by the Office. The code enforcement officer is responsible for obtaining and keeping track of required documentation.

3. Recertification for Building Standards

For purposes of implementing Maine's Uniform Building and Energy Code pursuant to 10 MRSA, chapter 1103, a code enforcement officer shall be recertified in building standards.

A code enforcement officer need only be recertified in the individual code(s) within the building standards specific area that are applicable, meaning the code(s) for which that officer has responsibility to enforce.

For purposes of this section, the definition of “enforce” in section 2.15 of this chapter applies.

A. Recertification Required

For purposes of this section, the definition of “any building code” in section 2.2 of this chapter applies.

As of December 1, 2011, a code enforcement officer in a municipality that has a population of more than 2,000 residents and that has adopted any building code by August 1, 2008, shall be recertified in the building standards specific area.

As of July 1, 2013, a code enforcement officer in a municipality that has a population of more than 2,000 residents and that has not adopted any building code by August 1, 2008, shall be recertified in the building standards specific area.

A code enforcement officer in a municipality that has a population of less than 2,000 residents may be recertified in the building standards specific area at any time, but no later than upon the expiration of the officer’s current six-year certification period.

B. Requirements for Initial Recertification

Except as provided in sections 5.3.E and 5.3.F, a code enforcement officer shall both:

(1) successfully complete the basic training provided by the Office for each applicable code in the building standards specific area. The following number of contact hours is required for basic training for each applicable code:

(a) residential building code	6 contact hours
(b) commercial building code	12 contact hours
(c) residential energy code	6 contact hours
(d) commercial energy code	6 contact hours
(e) residential radon code	3 contact hours
(f) indoor residential ventilation code	2 contact hours
(g) indoor commercial ventilation code	3 contact hours

(2) successfully complete the building standards recertification examination for each applicable code in section 5.3.B (1).

C. Requirements for Six-year Recertification Cycle

All code enforcement officers shall be recertified in the building standards specific area within six years of the officer’s initial recertification required in section 5.3.B, except as provided in section 10.

For recertification, a code enforcement officer shall demonstrate successful completion of recertification training or recertification training activity for each applicable code in the

building standards specific area every six (6) years. The following number of contact hours is required for each applicable code:

(a) residential building code	9 contact hours
(b) commercial building code	15 contact hours
(c) residential energy code	9 contact hours
(d) commercial energy code	9 contact hours
(e) residential radon code	3 contact hours
(f) indoor residential ventilation code	2 contact hours
(g) indoor commercial ventilation code	3 contact hours

Training taken for initial recertification in accordance with section 5.3.B (1) may be applied towards contact hours needed for a code enforcement officer's first recertification cycle following initial recertification. The remaining contact hours needed for recertification must be acquired in accordance with sections 5.1 and 5.2.

D. Review of Training Content

The training and certification committee of the Technical Building Codes and Standards Board shall annually review the building standards specific area training and certification program to:

1. assure the training content meets the needs of code enforcement officers, municipal building officials, and third-party inspectors;
2. evaluate training materials for consistency with the Maine Uniform Building and Energy Code;
3. confirm that training courses are regularly offered in geographically diverse locations; and
4. confirm that training for municipal building officials is fully-funded by the State.

E. Grandfather Provision

The applicable certification examination requirement(s) in section 5.3.B (2) may be waived if the code enforcement officer has administered any building code as defined in section 2.2 continuously since August 1, 2008 or before. The Office determines the applicability of the Maine or national model building code to the building standards code for which a waiver is sought.

To become recertified in the applicable code, a code enforcement officer who meets this grandfather provision shall take a 3-contact-hour update training provided by the Office in the code(s) they have previously administered.

F. Recognition of Professional Certification Programs

The building standard recertification requirements in this section may be waived if the code enforcement officer holds a valid certification from a nationally recognized, building or energy code-related, professional certification program. The Office determines whether the

certification is applicable and applies the waiver to the most closely related building standards code.

SECTION 6: RULE 80-K CERTIFICATION

A code enforcement officer or other candidate identified in 30-A MRSA, section 4453 may be certified in Rule 80K of the Maine Rules of Civil Procedure.

Rule 80K certification means that the individual is allowed to prosecute alleged land use violations in District Court on behalf of their appointing authority.

To become certified in Rule 80K, an individual shall demonstrate familiarity with court procedures as evidenced by successful completion of the Office's Rule 80K workshop or an equivalent workshop approved by the Office and successful completion of a certification examination in Rule 80K and court procedures.

Rule 80K certification is valid for six (6) years, except as provided in section 10.

To become recertified, an individual shall demonstrate successful completion of twelve (12) contact hours of recertification training or recertification training activity in accordance with section 5.1 and 5.2. For purposes of Rule 80K recertification, recertification training activity may mean documented work experience using Rule 80K procedures such as filing court documents, preparing for court and appearing in court.

SECTION 7: HONORARY CERTIFICATION

An honorary certification may be awarded to those code enforcement officers because of distinguished public service; an excellent ability and knowledge in the field of codes enforcement; an ongoing record of improvement in ability and knowledge as a code enforcement officer; and contributions to the profession. A code enforcement officer receiving an honorary certification is recognized by his or her peers as a leader in the profession. To receive an honorary certification, a candidate shall be currently employed as a municipal code enforcement officer in Maine and have served as a municipal code enforcement officer in Maine for 20 years or more.

