

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 1
CONSTITUTION

Titles 1 to 10



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
Copyright © 1964
by
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

TITLE 6
AERONAUTICS

Chap.	Sec.
1. General Provisions	1
3. Aeronautics Commission	41
5. Aeronautical Director	81
7. Property Acquisition	121
9. Finances	161
11. Enforcement	201
13. Airport Zoning	241
15. Missiles and Rockets	271

CHAPTER 1

GENERAL PROVISIONS

- Sec.
1. Title.
 2. Purpose.
 3. Definitions.
 4. State airways system.
 5. Crop dusting.
 6. Abandoned airports; removal of identification markings.
 7. Airport hazards not in public interest.

§ 1. Title

Chapters 1 to 13 shall be known and may be cited as the "Maine Aeronautics Act".

R.S.1954, c. 24, § 1.

§ 2. Purpose

It is declared that the purpose of chapters 1 to 13 is to further the public interest by:

1. Revision. The revision of existing statutes relative to aviation in order to centralize all aeronautical activities in a single

state agency authorized to participate in any activity essential to progress in aeronautics;

2. Funds. Making available for the development of aeronautics the funds now received for the registration of airmen, aircraft and landing areas, and providing new sources of revenue;

3. Uniformity. Effecting a uniformity in the regulations pertaining to the operation of aircraft by authorizing the adoption of uniform regulations consistent with federal regulations and making noncompliance 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;

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

R.S.1954, c. 24, § 2.

§ 3. Definitions

As used in chapters 1 to 13, unless the context clearly requires otherwise:

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

2. Aeronautics. "Aeronautics" means the act or practice of the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports, landing fields, 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.

4. Air commerce. "Air commerce" means the carriage by aircraft of persons or property for compensation or hire, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation.

5. Aircraft. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

6. Airman. "Airman" means any individual who engages, as the person in command or as pilot, mechanic or member of the 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, 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 take-off of aircraft.

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

9. Airport hazard. "Airport hazard" means any structure or tree which obstructs the aerial approaches of a publicly owned airport.

10. Air transportation. "Air transportation" means the transportation of persons, property or mail by aircraft.

11. Certificate, airworthiness. "Certificate, airworthiness" is a document issued by the administration to the registered owner of an aircraft, certifying that the aircraft is airworthy when operated and maintained in accordance with the terms of said certificate.

12. Certificate, experimental. "Certificate, experimental" is a document issued by the administration to the registered owner of an aircraft, certifying that the aircraft is an experimental aircraft and specifying such operation limitations as are deemed necessary by the administration.

13. Certificate of competency. "Certificate of competency" is a document issued by the administration to airmen specifying the kind of aeronautical activity for which they are deemed competent.

14. Certificate, registration (federal). "Certificate, registration (federal)" is a document, together with an identification mark, issued by the administration to the owner of an aircraft for

purposes of identifying the aircraft and determining its nationality.

15. Certificate, registration (State). "Certificate, registration (State)" is a document issued by the commission for airmen, aircraft, landing areas and air carriers, specifying the aeronautical activities in which the holder thereof may engage.

16. Civil aircraft. "Civil aircraft" means any aircraft other than a public aircraft.

17. Civil air regulations. "Civil air regulations" means the regulations of the Civil Aeronautics Administration 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.

18. Commission. "Commission" means the Maine Aeronautics Commission created by chapters 1 to 13.

19. Director. "Director" means the Maine Director of Aeronautics authorized by chapters 1 to 13.

20. Inspector. "Inspector" means the inspector of aeronautics hired by the director with the approval of the commission.

21. Landing area. "Landing area" means any locality, either of land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.

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

23. Navigation of aircraft. "Navigation of aircraft" or "navigate aircraft" includes the piloting of aircraft.

24. Operation of aircraft. "Operation of aircraft" or "operate aircraft" means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control, in the capacity of owner, lessee or otherwise, of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of chapters 1 to 13.

25. Person. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

26. Private landing area. "Private landing area" means any landing area other than a public landing area.

27. Public aircraft. "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory or possession of the United States or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

28. Public landing area. "Public landing area" means a landing area owned, occupied or leased by the Federal Government, the State, counties or towns. In the case of landing areas 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 landing as a private area.

29. Resident. "Resident" means a person who has resided and made his home not less than 6 months next prior to his application for registration continuously within the State.

30. Structure. "Structure" means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.

R.S.1954, c. 24, § 3.

§ 4. State airways system

The state airways system is declared to consist of all air navigation facilities available for public use now existing or hereafter established, whether natural or man-made, except those under the jurisdiction of the Federal Government. It is declared that jurisdiction over the state airways system is vested in the commission and that expenditure of state funds in the interest of safety on any or all of the facilities of this system serves a useful public purpose and satisfies a public need. The commission shall prescribe the terms and conditions of the activities authorized for each such facility.

R.S.1954, c. 24, § 9.

§ 5. Crop dusting

It shall be unlawful for any person to operate or authorize the operation of any civil aircraft in aerial pest control operations, including crop dusting, spraying and dispensing of insecticides and poisons, without a permit from the commission. The commission may issue to any licensed pilot, a permit under such regulations as

the commission may determine, to fly aircraft in pest control operations, including crop dusting, spraying and dispensing of insecticides and poisons. In such operations, the commission may waive regulations concerning altitude of flight. The possession of a permit shall not be a defense in any action for damages resulting from such aerial crop dusting, spraying or dispensing of insecticides and poisons, and shall not authorize a private pilot to engage in such operations over property other than his own.

R.S.1954, c. 24, § 18.

§ 6. Abandoned airports; removal of identification markings

Any abandoned airport from which markers, wind direction indicators or other aeronautical signs have not been removed is declared to be a public nuisance.

R.S.1954, c. 24, § 17.

§ 7. Airport hazards not in public interest

It is found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, and is therefore not in the interest of the public health, public safety or general welfare.

R.S.1954, c. 24, § 21.