

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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mine whether or not such regulation is necessary to insure the safety of persons and property. The adoption of regulations under this paragraph is governed by section 232 except that such regulations may be only adopted as a result of a petition from the municipal officers of the municipality or municipalities in which the waters exist or from 25 citizens of the municipalities in which the waters exist, by the county commissioners of the county in which the waters exist if they are located in unorganized territory or 25 citizens of the unorganized territory in which the waters exist, requesting the issuance of such a regulation for a particular body of inland water and stating the proposed horsepower limitation.

Sec. 48. R. S., T. 38, § 232, sub-§ 1, ¶ C, amended. Paragraph C of subsection 1 of section 232 of Title 38 of the Revised Statutes is amended by adding at the end a new sentence, to read as follows:

The bureau heads, or if designated by them, the director of the Bureau of Watercraft Registration and Safety, shall conduct the hearing.

Sec. 49. R. S., T. 38, § 240, amended. Section 240 of Title 38 of the Revised Statutes is amended to read as follows:

§ 240. Restrictions on power boats; Portage Lake and Quimby Pond

No person shall operate any boat or canoe propelled by motor on that portion of Portage Lake in Townships T. 13, R. 6, W.E.L.S., County of Aroostook, known as the Floating Island Area, north and westerly of a line beginning at the eastern edge of the marshy peninsula running out from Hutchinson Ridge, running 50 yards outside of the floating islands in a northerly direction to the mouth of Mosquito Brook; ~~and on that portion of Pennemaquan River in Pembroke, County of Washington, between the Little Falls Dam and the Iron Works Dam.~~

No person shall operate any boat or canoe propelled by motor on Quimby Pond in the Town of Rangeley, Franklin County.

Sec. 50. P. L. 1971, c. 231, § 16, additional. Chapter 231 of the public laws of 1971 is amended by adding a new section 16, to read as follows:

Sec. 16. Effective date. This Act shall become effective 90 days after the adjournment of the Legislature only for the purpose of holding hearings and adopting rules and regulations. Such rules and regulations shall become effective January 1, 1972.

Effective September 23, 1971

Chapter 404

AN ACT to Revise Laws Relating to Aviation.

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

Sec. 1. R. S., T. 6, § 2, sub-§§ 3 and 4, amended. Subsections 3 and 4 of section 2 of Title 6 of the Revised Statutes are amended to read as follows:

3. **Uniformity.** Effecting a uniformity in the regulations pertaining to ~~the operation of aircraft aeronautical activities~~ by authorizing the adoption of uniform regulations consistent with federal regulations and making non-compliance with federal regulations a violation of the State law, thereby enabling the law enforcement agencies of the State to enforce the laws regulating ~~the operation of aircraft aeronautical activities~~;

4. **Safety.** Providing for the protection and promotion of the public interest and safety in connection with ~~the operation of aircraft aeronautical activities~~.

Sec. 2. R. S., T. 6, § 3, sub-§§ 1 - 3, amended. Subsections 1, 2 and 3 of section 3 of Title 6 of the Revised Statutes are amended to read as follows:

1. **Administration.** "Administration" means the ~~Civil Aeronautics Administration of the Department of Commerce~~ **Federal Aviation Administration** of the United States, or any federal agency succeeding the ~~Civil Aeronautics Administration~~ **Federal Aviation Administration**.

2. **Aeronautics.** "Aeronautics" means the act, ~~or~~ practice of, or instruction in the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports ~~landing fields~~ and air navigation facilities ~~or air instruction~~.

3. **Air carrier.** "Air carrier" means any person who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in ~~scheduled intrastate air transportation which at any time or in any manner is not subject to the interstate scheduled airline rules of the civil air regulations~~ air commerce wholly or partly within the State.

Sec. 3. R. S., T. 6, § 3, sub-§ 5-A, additional. Section 3 of Title 6 of the Revised Statutes, as amended, is further amended by adding a new subsection 5-A to read as follows:

5-A. **Aircraft dealer.** "Aircraft dealer" means any person engaged in the sale or purchase or manufacture of new or used aircraft.

Sec. 4. R. S., T. 6, § 3, sub-§§ 6 and 7, amended. Subsections 6 and 7 of section 3 of Title 6 of the Revised Statutes is amended to read as follows:

6. **Airman.** "Airman" means any individual who engages, as the person in command or as pilot, mechanic or member of the ~~flight~~ crew, in the navigation of aircraft while under way; and any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or appliances.

7. **Air navigation facility.** "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including ~~landing areas~~ airports, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.

