

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

November 12, 1969
Accounts and Control

Henry L. Cranshaw, State Controller

Purchaser of Airplane by Department of Aeronautics

SYLLABUS:

The Aeronautics Director has the authority to purchase an airplane from the Aeronautics Fund for use by the Director and other employees of the Aeronautics Department in carrying out the provisions of the Aeronautics Act.

FACTS:

P.L. 1969, Ch. 498, abolishes the Maine Aeronautics Commission and establishes a Department of Aeronautics administered by an Aeronautical Director. The Director has plans to purchase an airplane as a replacement of aircraft purchased by the Commission.

QUESTION:

Does the Aeronautical Director have the authority to purchase an airplane from the Aeronautics Fund if required to enforce the above-mentioned law?

ANSWER:

Yes.

OPINION:

The state airways system, consisting of all air navigation facilities available for public use is, by 6 M.R.S.A. § 4, under the jurisdiction of the Aeronautics Department whose Director prescribes the terms and conditions of the activities authorized for each facility. By 6 M.R.S.A. § 12, the Director is charged with making rules and regulations concerning air traffic with supervision and control of all state airports and with the making of rules and regulations deemed necessary for the efficient management thereof, and the development of aviation. He is charged with the care and supervision of state-owned planes and for the maintenance, repair, upkeep and operation of such planes. He has general supervision over all matters pertaining to the location, construction and maintenance of all air navigation facilities. And under § 13 he has the power to hold investigations, inquiries and hearings concerning matters covered by the Maine Aeronautics Act.

These many responsibilities and activities clearly show the need for the Director, and employees of the Department under his direction, to travel extensively to the air facilities within the State, and to have first-hand knowledge of flying requirements and the capabilities of the various facilities, justifying the acquisition of an aircraft from the Aeronautics Fund for the enforcement of the Aeronautics Act.

LEON V. WALKER, JR.
Assistant Attorney General