A code enforcement officer may apply for honorary certification on forms provided by the Office. The Office may award honorary certification in one or more specific areas if, in its determination, the candidate meets a wide array of the following criteria:

1. record of ongoing professional development and educational improvement; including successful completion of university or college courses and national or state association seminars;
2. record of active involvement in a professional association for code enforcement officers with a published code of professional conduct or code of ethics;
3. experience as a leader or instructor of professional development training related to codes administration;

4. authorship of articles or other forms of organized, disseminated information related to codes administration;
5. successful completion of right-to-know or ethics training;
6. holding a professional license or certification from the state of Maine or professional association in an area related to a specific area of code enforcement certification;
7. recognition by other organizations for professional accomplishments; or
8. letters of recommendation from peers, municipal officers or the public.

A code enforcement officer granted honorary certification need not meet the recertification standards under the provisions of section 5.1. An honorary certification is valid for the tenure of the code enforcement officer's career, so long as that officer remains employed as municipal code enforcement officer in Maine and that officer's certification is not revoked under the provisions of section 9.

SECTION 8: CERTIFICATION AND RECERTIFICATION STANDARDS AND PROCEDURES FOR THIRD-PARTY INSPECTORS

1. Certification Required

Effective December 1, 2010, only individuals certified by the Office may perform building inspections as a third-party inspector pursuant to 25 MRSA, section 2373.

A third-party inspector need only be certified in the individual code(s) within the building standards specific area that are applicable, meaning the code(s) for which the third-party inspector is hired to perform inspections.

A. Third-party Inspector Certification Standards

To become certified, a third-party inspector shall both:

(1) successfully complete the building standards basic training provided by the Office in each of the following codes that comprise the building standards specific area, if applicable

(a) residential building code	6 contact hours
(b) commercial building code	12 contact hours
(c) residential energy code	6 contact hours
(d) commercial energy code	6 contact hours
(e) residential radon code	3 contact hours
(f) indoor residential ventilation code	2 contact hours
(g) indoor commercial ventilation code	3 contact hours

(2) successfully complete the building standards certification examination for each applicable code in section 8.1.A (1).

B. Third-party Inspector Recertification Standards

Except as provided in section 8.4 and 10, a certification is valid for a period of six (6) years. For recertification, a third-party inspector shall demonstrate successful completion of recertification training or training activity in accordance with sections 5.1 and 5.2 of this chapter for each building standards code for which the third-party inspector is commercially engaged every six years. The following number of contact hours is required for building standards recertification:

(a) residential building code	9 contact hours
(b) commercial building code	15 contact hours
(c) residential energy code	9 contact hours
(d) commercial energy code	9 contact hours
(e) residential radon code	3 contact hours
(f) indoor residential ventilation code	2 contact hours
(g) indoor commercial ventilation code	3 contact hours

2. Recognition of Professional Certification Programs

These building standard recertification requirements may be waived if the third-party inspector holds a valid certification from a nationally recognized, building or energy code-related professional certification program. The Office determines whether the certification is applicable and applies the waiver to the most closely related building standards code.

3. No Endorsements

The Office does not endorse or otherwise suggest, encourage, or recommend any third-party inspector.

4. Third-party Inspector Registry

The Office maintains a list of certified third-party inspectors for public inspection.

In the event that the Office suspends the third-party inspector training and certification program in accordance with 30-A MRSA section 4451, subsection 3, paragraph H, a third-party inspector shall register the third-party inspector's qualifications with the Office in accordance with section 10 of this chapter.

SECTION 9: CERTIFICATION REVOCATION

A certification may only be revoked by the District Court in accordance with 30-A MRSA, section 4451, subsection 6.

SECTION 10: CODE ENFORCEMENT OFFICER REGISTER

1. Program Suspension

In the event that state funding is not available to support the code enforcement training and

certification program, the Office may suspend training and certification activities and, upon this suspension, shall implement a program to register municipal code enforcement officers.

Registration is intended to provide information for the public to determine whether a code enforcement officer has the qualifications to administer state and local laws, codes, ordinances or other regulations.

2. Registration Required

In the event of a program suspension, a new municipal code enforcement officer shall register that officer's qualifications with the Office in accordance with subsection 10.3 of this chapter.

Registration means that a municipal code enforcement officer may act on behalf of the municipality to administer state and local laws, codes, ordinances or other regulations in lieu of certification until such time as the training and certification program is restored. Failure to register means that a municipality is not in compliance with state laws requiring their employment of a certified code enforcement officer.

Being a registered code enforcement officer does not imply that the registrant is certified by the Office.

3. Qualifications; Registration Procedures

In the event of a program suspension, the Office automatically registers all Maine code enforcement officers holding a valid certification.

At the time that a code enforcement officer is newly appointed or at the expiration of a six-year certification cycle, the code enforcement officer shall document and submit that officer's education, experience and training related to codes enforcement administration on forms provided by the Office.

The Office maintains and makes publicly available a registry of qualifications for registered code enforcement officers.

4. Extension of Certification

In the event of a program suspension, a code enforcement officer's six-year recertification cycle also is suspended. The six-year cycle restarts at the time the training and certification program is restored.

STATUTORY AUTHORITY: 30-A MRSA, section 4451 (5)

EFFECTIVE DATE: July 4, 2010