Sec. 5. R. S., T. 6, § 3, sub-§§ 8 and 9, amended. Subsections 8 and 9 of section 3 of Title 6 of the Revised Statutes are amended to read as follows:

8. Airport. "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings ~~wharfs~~ and facilities located thereon.

9. Airport hazard. "Airport hazard" means any structure, or ~~tree~~ ~~vegetation, including trees,~~ which obstructs the aerial approaches of a ~~publicly-owned~~ public airport.

Sec. 6. R. S., T. 6, § 3, sub-§ 17, repealed. Subsection 17 of section 3 of Title 6 of the Revised Statutes is repealed.

Sec. 6-A. R. S., T. 6, § 3, sub-§ 18-A, additional. Section 3 of Title 6 of the Revised Statutes, as amended, is further amended by adding a new subsection 18-A to read as follows:

18-A. Commercial airports. "Commercial airports" means a public airport as defined in section 27-A.

Sec. 7. R. S., T. 6, § 3, sub-§§ 19-A and 19-B, additional. Section 3 of Title 6 of the Revised Statutes, as amended, is further amended by adding 2 new subsections 19-A and 19-B to read as follows:

19-A. Federal air regulations. "Federal air regulations" means the regulations of the Civil Aeronautics Board issued under the authority of the "Civil Aeronautics Act of 1938," as amended, or any federal regulations superseding those issued under the authority of that Act.

19-B. Heliport. "Heliport" means a place set aside for the landing and take off of helicopters.

Sec. 8. R. S., T. 6, § 3, sub-§ 22, amended. Subsection 22 of section 3 of Title 6 of the Revised Statutes is amended to read as follows:

22. Navigable air space. "Navigable air space" means air space above the minimum altitudes of flight prescribed by the ~~civil~~ federal air regulations.

Sec. 9. R. S., T. 6, § 3, sub-§ 23-A, additional. Section 3 of Title 6 of the Revised Statutes, as amended, is further amended by adding a new subsection 23-A to read as follows:

23-A. Noncommercial airport. "Noncommercial airport" means any airport not a commercial airport.

Sec. 10. R. S., T. 6, § 3, sub-§ 25-A, additional. Section 3 of Title 6 of the Revised Statutes, as amended, is further amended by adding a new subsection 25-A to read as follows:

25-A. Private airport. "Private airport" means any airport other than a public airport.

Sec. 11. R. S., T. 6, § 3, sub-§ 27-A, additional. Section 3 of Title 6 of the Revised Statutes, as amended, is further amended by adding a new subsection 27-A to read as follows:

27-A. Public airport. "Public airport" means an airport owned by or leased to the Federal Government, the State or a municipality, or other political subdivision. In the case of airports on the inland waters, ownership, use or lease of the ramp or other beaching and terminal facilities will be considered as ownership, occupation or lease of the airport as a private airport.

Sec. 12. R. S., T. 6, § 11, amended. The last sentence of section 11 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

The compensation of the director shall be fixed by the Governor and Council not to exceed \$15,000 per year.

Sec. 13. R. S., T. 6, § 12, amended. The first sentence of section 12 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

The director shall administer the laws relating to aeronautics and shall make such rules and regulations concerning ~~air traffic~~ **aeronautical activity**, not inconsistent with federal regulations covering aeronautics, as may be necessary to promote public safety and the best interests of aviation in the State.

Sec. 14. R. S., T. 6, § 12, amended. The 3rd paragraph of section 12 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

The director shall have the care and supervision of such ~~planes~~ **aircraft** as may be owned by the State for the use of its departments and agencies and shall provide adequate hangar facilities and be responsible for the maintenance, repair, upkeep and operation of such ~~planes~~ **aircraft**. The director is authorized to charge said departments and agencies requisitioning ~~planes~~ **aircraft**, amounts sufficient to reimburse the State for operating expense of said ~~planes~~ **aircraft**. ~~Planes Aircraft~~ **Planes Aircraft** owned or operated by the Department of Inland Fisheries and Game, the Department of Sea and Shore Fisheries ~~or~~, the Forestry Department **and the State Police** are exempt and excluded from this paragraph.

Sec. 15. R. S., T. 6, § 13, amended. Section 13 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended by adding at the end the following 4 paragraphs:

The director may act to further education in aeronautics in the public school system of the State.

The director shall have power to conduct studies relating to aeronautical development within the State or any part thereof and with the approval of the Governor to apply for and receive on behalf of the State federal aid in connection with such studies.

