

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

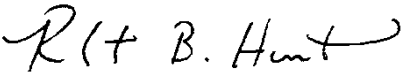
No. 1507

H.P. 1099

House of Representatives, April 4, 2019

An Act Relating to Amateur Radio Service

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative DeVEAU of Caribou.
Cosponsored by Representative: MORRIS of Turner.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA c. 213-A** is enacted to read:

3 **CHAPTER 213-A**

4 **AMATEUR RADIO SERVICE ACT**

5 **§1409. Amateur radio station operation protection**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Amateur radio operator" means a person licensed by the Federal
9 Communications Commission under 47 Code of Federal Regulations, Part 97 to
10 operate an amateur radio station;

11 B. "Amateur radio station" means a radio station capable of transmitting and
12 receiving radio signals sent by an amateur radio operator in accordance with 47 Code
13 of Federal Regulations, Part 97;

14 C. "Amateur radio transceiver" means a radio apparatus capable of 2-way
15 communications on frequencies allocated for amateur radio service, as defined under
16 47 Code of Federal Regulations, Part 97, to an amateur radio operator;

17 D. "Antenna" means a device connected to an amateur radio transceiver to either
18 radiate radio signals to or receive them from an amateur radio station.

19 E. "Homeowner" means a person governed by restrictive covenants, deed restrictions
20 or limits on the use of land or buildings imposed by a homeowners association; and

21 F. "Homeowners association" means a nonprofit organization:

22 (1) Of which owners of real estate, described in a declaration or covenant or
23 other applicable legal instrument, are required to be members; and

24 (2) That requires members to pay a share of the costs, including but not limited
25 to real estate taxes, insurance premiums, maintenance services, improvements or
26 other costs, related to common property owned by the homeowners association
27 and not owned exclusively by any member.

28 **2. Prohibition.** Except as provided in subsection 3, a homeowners association may
29 not prohibit or restrict the construction or operation of an amateur radio station by a
30 homeowner who is an amateur radio operator as long as the outdoor antenna used by the
31 amateur radio operator is concealed from public view or constructed to occupy minimal
32 space and is located on property under exclusive control of the amateur radio operator.

33 **3. Exceptions.** Nothing in this chapter prohibits a homeowners association from:

34 A. Requiring an amateur radio operator to obtain prior written approval from a
35 homeowners association before installing an outdoor antenna;

1 B. Prohibiting installation of an outdoor antenna or antenna support structure by an
2 amateur radio operator on common property not under the exclusive use or control of
3 the amateur radio operator; or

4 C. Establishing reasonable requirements governing the height, location, size,
5 aesthetic impact and installation of an outdoor antenna and antenna support structure
6 for an amateur radio station.

7 **SUMMARY**

8 This bill prohibits a homeowners association, which is defined in this bill, from
9 restricting the construction and operation of an amateur radio station by an amateur radio
10 operator licensed by the Federal Communications Commission. This bill allows
11 homeowners associations to establish certain requirements concerning the construction
12 and appearance of amateur radio station antennas.