

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1154

S. P. 340

In Senate, March 24, 1977

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Carpenter of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Clarify and Correct Laws Relating to Aeronautics.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 6 MRSA § 1 is amended to read:

§ 1. Title

Chapters 1 to ~~13~~ 16 shall be known and may be cited as the "Maine Aeronautics Act."

Sec. 2. 6 MRSA § 2, 1st sentence is amended to read:

It is declared that the purpose of chapters 1 to ~~13~~ 16 is to further the public interest by:

Sec. 3. 6 MRSA § 3, 1st sentence is amended to read:

As used in chapters 1 to ~~13~~ 16, unless the context otherwise indicates, the following words shall have the following meanings:

Sec. 4. 6 MRSA § 3, sub-§ 3, as amended by PL 1971, c. 404, § 2, is repealed and the following enacted in its place:

3. **Air carrier.** "Air carrier" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and is certificated by the Civil Aeronautics Board under section 401 of the Federal Aviation Act of 1958.

Sec. 5. 6 MRSA § 3, sub-§ 4 is repealed and the following enacted in its place:

4. **Air commerce.** "Air commerce" means the carriage by aircraft of persons or property for compensation or hire, where such carriage is a major enterprise for profit and not merely incidental to a person's other business.

Sec. 6. 6 MRSA § 3, sub-§ 7-A is enacted to read:

7-A. Air taxi. "Air taxi" means a person who undertakes, whether directly or indirectly or by lease or other arrangement to engage in air commerce and who possesses an Air Taxi Commercial Operators Certificate issued by the Federal Aviation Administration under 14 Code of Federal Regulations Part 135.

Sec. 7. 6 MRSA § 3, sub-§ 10-A is enacted to read:

10-A. Bureau of Aeronautics. "Bureau of Aeronautics" means a bureau under the Department of Transportation charged with the responsibility as determined by the commissioner of implementing this Title.

Sec. 7-A. 6 MRSA § 3, sub-§ 18-A, as enacted by PL 1971 c. 404, § 6-A, is repealed and the following enacted in its place:

18-A. Commercial airport. "Commercial airport" means any airport which is open to the public upon which there is conducted an aeronautical business or which accommodates an operation in air commerce.

Sec. 8. 6 MRSA § 3, sub-§ 18-B is enacted to read:

18-B. Commissioner. "Commissioner" means the commissioner of Transportation or his designee.

Sec. 9. 6 MRSA § 3, sub-§ 18-C is enacted to read:

18-C. Commuter air carrier. "Commuter air carrier" means an air taxi which provides public transportation between at least 2 points in accordance with a published schedule or regularly operated flights.

Sec. 10. 6 MRSA § 3, sub-§ 19, as repealed and replaced by PL 1971, c. 593, § 2, is repealed and the following enacted in its place:

19. Director. "Director" means the Director of the Bureau of Aeronautics under the Department of Transportation.

Sec. 11. 6 MRSA § 3, sub-§ 19-A, as enacted by PL 1971, c. 404, § 7, is amended to read:

19-A. Federal air regulations. "Federal air regulations" means the regulations of the Civil Aeronautics Board issued under the authority of the "Civil Aeronautics Act of 1938," as amended, or any federal regulations superseding those issued under the authority of ~~that~~ the Act.

Sec. 12. 6 MRSA § 3, sub-§ 20, as last amended by PL 1969, c. 590, § 6, is amended to read:

20. Inspector. "Inspector" means ~~the~~ an inspector of aeronautics ~~hired~~ appointed by the director.

Sec. 13. 6 MRSA § 3, sub-§ 21 is amended to read:

21. **Landing area.** "Landing area" means any locality, either of land or water, including airports and intermediate landing fields which is used, or intended to be used, for the landing and takeoff of aircraft ~~whether or not facilities are provided for the shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.~~

Sec. 14. 6 MRSA § 3, sub-§ 23-A, as enacted by PL 1971, c. 404, § 9, is repealed and the following enacted in its place:

23-A. **Noncommercial airport.** "Noncommercial airport" means any airport, open to the public, where no fees are incurred to the user.

Sec. 15. 6 MRSA § 3, sub-§ 24 last sentence is amended to read:

Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control, in the capacity of owner, lessee or otherwise, of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of chapters 1 to 16.

Sec. 16. 6 MRSA § 3, sub-§ 25-A, as enacted by PL 1971, c. 404, § 10, is repealed.

Sec. 17. 6 MRSA § 3, sub-§ 26 is repealed.

Sec. 18. 6 MRSA § 3, sub-§ 27-A, as enacted by PL 1971, c. 404, § 11, is repealed.

Sec. 19. 6 MRSA § 3, sub-§ 28, is repealed.

Sec. 20. 6 MRSA § 3, sub-§ 29-A, is enacted to read:

29-A. **State airways system.** "State airways system" means all air navigation facilities available for public use now existing or hereinafter established, whether natural or man made, except for those under the jurisdiction of the Federal Government.