The director shall also have the powers contemplated in section 162, subsection 3.

The director shall have, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to 15 or any rule or regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

Sec. 16. R. S., T. 6, § 14, amended. The first paragraph of section 14 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is repealed and the following enacted in place thereof:

The director is authorized to issue registration certificates for aircraft, aircraft dealers, commercial airports and noncommercial airports and heliports, and to establish the requirements for the terms, conditions and limitations of such certificates. A state registration certificate shall not be effective until in actual possession of the applicant and, except for dealer registration, shall always be displayed in some easily accessible place in the aircraft, airport or heliport. An aircraft dealer registration certificate shall be displayed at the dealer's permanent place of business within the State and a tag issued under such registration shall be displayed in each aircraft owned by such dealer. A state registration certificate shall be valid not longer than one calendar year and until the first day of that January next following the date of its issue, except that on and after December 25th of each calendar year a state registration certificate or dealer tag issued for the next succeeding year shall be as valid. State registration certificates issued in any calendar year shall be valid until March 1st of the next calendar year unless sooner suspended, revoked or cancelled. A state registration certificate shall not be transferable except with the prior written approval of the director.

Sec. 17. R. S., T. 6, § 14, sub-§ 1, amended. The first sentence of subsection one of section 14 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

All aircraft owners resident in the State and operating ~~planes~~ aircraft in the State shall register such aircraft with the director and pay a fee of \$5 for each registration.

Sec. 18. R. S., T. 6, § 14, sub-§ 2, ¶¶ E, F, G, H, I and J, repealed.

Paragraphs E, F, G, H, I and J of subsection 2 of section 14 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, are repealed.

Sec. 19. R. S., T. 6, § 14, sub-§ 2, ¶ K, amended. Paragraph K of subsection 2 of section 14 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended to read as follows:

K. A nonresident-owned aircraft ~~and pilot~~ when participating in air shows, air fairs or other aeronautical demonstrations held for bona fide charitable purposes and approved by the director.

Sec. 20. R. S., T. 6, § 14, sub-§ 4, repealed and replaced. Subsection 4 of section 14 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is repealed and the following enacted in place thereof:

4. Aircraft dealer registration certificates; application; fee. Every manufacturer or dealer in new or used aircraft may, instead of registering each aircraft owned or controlled by him, make application upon a form provided by the director for a dealer registration certificate. The director, if satisfied that the applicant is principally engaged in the business of manufacturing, buying or selling aircraft, or both buying and selling, and that the applicant maintains a permanent place of business in the State where said applicant will be principally engaged in the business of manufacturing, buying and selling aircraft and is satisfied with the other facts stated in the application, shall issue a registration certificate. Such registration certificate shall contain the name, place of residence and business of the applicant and the general distinguishing number assigned to him and made in such form as the director may determine, and aircraft owned or controlled by such applicant shall be regarded as registered under such general distinguishing number until sold, exchanged or operated for hire. To be eligible for the renewal of such an aircraft dealer registration certificate, the holder must continue to be principally engaged in the business of manufacturing, buying or selling aircraft, or both buying and selling, and he must maintain in the State a permanent place of business where said applicant is principally engaged in the business of manufacturing, buying or selling aircraft. The annual fee for every such registration certificate shall be \$15. The director shall furnish applicant with 3 dealer aircraft tags free of cost, and upon payment of \$5 per tag additional dealer tags shall be furnished. On application for registration, or for additional tags applied for during the period between the first day of September and the 31st day of December in any year $\frac{1}{2}$ of the registration fee shall be charged.

Sec. 21. R. S., T. 6, § 14, sub-§§ 4-A, 4-B and 4-C, additional. Section 14 of Title 6 of the Revised Statutes, as enacted by section 8 of chapter 498 of the public laws of 1969, is amended by adding the following subsections:

4-A. Commercial airports. The director is empowered to require and issue registration certificates for commercial airports and the annual renewal of such registration. A fee of \$5 for each registration or annual renewal shall be charged. Prior to issuance of said registration the commercial airport must meet such minimum standards of safety as shall be determined by the director and must meet the minimum criteria set forth in Aeronautical Departmental Directive 3-69, aeronautical facility minimums, or any amendment thereof. The director is likewise empowered to revoke any registration or renewal thereof for a commercial airport, with appropriate notice and opportunity for hearing as is provided. It shall be unlawful for any municipality, county or other political subdivision, or any person, to operate a commercial airport except pursuant to a valid registration certificate required pursuant to this section. This section shall not apply to commercial airports owned or operated by the United States or the State of Maine.

