

MAINE STATE LEGISLATURE

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March 12, 1957

yes

To Scott K. Higgins, Director of Aeronautics
Re: State Registration of Civil Air Patrol Aircraft

We acknowledge receipt of your memo inquiring if the Civil Air Patrol is exempt from paying State registration fees for aircraft located in Maine and operated by the Civil Air Patrol.

We have examined the charter of the Civil Air Patrol passed by Congress on July 1, 1946, Public Law 476, and find it to be substantially the type of corporation that would be organized under our own non-stock corporation chapter of laws. It is a non-profit organization.

While the corporation is probably exempt from excise taxes, we do not find that it is exempt from payment of registration fees.

Provisions relating to registration of aircraft are found in Chapter 24, Section 13, R. S. 1954. Subsection I reads in part:

"No civil aircraft shall be flown in the state unless such aircraft and its pilot are properly certificated under federal law, nor unless they have a valid certificate of registration as hereinafter provided. . ."

Subsection IV contains the exemptions:

"A. an aircraft owned by and used exclusively in the service of any government of any political subdivision thereof, including the government of the United States, any state, territory or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

"B. an aircraft registered under the laws of a foreign country, and not engaged in air commerce within the state;

"C. an aircraft not engaged in air commerce within the state which is owned by a non-resident and registered in another state, or otherwise qualified there;

"D. an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;"

Paragraph C. of subsection IV appears to be the only provision under which the corporation could possibly be exempt. So far as

we can ascertain from the material supplied to us, on which the Civil Air Patrol bases its request for exemption from registration fees, the planes in question are not registered in another State by a non-resident, nor are they otherwise qualified in another State.

We therefore are of the opinion that the Civil Air Patrol does not fall within any provision exempting its planes from paying registration fees.

James Glynn Frost
Deputy Attorney General

jgf/c