Sec. 21. 6 MRSA § 4, as last repealed and replaced by PL 1969, c. 498, § 5, is repealed.

Sec. 22. 6 MRSA § 5, as last repealed and replaced by PL 1969, c. 498, § 6, is repealed.

Sec. 23. 6 MRSA §§ 6 and 7 are repealed.

Sec. 24. 6 MRSA c. 2, 1st and 2nd lines are repealed and the following enacted in their place:

CHAPTER 2

DEPARTMENT OF TRANSPORTATION

Sec. 25. 6 MRSA § 11-A is enacted to read:

11-A. **Director, Bureau of Aeronautics.** The commissioner of Transportation shall appoint a Director of the Bureau of Aeronautics to administer the bureau as provided under Title 23, section 4206, subsection 4.

Sec. 26. 6 MRSA § 12, as last amended by PL 1975, c. 771, §§ 93 and 94, is repealed and the following enacted in its place:

§ 12. Duties

The director shall administer the laws relating to aeronautics and such rules and regulations concerning aeronautical activities as promulgated by the commissioner, not inconsistent with federal regulations covering aeronautics, as may be necessary to promote public safety and the best interests of aviation in the State. The director shall advance the interest of aeronautics within the State by studying aviation needs, assisting and advising authorized representatives of political subdivisions within the State in the development of aeronautics and by cooperating and coordinating with such other agencies whether local, state, regional or federal, as may be working toward the development of aeronautics within the State.

The director shall supervise and control all state airports and shall administer such rules and regulations concerning the use of the airports as promulgated by the commissioner. The commissioner may lease facilities at state-owned airports on such terms as he may direct.

The director shall have the care and supervision of such aircraft as may be owned by the State for the use of its departments and agencies and shall provide adequate hangar facilities and be responsible for the maintenance, repair, upkeep and operation of such aircraft. The director shall charge these departments and agencies requisitioning aircraft, amounts sufficient to reimburse the bureau for the full operating cost of these aircraft. Aircraft owned by the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Conservation are exempt and excluded from this paragraph.

The director shall exercise general supervision, control and direction on behalf of the State over all matters pertaining to the location, construction and maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the State Treasury. He may recommend to the commissioner that the State acquire land, easements and rights-of-way for the establishment of air navigation facilities. Such land, easements and rights-of-way may be acquired by purchase, grant or condemnation in the manner hereinafter provided by Title 23, section 154 et seq., and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the commissioner may determine.

Sec. 27. 6 MRSA § 12, as last amended by PL 1975, c. 771, §§ 93 and 94, is further amended by adding at the end a new paragraph to read:

The director shall carry out such other and further duties as the commissioner directs.

Sec. 28. 6 MRSA § 13, as last amended by PL 1971, c. 404, § 15, is repealed and the following enacted in its place:

§ 13. Powers

The commissioner shall have the power to hold investigations, inquiries and hearings concerning matters covered by chapters 1 to 16 and the rules, regulations and orders of the commissioner promulgated thereunder. Hearings shall be open to the public and, except as provided in chapter 4, shall be held upon such notice as the commissioner may by regulation provide. The commissioner shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas and order the attendance and testimony of witnesses and the production of papers, books and documents. In case of the failure of any person to comply with any subpoena or order issued under the authority of this section, the commissioner may invoke the aid of any court of this State of general jurisdiction. The court may thereupon order such person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt thereof.

The director shall have, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to 16 or any rule or regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

The commissioner shall have power to conduct studies relating to aeronautical development within the State or any part thereof and may apply for and receive on behalf of the State federal aid in connection with such studies.

The director may employ, subject to the approval of the commissioner and in accordance with the personnel laws, such personnel as may be deemed necessary to aid him in the fulfillment of his duties to administer, supervise, program, plan, coordinate and enforce all aspects of aviation as outlined in this chapter or imposed upon him.

The commissioner shall have jurisdiction over the state airways system. The expenditure of state funds in the interest of safety on any or all of the facilities of this system serves a useful public purpose and satisfies a public need. The commissioner shall prescribe the terms and conditions of the activities authorized for each such facility.

Sec. 29. 6 MRSA § 14, as last amended by PL 1975, c. 745, § 1, is repealed.

Sec. 30. 6 MRSA §§ 15 and 16, as enacted by PL 1969, c. 498, § 8, are repealed.