4-B. Noncommercial airports. The director is empowered to require and issue registration certificates for noncommercial airports and the annual renewal of such certificates. Said registration certificates and the annual renewal of same shall be issued free of charge. Prior to issuance, such regulations as the director may promulgate to provide for safe operation of noncommercial airports must be complied with.

The director is likewise empowered to revoke any registration or renewal thereof for a noncommercial airport, with appropriate notice and opportunity

for hearing as is provided. It shall be unlawful for any municipality, county or other political subdivision, or any person, to operate a noncommercial airport except pursuant to a valid registration certificate required pursuant to this section. This section shall not apply to noncommercial airports owned or operated by the United States or the State of Maine.

4-C. Heliports. The director is empowered to require and issue registration certificates and the annual renewal of such certificates for the operation of heliports, said registration certificates and the annual renewal of same shall be issued free of charge. Prior to issuance such regulations as the director may promulgate to provide for safe operation of such heliports must be complied with.

The director is empowered to revoke any registration or renewal thereof for a heliport, with appropriate notice and opportunity for hearing as is provided. It shall be unlawful for any municipality, county or other political subdivision, or any person, to operate a heliport except pursuant to a valid registration certificate required pursuant to this section. This section shall not apply to a heliport owned or operated by the United States or the State of Maine.

Sec. 22. R. S., T. 6, § 162, repealed and replaced. . Section 162 of Title 6 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 162. Department

1. Director. The director shall biennially recommend to the Legislature that it appropriate such sums as the director shall deem necessary during the following biennium to:

- A. Aid in the development, including construction and improvement, of state, county or municipal airports within the State;
- B. Aid in the development of a system of air navigation facilities;
- C. Develop and promote aeronautics and education in aeronautics within this State;
- D. Aid in repair, maintenance of and removal of snow from municipal, state, county and federal airports in this State;
- E. Provide for the maintenance, repair, upkeep and operation of such aircraft as may be owned by the State and to provide adequate hangar facilities for such aircraft except aircraft owned or operated by the Department of Inland Fisheries and Game, the Department of Sea and Shore Fisheries and the Forestry Department; and
- F. Carry out such other and further duties as are by law imposed upon him.

All payments made out of appropriations for the purposes described in paragraph A shall be made on order of the director with the approval of the Governor and Council.

2. State aid. The director, with the consent of the Governor and Council, may from any amounts appropriated pursuant to subsection 1 grant to cities, towns or counties separately, or to cities and towns jointly with one another or with counties an amount not to exceed 50% of the total cost of any airport development project.

3. State approval. No municipality or other political subdivision in this State, whether acting alone or jointly with another municipality, a political subdivision or with the State, shall submit to the Administration any request for federal aid under the Federal Airport and Airway Development Act of 1970, so called, or any amendment thereof, unless the project and the project application have been first approved by the director.

Sec. 23. R. S., T. 6, § 163, repealed and replaced. Section 163 of Title 6 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 163. Federal aid

The State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State are authorized to accept, establish, construct, own, lease, control, equip, improve, maintain and operate airports for the use of aircraft within their respective boundaries, or without such boundaries with the consent of the municipality or other political subdivision where said airport is or is to be located, and may use for such purpose or purposes any land suitable and available therefor.

The State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State by and through their duly constituted representatives are authorized to apply for and accept federal aid to further any purpose related to the development of aeronautics and to do all things necessary or incidental thereto, subject to section 162, subsection 3.

Airports owned and operated by any city, town or county are declared to be governmental agencies and entitled to the same immunities as any agency of the State.

Sec. 24. R. S., T. 6, § 202, sub-§§ 5 and 6, repealed and replaced. Subsection 5 and subsection 6, as amended by section 11 of chapter 498 of the public laws of 1969, both of section 202 of Title 6 of the Revised Statutes, are repealed and the following enacted in place thereof:

5. Operation without certificate. For any person to operate an aircraft, airport or heliport within the State without having first been issued and holding a valid state registration certificate or certificates as required by the director pursuant to chapter 2.

6. Designation of airport. For any person to designate any area of land or of the inland waters as an airport by markings, the display of a wind direction indicator, or otherwise, or operate or permit operation of aircraft on or from any airport, unless such airport is registered with the department. For the purpose of this section, an airport used either as the point of departure or as the destination of an aircraft operation, but not as both, shall not be considered an airport.

