

MAINE STATE LEGISLATURE

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May 13, 1959

John B. Nichols, Aeronautics Insp.

Aeronautics Commission

James Glynn Frost, Deputy Atty Gen.

Attorney General

Closing of Brewer Airport - requested by Dow Air Force Base.

We have your letter of March 30, 1959 and the attached letter from Boyd B. White, Colonel, USAF, Base Commander, Dow Air Force Base, requesting that the Maine Aeronautics Commission take the necessary steps to close the Brewer Airport.

It appears that there are some conflicting traffic patterns of Brewer Airport and Dow Air Force Base which cause an air traffic hazard in the opinion of the Air Force; therefore, the above request upon your Commission. With respect to the Brewer Airport, you offer the following in your memo of March 30:

"Due to the recent completion of a new runway at Dow Air Force Base which in effect causes large military aircraft to pass through the area considered as the Brewer Airport traffic pattern at low altitudes when on landing approach or following take-off, an extremely hazardous situation has arisen. The possibility of a heavily laden tanker taking off and colliding with a small aircraft in the Brewer Airport pattern suggests the type of an accident that we do not like to contemplate. After various meetings and conferences on this problem, the MAS has received a letter (copy attached) from the Base Commander requesting us "to close the Brewer Airport."

"The Brewer Airport is privately owned and has been in existence longer than Dow Air Force Base. Subject to certain restrictions it has been licensed by this Commission for commercial use ever since laws requiring airport licensing have been in effect. A substantial number of pilots and aircraft owners use this airport as it is much handier to the Bangor area than the Old Town Airport. Any action toward closing Brewer will be loudly protested by these pilots and owners. Damages or satisfaction of some sort would be demanded by the property owners and an equally convenient replacement of the airport by pilots and aircraft owners.

"We might point out that while outer Hammond Street was relocated and places of private business like Pilots' Grill moved, incident to the construction of the new runway at Dow, that apparently no responsibility was faced or action taken by the Air Force toward acquiring and re-locating the Brewer Airport which has a traffic pattern now reduced to the minimum of 500 feet over the airport elevation, and is to the airbase as much of a dangerous obstruction as was the Pilots' Grill.

John B. Nichols, Aeronautics Inspector

May 13, 1959

"Is the Aeronautics Commission in any way obliged to comply with this request? Should we deny the license for which we are holding a current application? According to our chapter 24, Sec. 2 & IV, "It is declared that the purpose of this chapter is to further the public interest" by "providing for the protection and promotion of the public interest and safety in connection with the operation of aircraft." Our means of control over airport safety seems to be in Sec. 13 by which we are empowered to license airports and charge \$5 fee. (This for commercial airports.) (In III) "Licenses and renewals should be issued if airport conforms to such minimum standards of safety as may be determined by the commission." (Note that no determination has ever been made of minimum standards in respect to proximity of airports or interference of one airport traffic pattern with another.)"

It is our opinion that the burden of eliminating a hazard such as is complained about by the Air Force should fall upon the Air Force. It may be that under such circumstances condemnation by the Federal Government would be a proper process, if the taking of such land is necessary in order to further the purposes of the United States. It is a federal use that compels the officers of Dow Air Force Base to make the request upon the State and not a State use which requires the taking. We therefore believe, as stated above, that the burden should be not upon your Commission but upon the United States to take care of the problem that exists in the Bangor area.

James Glynn Frost
Deputy Attorney General

JGF:GDH