Sec. 31. 6 MRSA § 17 is enacted to read:

§ 17. Aeronautical functions

The department shall be responsible for performing aeronautical functions including, but not limited to, the following:

1. Development, maintenance and operation. Aid and assist municipalities and other political subdivisions in the development, maintenance and operation of their public airports;

2. **Federal aid.** Aid and assist municipalities and other political subdivisions with consultant and state engineers in the request for state and federal aid in the development of the capital improvement programs, planning grants, design and construction of airport projects;
3. **Enforcement.** Enforce all state aviation laws;
4. **Inspection.** Inspection of all commercial and noncommercial airports open to the public;
5. **Safety.** Develop and promote aeronautical safety;
6. **Promotion.** Develop and promote aeronautics and education in aeronautics within the State;
7. **Investigation.** Investigate all aircraft accidents and incidents within the State;
8. **Federal regulations.** Maintain a complete file on all federal air regulations;
9. **Snow removal.** Aid and assist in the repair of, maintenance of and removal of snow from municipal, State and county airports;
10. **Air navigation facilities.** Aid in development of a system of air navigation facilities;
11. **Rules and regulations.** Adopt rules and regulations;
12. **State airport system plan.** Develop a state airport system plan and periodically update;
13. **Capital improvement programs.** Prepare capital improvement programs and aeronautical budgets;
14. **Civil Aeronautics Board proceedings.** Monitor and participate in Civil Aeronautics Board proceedings; and
15. **Further duties.** Carry out such other and further duties as are provided by law.

Sec. 32. 6 MRSA § 18 is enacted to read:

§ 18. Finances

1. **State aid.** The commissioner may, from amounts appropriated, approve grants to cities, towns or counties separately, or to cities and towns jointly with one another or with counties for an appropriate share of the total cost of any airport development project.
2. **State approval.** No municipality or other political subdivision in this State, whether acting alone or jointly with another municipality, a political subdivision or with the State, shall submit to the administration any request for federal aid under the Federal Airport and Airway Development Act of 1970, so called, or any amendment thereof, unless the project and the project application have been first approved by the commissioner. This subsection may be waived by the commissioner if no state funds are involved and the project falls within the latest airport master plan for that airport.

3. Federal aid. This State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State are authorized to accept, establish, construct, own, lease, control, equip, improve, maintain and operate airports for the use of aircraft within their respective boundaries, or without such boundaries with the consent of the municipality or other political subdivision where the airport is or is to be located, and may use for such purpose or purposes any land suitable and available therefor.

The State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State, by and through their duly constituted representatives, are authorized to apply for and accept federal aid to further any purpose related to the development of aeronautics and to do all things necessary or incidental thereto, subject to subsection 2 of this section.

Airports owned and operated by any city, town or county are declared to be governmental agencies and entitled to the same immunities as any agency of the State.

4. Appropriations, bond issues and taxation. The purchase price or award for land acquired for an airport or landing field may be paid for by appropriation of moneys available therefor, or wholly or partly paid for from the proceeds of sale of bonds of the city, town or county as the proper officers of the city, town or county shall determine, subject to the adoption of a proposition therefor, if required by law as a prerequisite to the issuance of bonds of such cities, towns or counties for public purposes generally. Cities, towns and counties are authorized to appropriate or cause to be raised by taxation or otherwise in such cities, towns or counties sums sufficient to carry out chapters 1 to 16.

Sec. 33. 6 MRSA c. 4 is enacted to read:

CHAPTER 4 REGISTRATIONS

§ 51. Airports

1. Commercial airports.

A. The director shall issue registration certificates for airports regularly served by air carriers or commuter air carriers. A fee of \$100 for each such registration shall be paid by the owner of the airport. Prior to the issuance of the registration, the airport shall at least meet such minimum standards as are contained in chapter 6. The registration certificate shall be valid until January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

B. The director shall issue registration certificates for commercial general aviation airports whether publicly or privately owned. A fee of \$50 for each such registration shall be paid by the owner. Prior to issuance of the registration, the general aviation commercial airport shall at least meet such minimum standards as are contained in chapter 6. The registration

certificate shall be valid until January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

C. It shall be unlawful to operate a commercial airport without a valid registration certificate. This certificate must be plainly visible to the general public.

2. Noncommercial airports.

A. The director shall issue registration certificates for noncommercial airports which are open to the public. A fee of \$25 for each registration shall be paid by the owner. Prior to the issuance of the registration, the noncommercial airport which is open to the public shall at least meet such minimum standards as are contained in chapter 6. The registration certificate shall be valid until January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

B. It shall be unlawful to operate a noncommercial airport which is open to the public without a valid registration certificate.

3. Heliports; commercial.

A. The director shall issue registration certificates for commercial heliports other than those existing within the limits of a commercial airport under subsection 1. A fee of \$25 for each registration shall be charged and paid by the owner. Prior to the issuance of the registration certificate, the heliport shall at least meet such minimum standards as contained in chapter 6. The registration certificate shall be valid until January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

B. It shall be unlawful to operate a commercial heliport without a valid registration certificate.

4. Heliports; noncommercial.

A. The director shall issue registration certificates for noncommercial heliports other than those existing within the limits of a currently registered airport. A fee of \$5 for each registration shall be charged and paid by the owner. Prior to the issuance of the registration certificate, the heliport shall at least meet such minimum standards as are contained in chapter 6. The registration certificate shall be valid January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

B. It shall be unlawful to operate a noncommercial heliport without a valid registration certificate.

5. Landing areas; temporary.

A. The director shall issue registration certificates for temporary commercial landing areas. The registration certificates shall be for a period not to exceed 10 consecutive calendar days and a fee of \$10 shall be charged for each certificate issued. Prior to the issuance of the registration certificate, the temporary landing area shall at least meet such minimum standards as are contained in chapter 6.

