

MAINE STATE LEGISLATURE

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June 10, 1952

To Dr. H. B. Peirson, State Entomologist
Re: Spraying from the Air

I understand that the State of Maine is engaged in a program of spraying certain areas from the air to control ticks. The ticks cause diseases to humans and animals, so that this activity is unquestionably within the scope of the State's public health program. It is desirable to spray the insecticide from helicopters, because the down beat of the helicopter blades makes the insecticide penetrate forest areas more deeply and, therefore, the spray is more effective. There are no helicopters in Maine, so that out-of-state helicopters are being engaged by the State for this work.

I also understand that the State is supplying a trained field staff which will go out into the areas involved and will give directions to the helicopters as to the details of the operation

The question is whether the helicopters have to be registered and whether the pilots have to pay certain fees.

Under all the circumstances, it is my opinion that the pilot of the aircraft is not required by law to register under Section 12, Chapter 389, P. L. 1949, as amended by Chapter 16, P. L. 1951, and the aircraft does not have to be registered as required by the same section, as amended by Section 2 of Chapter 16, P. L. 1951. Since no registration of the aircraft is required, it therefore follows that no excise tax need be paid on the aircraft as required by Chapter 264, Section 2, P. L. 1951.

In summary, I do not know of any section of the statute which requires the aircraft or pilot to pay any tax or fee by virtue of his entering the State of Maine for the sole purpose of serving the State as the above statement of facts indicates.

Do not hesitate to let me know if you have any other question.

Boyd L. Bailey
Assistant Attorney General

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