

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

August 17, 1938

George H. Thompson
Traffic Assistant Port Development
City Hall
Portland, Maine

Dear Mr. Thompson:

I have been away from my office since July 20th, attending the trial of a murder case at South Paris and did not see your letter of August 1st until today.

The only question in regard to aeroplanes into and across the State that has come to my official attention is concerning the right of the State to require such planes flying across the State and engaged in interstate commerce to land in Maine and report and be subject to such regulations as this State might impose on their operation.

At the time the question was first suggested to me there were rumors that a Canadian aeroplane company was proposing to inaugurate a route between the West and East coasts of Canada, which route would take such planes across the northern boundary of the State of Maine. We found at that time that there was disagreement between various agencies of the Federal government as to the rights of the states in such matters, the Commerce Department and the State Department taking opposite positions. I submitted the question, at the suggestion of the Governor and with the aid of Congressman Brewster, to a firm of attorneys in Washington who reported to me to have made a special study of this matter and from them received an opinion, in writing, that the State has the right to bar or limit the nonstop transit of aeroplanes engaged in interstate commerce under the police power of the State.

The cases quoted in this opinion might be of some aid to you in other lines or inquiry in connection with such

Mr. George H. Thompson

-2-

August 17, 1938

flights. I am putting my entire file on this subject in my brief case and will bring it to Portland with me. If you care to come over to my office on Friday I shall be very pleased to let you go over the entire file which has some interesting reports on this situation.

Of course, if I can be of any assistance to you in any way in this matter, or in any other in the development of the Port, I hope you will call upon me.

Very truly yours,

Franz U. Burkett
Attorney General

FUB H