B. It shall be unlawful to operate a temporary commercial landing area without a valid registration certificate.

Registration fees required by this section shall not apply to facilities owned or operated by the United States or the State of Maine.

§ 52. Aircraft registration

1. Registration of aircraft.

A. The director is authorized to issue registration certificates and decals for all civil aircraft based in this State. A state registration certificate shall be valid from the date of issuance through to the 30th day of April of the next calendar year. This certificate shall not be transferable except with the prior written approval of the director.

B. All civil aircraft based in this State shall upon registration be issued a current registration certificate and license decal or an aircraft dealer's registration and decal to be displayed on the aircraft at all times in the manner prescribed.

C. No person shall operate an aircraft in this State without a current license decal or aircraft dealer's registration certificate and decal attached to the aircraft, unless exempt.

D. All newly purchased aircraft shall be registered in this State within 10 days.

E. No aircraft shall be registered until the state sales tax and excise tax have been paid or sufficient proof has been shown that the owner is tax exempt.

2. Registration fees.

A. All aircraft owners resident in this State and operating aircraft in this State shall, unless hereinafter exempted, register such aircraft with the director and pay a fee of \$10 for each registration.

B. All experimental and all antique aircraft shall pay a \$10 registration fee. Experimental aircraft is as certified in chapter 1, and for the purpose of these regulations, antique aircraft shall be an aircraft in excess of 30 years of age.

C. Nonresidents operating an aircraft for compensation or hire within this State shall register such aircraft with the director and pay a fee of \$50 for each registration. An excise tax based on $1/12$ of the full value shall be charged for each full month or fraction thereof that the aircraft remains in the State.

3. Exemptions.

A. The following are exempt from registration in accordance with subsection 2, paragraph A:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including aircraft of the

government of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) All certified Civil Aeronautics Board, part 121, air carrier aircraft operating in this State;

(3) An aircraft owned by a nonresident not for hire, who bases the aircraft for less than 30 consecutive days in any one calendar year, provided the aircraft is registered in a sister state or foreign country;

(4) An aircraft not registered because it was in storage or was being repaired; and

(5) Dealers who register in accordance with section 53.

§ 53. Aircraft dealers

1. Application for dealer's registration certificate. All persons engaged in the manufacturing, buying or selling of aircraft shall make application to the director for a dealer's registration certificate.

2. Eligibility. To be eligible for an aircraft dealer registration and renewal thereof, a person or corporation shall qualify and apply under one of the 2 categories set forth in the following paragraphs.

A. A franchise dealer shall be engaged in the business of manufacturing, buying or selling new and used aircraft, and shall maintain in the State a permanent place of business which includes an airport, office, hangar facilities, either owned or leased, and facilities for maintenance and repair of new aircraft and aircraft under warranty, provided that the repair and maintenance facilities are owned and operated by the dealer or contracted for by the dealer at the airport of operation.

B. An aircraft broker shall be engaged in the business of buying and selling only used aircraft and maintain in the State a permanent place of business.

3. Fees; transfer; display. An eligible and qualified aircraft franchise dealer or aircraft broker, upon payment of a \$100 fee shall be issued one registration certificate; the next 5 additional certificates may be issued upon payment of \$50 each; and any additional certificates, if desired, may be issued upon payment of \$25 each. These franchise dealer registrations and aircraft broker registrations may be transferred only to another aircraft in the possession of the dealer when they are placed upon the market for sale. Failure to display the certificates in the window or windshield of any aircraft listed for sale is prima facie evidence of failure to register.

4. Distinction between types of certificates. The director shall clearly distinguish between a franchise dealer registration certificate and an aircraft broker registration certificate.

5. Use of aircraft on market for sale. Aircraft dealers who properly register their aircraft under this section, may use the aircraft while placed upon the market for sale as if the aircraft were registered under section 52; including Federal Air Regulation, part 135, operations.

§ 54. Revocation or suspension**1. Authority to suspend or revoke a registration certificate.**

A. The commissioner may suspend or revoke, for such period of time as he determines reasonable, a registration certificate issued by the Bureau of Aeronautics whenever he determines, after notice of an opportunity for a hearing as provided, that the holder has made any false statement in an application for a certificate or any report required by the director, or that any provisions of chapters 1 thru 16 or any regulation promulgated thereunder has been violated.

2. Authority to deny registration.

A. The commissioner may deny a registration certificate or other authorization whenever he determines that the requirements thereof would not be satisfied.

B. Whenever an application for a registration certificate or other authorization is denied, the applicant is entitled to have a hearing before the commissioner or his designee, only if he files a written application for a hearing within 15 days after the receipt of a notice of denial. A notice of denial shall set forth the provisions of this paragraph.

§ 55. Hearings, notices, reviews or orders

1. Opportunity for hearing. Upon a written report submitted to the director stating a violation of any of the provisions of chapters 1 thru 16 or the regulations promulgated thereunder, or after a denial or suspension of a registration certificate or other authorization, the holder or applicant shall be offered an opportunity for a hearing after reasonable notice, but not less than 7 days.

2. Burden of proof. The burden of proof shall be on the moving party unless otherwise provided.

3. Notice. A notice shall be delivered by registered mail or by personal service and shall include:

A. A statement of the time, place and nature of the hearing;

B. A statement of the legal authority and jurisdiction under which the hearing is to be held;

C. A reference to the particular sections of the statutes, rules and regulations involved; and

D. A short and plain statement of the matters asserted. If the commissioner is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

4. Evidence and argument. Opportunities shall be granted to all parties who respond to present evidence and arguments on all issues involved.

5. **Informal disposition.** Unless precluded by law, informal disposition may be made of any case by stipulation, agreed settlement, consent order or default.

6. **Proceedings transcribed on request.** Oral proceedings shall be transcribed on the request of any party, the cost of such transcript whether written or otherwise, shall be borne by the requesting party initially, but any reviewing court may allocate such costs equitably.

7. **Findings of fact.** Findings of facts shall be based exclusively on the evidence and matters officially noticed.

8. **Failure to appear.** Should the person fail to appear at the hearing, the commissioner may immediately suspend, revoke or deny a particular registration certificate or other authorization, as applicable.

§ 56. Judicial review

Any person receiving an adverse administration decision from the commissioner shall have a right to appeal to the Superior Court in the county in which he resides, or the Kennebec County Superior Court.

When an appeal has been taken from an administrative decision in favor of the bureau, the director may suspend, until final court disposition, a registration certificate or authorization, as applicable, which was revoked, suspended or denied, following the administrative hearing.

§ 57. Fees

All fees collected under this chapter shall be deposited to the Treasurer of State, and by the Treasurer of State credited to the General Fund.

Sec. 34. 6 MRSA c. 6 is enacted to read:

CHAPTER 6 AIRPORTS

§ 101. Categories

All airports in this State shall be categorized as follows under this section.

1. Commercial airports.

A. **Air carrier airports** are those airports regularly served by an air carrier airline and which meet Federal Air Regulation, Part 139, or subsequent revisions or amendments.

B. **Commuter air carrier airports** are those airports regularly served by commuter air carriers, which airports shall also meet Federal Air Regulation Part 139, or any subsequent revisions or amendments. The commissioner reserves the right to waive any requirement of Federal Air Regulation Part 139.

C. **General Aviation I airports** are those airports not regularly served by an air carrier or a commuter air carrier and can be classified as publicly or privately owned and can be further subdivided as:

- (1) Land; or
- (2) Seaplane.

2. Noncommercial airports.

A. General aviation II airports are airports which are publicly or privately owned and subdivided into 2 classes:

- (1) Land; or
- (2) Seaplane.

3. Heliports.

A. A heliport is an area, either at ground level or elevated, that is used for landing and taking off of helicopters. They are further subdivided into 2 categories:

- (1) Commercial; or
- (2) Noncommercial.

4. Landing area; temporary.

A. A temporary landing area is an area open to the agency for the purpose of conducting aeronautical business for a limited period of time.

§ 102. Physical description of airport and minimum standards

1. Commercial airports; lands.

A. There shall be an airport manager duly appointed by the airport owner. The name of this person shall be on file with the department. Chapter 16 contains specific duties of an airport manager.

B. There shall be adequate toilet facilities approved by the proper authority in the community in which the commercial airport is located, an operation area contained in a building which has an interior floor area measuring no less than 6 feet by 8 feet and a public telephone.

C. There shall be aviation fuel available and stored in National Fire Protection Association approved facilities.

D. There shall be at least one 20-pound fire extinguisher of the B C dry chemical type, or equivalent thereof. The fire extinguisher shall be located in the immediate vicinity of the operations area and in proper storage so as to make these extinguishers readily available for immediate use.

E. There shall be a slope ratio of 20:1 within an approach departure zone, 5,000 feet long, with an inner width at the landing area threshold of 150 feet and an outer width of 1,150 feet.

F. There shall be the following minimum physical requirements:

- (1) Minimum length of runway — 2,000 feet;
- (2) Minimum width of runway — 50 feet; and

(3) Minimum width of graded area — 125 feet.

G. There shall be a wind direction indicator consisting of either a wind sock, a tetrahedron or a wind tee.

H. The runway grade shall not exceed 3% and the maximum algebraic change of grade shall not exceed 3% over the entire length of the landing area. The area available for landing shall be properly marked. Airports without paved runways shall have the boundaries of the useable landing area defined with clearly visible markers painted yellow.

I. All paved runways shall be marked in accordance with the latest State or Federal Aviation Administration Advisory Circular.

J. All lighted runways shall be lighted in accordance with the latest State or Federal Aviation Administration Advisory Circular.

Waivers of any physical requirements may be given by the commissioner.

2. Commercial airports; seaplanes.

A. A commercial seaplane base shall mean any seaplane base, whether privately or publicly owned, at which any kind of commercial aviation service is available to the public or the public use of which, for aeronautical purposes, is invited, permitted or tolerated by the operator or the person having right of access. A commercial seaplane base shall be granted a registration when it is shown that it has met the requirements herein.

B. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall also be in conformity with the marine traffic rules and regulations of such authority, if such rules and regulations do not interfere with the safe operation of aircraft.

C. The registration issued to a seaplane base shall apply to the land area from which operations are conducted and to the water area designated for its operations. Where 2 or more bases located on the same body of water are under different ownership or control, each base shall obtain separate seaplane registration.

D. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of public waters.

E. No person shall operate a watercraft in any manner as to intentionally obstruct or interfere with the take off, landing, or taxiing of any aircraft.

F. All property used for the land operation of the seaplane base, including docks and ramps, shall be owned by the applicant, or the applicant shall show a statement in writing by the owner that he has the right to use and has control of the property for the purpose and time intended.

The applicant shall show that any construction or alteration of shorelines on the land area of the base is in conformity with the regulations of the Department of Environmental Protection, and with municipal building and other pertinent regulations if applicable.

G. The body of water shall have a minimum effective length of at least 5,000 feet, and a minimum width of 500 feet and a sufficient depth of water

to permit the safe operation of aircraft on the surface. All approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the useable landing area, with an approach and departure zone of 10,000 feet long with an inner width at the landing area threshold of 500 feet and an outer width of 2,000 feet.

H. There shall be suitable docking facilities for loading and unloading passengers. A power boat shall be available at all times when operations are in progress, also there shall be life preservers available.

I. There shall be at least one 20 pound B C dry chemical fire extinguisher type, or equivalent thereof.

J. There shall be situated on the commercial airport proper, adequate toilet facilities approved by the proper authority in the community in which the commercial seaplane base is located, an operations area contained in a building which has an interior floor area measuring no less than 6 feet by 8 feet and a telephone.

K. There shall be aviation fuel available and stored in National Fire Protection Association approved facilities.

L. There shall be a wind direction indicator consisting of either a wind sock, tetrahedron or wind tee.

M. Waivers of any physical requirements may be given by the commissioner.

3. Noncommercial airports; land; open to the public. Noncommercial airports and land airports open to the public shall have the following minimum requirements.

A. The minimum length of the landing area shall be 1,500 feet.

B. The minimum width of the landing area shall be 100 feet wide.

C. There shall be a wind direction indicator consisting of either a wind sock, tetrahedron or wind tee.

D. The runway grade shall not exceed 4% and the maximum algebraic change of grade shall not exceed 4% over the entire length of the landing area.

E. Airports without paved runways shall have the boundaries of the usable landing area defined with clearly visible markers painted yellow.

F. The approaches to the landing area shall be a minimum of 20:1. The trapezoidal area at the inner width at the landing area shall be 100 feet wide extending outward 5,000 feet to a width of 1,100 feet.

G. Waivers of any physical requirements may be given by the commissioner.

4. Heliports; commercial.

A. These heliports should have a minimum landing and take off area length of 2.0 times the overall length of the helicopter and width of 1.5 times the overall helicopter length.

B. A peripheral area surrounding the landing and take off area, with a minimum width of $\frac{1}{4}$ the overall length of the helicopter, but not less than 10 feet, is recommended as an obstruction free safety zone. A safety barrier along the outside edge of the peripheral area is required to exclude unauthorized persons from the helicopter operational surface. This area shall be kept free of objects and activities to the maximum extent possible. Navigational aids fixed by their functions are permitted in this area.

C. The dimensions of the touch down area shall be equal to the rotor diameter of the helicopter. The landing surface in this area should be designed to accomodate the dynamic wheel loads of the helicopter.

D. Approach and departure paths begin at the edge of the landing and take off area and should be aligned as directly as possible into the prevailing winds. The width of the approach path at the edge of the landing and take off area shall be equal to that of the peripheral area and extend outward to 4,000 feet at a width of 500 feet and on a slope of 8:1. These areas are uniform trapazoidal areas and are measured from the center line of the peripheral area. There shall be 2 approaches separated by an arc of at least 90°.

E. There shall be adequate toilet facilities approved by the proper authority in the community in which the commercial heliport is located, an operation area contained in a building which has an interior floor area measuring no less than 6 feet by 8 feet and a public telephone.

F. There shall be aviation fuel available and stored in National Fire Protection Association approved facilities.

G. There shall be at least one 20 pound fire extinguisher of the B C dry chemical type, or equivalent thereof, that is approved and recommended for aeronautical fires. The fire extinguisher shall be located in the immediate vicinity of the operations area and in proper storage so as to make these extinguishers readily available for immediate use.

H. A wind direction indicator, such as an 8 foot wind cone, shall be located adjacent to the landing area. This should be located so that it shall be prominent but shall not be a hazard to flight.

I. Waivers of any physical requirements may be given by the commissioner.

5. Heliports; noncommercial; Open to the public.

A. The minimum size of the landing and take off area should be at least 1.5 times the overall length of the helicopter; the width of the area should also be 1.5 times the overall length of the helicopter.

B. The approach and departure paths extend outward and upward from the edge of the landing area, to the en route altitude on an approach slope

of 8:1. This trapezoidal area extends from the landing area at the same width and out to 4,000 feet to a width of 500 feet. This area is measured from the center line of the landing area and flares uniformly.

C. Waivers of any physical requirements may be given by the commissioner.

6. Landing area; temporary; commercial.

Temporary landing area is an area open to the agency for the purpose of conducting aeronautical business for a limited period of time. The agency shall submit to the Department of Transportation, on a form furnished by the commissioner, the necessary information to properly document this area. The physical descriptions and safety requirements for establishing these sites shall be set forth in the permit granted for each temporary landing area.

§ 103. Abandoned airports; removal of identification markings.

Any abandoned airport from which markers, wind direction indicators or other aeronautical signs have not been removed is declared to be a public nuisance.

Sec. 35. 6 MRSA c. 8 is enacted to read:

CHAPTER 8 AGRICULTURE

§ 151 Agricultural aviation

It shall be unlawful for any person to operate or authorize the operating of any civil aircraft in aerial pest control operations, spraying or dusting farm crops, forests or other land areas, including dispensing of fertilizer seeding or other form of pesticides or poisons, without a permit from the director.

The director may issue to any licensed pilot, a permit under such regulations as the director may determine, to operate aircraft in pest control operations, including crop dusting, spraying and dispensing of insecticides and poisons. In such operations, the director may waive regulations concerning altitude of flight. The possession of a permit shall not be a defense in any action for damages resulting from aerial crop dusting, spraying or dispensing of insecticides and poisons, and shall not authorize a private pilot to engage in such operations over property other than his own.

It shall be unlawful to conduct agricultural operations inconsistent with Federal Air Regulation Part 137.

For the purposes of conducting agricultural operations it shall not be unlawful for aircraft to be operated from limited use landing areas, provided the land owners permission has been obtained.

Sec. 36. 6 MRSA c. 9 as amended is repealed.

Sec. 37. 6 MRSA § 201, 1st sentence, as last amended by PL 1971 c. 544,

§ 17, is further amended to read:

The director and inspectors shall have, in any part of the State, the same authority to enforce and to make arrests for the violation of any provisions of chapter 1 to ~~13~~ 16 or any rule and regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

Sec. 38. 6 MRSA § 202, sub-§ 1 is amended to read:

1. **Identification mark.** For any person to operate or authorize the operation of any civil aircraft which is not possessed of a valid identification mark assigned or approved therefor by the administration ~~or if owned by a resident of the State, is not also possessed of a currently effective airworthiness or experimental certificate and a state registration certificate;~~

Sec. 39. 6 MRSA § 202, sub-§ 2 is amended to read:

2. **Airworthiness certificate.** For any person to operate or authorize the operation of any civil aircraft ~~in interstate commerce~~ within the State which is not possessed of a currently effective airworthiness certificate ~~and a State registration certificate;~~

Sec. 40. 6 MRSA § 202, sub-§ 3, as amended by PL 1969, c. 498, § 11, is repealed and the following enacted in its place:

3. **Service without certificate; exemptions.** For any person to serve in any capacity as an airman in connection with any civil aircraft without an airman certificate and current medical certificate issued by the administration authorizing him to serve in such capacity;

Sec. 41. 6 MRSA § 202, sub-§ 4, as last amended by PL 1969, c. 498, § 11, is repealed and the following enacted in its place:

4. **Landing or take off from public highways.** For any person to taxi, take off from, or land on any public highway in this State except in the case of emergency or with prior written permission granted by the commissioner:

Sec. 42. 6 MRSA § 202, sub-§ 5, as last repealed and replaced by PL 1971, c. 404, § 24, is repealed and the following enacted in its place:

5. **Operation without certificate.**

A. For any person to operate an airport, heliport or temporary landing area within the State without having first been issued and holding a valid state registration certificate as required by the director pursuant to chapter 4.

B. For any person to operate an aircraft within the State without having first been issued and holding a valid state registration certificate as required by the director pursuant to chapter 4. It shall be prima facie evidence that an aircraft is being operated unlawfully if a current decal is not affixed to the aircraft or an exemption obtained as prescribed in chapter 4.

Sec. 43. 6 MRSA § 202, sub-§ 6, as last repealed and replaced by PL 1971, c. 404, § 24, is repealed.

Sec. 44. 6 MRSA § 202, sub-§ 7, as amended by PL 1969, c. 498, § 11, is further amended to read:

7. **Unlawful operation.** For any person to operate or authorize the operation of aircraft in violation of any other rule or regulation, or in violation of the terms of any certificate issued under the authority of ~~chapters 1 to 16~~ ~~and~~ ~~chapter~~ 4;

Sec. 45. 6 MRSA § 202, sub-§ 8, as last amended by PL 1971, c. 404, § 25, is repealed and the following enacted in its place:

8. **Operation from unauthorized areas.** For any person to operate or authorize the operation of aircraft in air commerce from any of the public inland waters or ice areas of the State identified by the commissioner as unsafe for such operation;

Sec. 46. 6 MRSA § 203, 1st sentence, is amended to read:

Violation of any provision of chapters 1 to ~~16~~ 16 or rules and regulations made hereunder shall be punishable as follows:

Sec. 47. 6 MRSA § 203, sub-§ 1, as last amended by PL 1971, c. 404, § 28, is further amended to read:

1. **Violations of rules or orders.** Any person who violates any provisions of chapters 1 to ~~16~~ 16 pertaining to registration, trespass or the air traffic rules, or who violates any provisions of an order, rule or regulation made hereunder, or fails to answer a subpoena or to testify before the director shall be punished by a fine of not more than \$200 or by imprisonment for not more than 3 months, or by both.

Sec. 48. 6 MRSA § 203, sub-§ 2 is amended to read:

2. **Fraud and forgery.** Any person who fraudulently forges, counterfeits, alters or falsely makes any certificate authorized under chapters 1 to ~~16~~ 16, or any person who knowingly uses or attempts to use any such fraudulent certificate shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 years, or by both.

Sec. 49. 6 MRSA c. 16 is enacted to read:

CHAPTER 16

SPECIAL PROVISIONS

§ 301. Civil Air Patrol

The commissioner shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol, which patrol shall expend such funds in its best judgment would most effectively carry out its purposes and objectives.

1. General.

A. All aircarrier and commuter aircarrier airports as defined under chapter 4 shall have an airport manager.

B. All general aviation commercial airports as defined under chapter 6, shall have a part time manager as a minimum.

2. Duties.

A. The airport manager or his authorized representative, shall be available during all hours of operation. A current telephone number shall be on file with the department.

B. The manager shall file a notice to airmen, with the Federal Aviation Administration designating any changes in airport conditions that may affect safety. A notice to airmen file shall be maintained at the airport.

C. The manager shall display the local traffic pattern, airport traffic safety rules, any noise abatement procedures, and any special orders relating to the airport and its operations at a prominent location on the airport.

D. The manager shall submit a list of federal aviation registration numbers twice yearly to the department in May and November of all aircraft based at his airport.

§ 302. Maine Aeronautical Advisory Board.

1. Board established.

A. There is established the Maine Aeronautical Advisory Board, in this section called "the board," which shall be a board within the Department of Transportation.

2. Membership.

A. The membership of the board shall consist of 5 members, one person from the Maine Airport Association, one person from the Maine Pilot's Association, and 3 persons appointed by the Commissioner of Transportation, one of whom shall not represent an interest in aviation. The members representing the aviation organizations shall be appointed by their respective board of directors and all members shall serve a term of office of 2 years. Vacancies in membership shall be filled in the same manner as the original appointment. The director shall be a member of the board and shall serve as secretary.

3. Meetings.

A. The board shall annually elect a chairman from among its members, and the chairman shall serve a term of one year. The board shall meet at the call of the chairman, or at the call of at least 3 members of the board, and there shall be at least 3 meetings held a year.

B. Members will serve without compensation or expenses.

4. Duties.

A. The board shall advise the department on matters relating to aeronautics and shall submit to the commissioner an annual report which shall

include recommendations for change to the aeronautical laws and comments upon the present and future needs of that service. Written reports and comments shall be available to the public.

5. Staff support.

A. The department shall supply reasonable staff support requested by the board.

6. Transition.

A. Of the initial members appointed to the board, 3 shall serve for a term of one year and 2 shall serve for a term of 2 years. After expiration of the initial term of any member of the board, any appointment to the membership shall be for a term of 2 years.

STATEMENT OF FACT

The purpose of this bill is to clarify and correct inconsistencies in aeronautical laws; redefine the duties and responsibilities of the director to reflect the changeover from a department to a bureau within a department; provide for the issuing of decals for easy identification and enforcement of aircraft licensing laws; provide for a modest increase in airport inspection and aircraft license fees to more nearly cover the cost of such inspection and licensing; and to provide for the establishment of a statewide aviation advisory committee.