Sec. 25. R. S., T. 6, § 202, sub-§ 8, amended. Subsection 8 of section 202 of Title 6 of the Revised Statutes, as amended by section 11 of chapter 498 of the public laws of 1969, is further amended to read as follows:

8. Operation from unregistered areas. For any person to operate or authorize the operation of aircraft ~~for compensation or hire~~ from any of the public inland waters or ice areas of the State unless each such area is registered with the department. Applications for such registration shall contain such details with respect to the areas from which flights are to be made as the department may ~~from time to time~~ require;

Sec. 26. R. S., T. 6, § 202, sub-§ 9, amended. The first sentence of subsection 9 of section 202 of Title 6 of the Revised Statutes is amended to read as follows:

For any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics or other ~~habit-forming~~ **incapacitating** drug, or to operate an aircraft in the air or on the ground or water, in careless or reckless manner so as to endanger the life or property of another.

Sec. 27. R. S., T. 6, § 202, sub-§ 10, amended. Subsection 10 of section 202 of Title 6 of the Revised Statutes is amended to read as follows:

10. Trespass. For any person to trespass upon the landing area of any licensed or registered airport.

Sec. 28. R. S., T. 6, § 203, sub-§ 1, amended. Subsection 1 of section 203 of Title 6 of the Revised Statutes, as amended by section 12 of chapter 498 of the public laws of 1969, is further amended to read as follows:

1. Violations of rules or orders. Any person who violates any ~~of the provisions of chapters 1 to 13 pertaining to registration, trespass or the air traffic rules~~ or who violates any provisions of an order, rule or regulation made hereunder, or fails to answer a subpoena or to testify before the director shall be punished by a fine of not more than \$200 or by imprisonment for not more than 3 months, or by both.

Sec. 29. R. S., T. 6, § 271, sub-§§ 1 and 2, repealed. Subsection 1 and subsection 2, as repealed and replaced by section 13 of chapter 498 of the public laws of 1969, both of section 271 of Title 6 of the Revised Statutes, are repealed.

Sec. 30. R. S., T. 6, § 271, sub-§ 4, amended. Subsection 4 of section 271 of Title 6 of the Revised Statutes is amended to read as follows:

4. Missile or rocket. "Missile" or "rocket" means any projectile capable of hurling or projecting itself off the ground and into the air by means of the thrust produced by ~~the expulsion of gases produced by the internal combustion of flammable or explosive materials~~ **any means within the missile or rocket.**

Sec. 31. R. S., T. 6, § 271, sub-§ 6, repealed. Subsection 6 of section 271 of Title 6 of the Revised Statutes is repealed.

Sec. 32. R. S., T. 6, § 271, sub-§§ 7 and 8, amended. Subsections 7 and 8 of section 271 of Title 6 of the Revised Statutes are amended to read as follows:

7. **Ramp.** "Ramp" means any structure, platform, base or device to be used for the positioning, location or aiming of any missile, rocket or similar device to be launched, fired or otherwise projected into the air above the ~~ground~~ ramp.

8. **Launching site.** ~~"Site" or launching~~ "Launching site" means any place in this State to be used for the launching or operation of a missile, rocket or similar device.

Sec. 33. R. S., T. 6, § 272, repealed. Section 272 of Title 6 of the Revised Statutes, as amended by section 14 of chapter 498 of the public laws of 1969, is repealed.

Sec. 34. R. S., T. 6, § 274, amended. Section 274 of Title 6 of the Revised Statutes, as amended by section 14 of chapter 498 of the public laws of 1969, is further amended to read as follows:

§ 274. **Form of application**

Application for approval ~~of any ramp, launching site or sites and approval~~ of the launching, operation and the operational range pursuant to ~~sections 272 and section 273~~ shall be made upon such forms as may be provided by the director ~~from time to time~~.

Sec. 35. R. S., T. 6, § 277, amended. Section 277 of Title 6 of the Revised Statutes is amended to read as follows:

§ 277. **Toys or amusement devices**

This chapter shall not apply to any missile, rocket or similar device commercially manufactured for retail sale as a toy, recreational or amusement device, provided that such toy, recreational or amusement device be incapable of operating at an altitude in excess of ~~300~~ 500 feet above the ground and provided that any such missile, rocket or similar device exempted under this chapter shall not be operated within 3 miles of the boundary of any public use airport.

Effective September 23, 1971

Chapter 405

AN ACT Creating the Maine Litter Control Act.

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

Sec. 1. R. S., T. 17, c. 80, additional. Title 17 of the Revised Statutes is amended by adding a new chapter 80 to read as follows: