

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 764

S.P. 271

In Senate, January 28, 1999

An Act to Amend Certain Aviation Laws.

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representative BOUFFARD of Lewiston and
Representatives: COWGER of Hallowell, FISHER of Brewer.

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

2
4 **Sec. 1. 6 MRSA §3, sub-§3**, as amended by PL 1979, c. 541, Pt. A, §43, is further amended to read:

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

12 **Sec. 2. 6 MRSA §3, sub-§18-B**, as enacted by PL 1977, c. 678,
§9, is repealed.

14 **Sec. 3. 6 MRSA §3, sub-§§18-F and 18-G** are enacted to read:

16 **18-F. Commercial activity.** "Commercial activity" means an
18 aeronautical business or an operation in air commerce.

20 **18-G. FAA.** "FAA" means the Federal Aviation Administration.

22 **Sec. 4. 6 MRSA §3, sub-§25-B** is enacted to read:

24 **25-B. Private airport.** "Private airport" means an airport
26 that is not open to the public.

28 **Sec. 5. 6 MRSA §3, sub-§31** is enacted to read:

30 **31. Utility airport.** "Utility airport" means an airport
32 that is constructed for and intended to be used by
propeller-driven aircraft of 12,500 pounds maximum gross weight
and less.

34 **Sec. 6. 6 MRSA §12**, as amended by PL 1995, c. 504, Pt. B, §§4
36 and 10, is further amended to read:

38 **§12. Duties**

40 The commissioner shall administer the laws relating to
aeronautics and adopt and administer such rules and regulations
42 concerning aeronautical activities ~~as promulgated by the~~
~~commissioner,~~ not inconsistent with federal regulations covering
44 aeronautics, as may be necessary to promote public safety and the
best interests of aviation in the State. The commissioner shall
46 advance the interest of aeronautics within the State by studying
aviation needs, assisting and advising authorized representatives
48 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
50 working toward the development of aeronautics within the State.

2 The commissioner shall supervise and control all state
airports and shall adopt and administer such rules and
4 ~~regulations~~ concerning the use of the airports as ~~promulgated by~~
~~the commissioner~~ considered necessary. The commissioner may lease
6 facilities at state-owned airports on such terms as he ~~the~~
commissioner may direct. Rules adopted pursuant to this section
8 are routine technical rules pursuant to Title 5, chapter 375,
subchapter II-A.

10 The commissioner ~~shall have~~ has the care and supervision of
such aircraft as may be owned by the State for the use of its
12 departments and agencies and shall provide adequate hangar
facilities and be responsible for the maintenance, repair, upkeep
14 and operation of that aircraft. The commissioner shall charge
these departments and agencies requisitioning aircraft, amounts
16 sufficient to reimburse the ~~bureau~~ department of the full
operating cost of these aircraft. All fees collected ~~shall~~ must
18 be credited to the General Fund. Aircraft owned by the Department
of Inland Fisheries and Wildlife, the Department of Marine
20 Resources, the Department of Conservation and ~~the~~ Department of
Public Safety are exempt and excluded from this paragraph.

22 The commissioner shall exercise general supervision, control
and direction on behalf of the State over all matters pertaining
24 to the location, construction and maintenance of all air
navigation facilities ~~new--er--hereafter~~ built or maintained,
26 either in whole or in part, with money appropriated from the
State Treasury. ~~He~~ The commissioner may ~~recommend--to--the~~
28 ~~commissioner--that--the--State~~ acquire land, easements and
rights-of-way for the establishment of air navigation facilities.
30 The land, easements and rights-of-way may be acquired by
purchase, grant or condemnation in the manner hereinafter
32 provided by Title 23, ~~section 154 et seq.~~ sections 154 to 161,
and property so acquired may be conveyed to a town for use in
34 connection with the establishment of air navigation facilities
for such a consideration as the commissioner may determine.

38 **Sec. 7. 6 MRSA §13, first ¶,** as repealed and replaced by PL
1977, c. 678, §27, is amended to read:

40 The commissioner ~~shall--have~~ has the power to hold
42 investigations, inquiries and hearings concerning matters covered
by chapters 1 to 17 and the rules, ~~regulations~~ and orders ~~of--the~~
44 ~~commissioner--promulgated--thereunder~~ adopted under chapters 1 to
17. Hearings ~~shall--be~~ are open to the public and, except as
46 provided in chapter 4, ~~shall~~ must be held upon such notice as the
commissioner may by ~~regulation~~ rule provide. The commissioner
48 ~~shall--have~~ has the power to administer oaths and affirmations,
certify to all official acts, issue subpoenas and order the
50 attendance and testimony of witnesses and the production of
papers, books and documents. In case of the failure of any
52 person to comply with any subpoena or order issued under the

2 authority of this section, the commissioner may invoke the aid of
any court of this State of general jurisdiction. The court may
4 ~~thereupon~~ order that person to comply with the requirements of
the subpoena or order or to give evidence touching the matter in
6 question. Failure to obey the order of the court may be punished
by the court as a contempt ~~thereof~~ of the order.

8 **Sec. 8. 6 MRSA §17, sub-§4,** as enacted by PL 1977, c. 678,
§30, is amended to read:

10 **4. Inspection.** Inspection of all commercial and
12 ~~noncommercial~~ utility airports open to the public and all private
airports with commercial activity;

14 **Sec. 9. 6 MRSA §51, sub-§2,** as amended by PL 1995, c. 504, Pt.
16 B, §10, is further amended to read:

18 **2. Utility airports.**

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

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

34 **Sec. 10. 6 MRSA §51, sub-§6** is enacted to read:

36 **6. Private airports with commercial activity.**

38 A. The commissioner shall issue registration certificates
40 for private airports with commercial activity. A fee of \$50
42 for each registration must be paid by the owner. Prior to
44 the issuance of the registration, the private airport with
commercial activity must at least meet the minimum standards
that are contained in chapter 6. The registration
46 certificate is valid until January 1st of the next calendar
year unless sooner revoked, suspended or cancelled.

48 B. It is unlawful to operate a private airport with
50 commercial activity without a valid registration certificate.

2 **Sec. 11. 6 MRSA §52, sub-§1, ¶B**, as amended by PL 1995, c.
504, Pt. B, §10, is further amended to read:

4 B. The commissioner is authorized to issue registration
6 certificates and decals for all civil aircraft based in this
State. A state registration certificate shall ~~be~~ is valid
8 from the date of issuance through the last day of February
of the next calendar year. This certificate shall is not be
10 transferable except with the prior written approval of the
commissioner.

12 ~~(1) -- Every owner of an aircraft with a current Maine~~
14 ~~registration, -- valid -- through -- April -- 30, -- 1980, -- shall~~
16 ~~receive a 2 month credit for registration paid for the~~
18 ~~aircraft -- registration -- year -- 1979 -- 80 -- only. -- The -- credit~~
 ~~provided in this subparagraph shall be applied to the~~
 ~~aircraft registration renewal for the registration year~~
 ~~1980-81.~~

20 **Sec. 12. 6 MRSA §101, sub-§2**, as enacted by PL 1977, c. 678,
§33, is amended to read:

22 **2. Utility airports.**

24 A. ~~General Aviation-II~~ Utility airports are airports which
26 that are publicly or privately owned and open to the public
and subdivided into 2 classes:

28 (1) Land; or

30 (2) Seaplane.

32 B. Utility airports may not conduct commercial activities.

34 **Sec. 13. 6 MRSA §101, sub-§5** is enacted to read:

36 **5. Private airport with commercial activity.**

38 A. A private airport with commercial activity is an airport
40 that is not open to the public, but supports a commercial
42 activity.

44 **Sec. 14. 6 MRSA §102, sub-§3, ¶A**, as enacted by PL 1977, c.
678, §33, is repealed.

46 **Sec. 15. 6 MRSA §103, sub-§1, ¶B**, as enacted by PL 1977, c.
48 678, §33, is repealed.

50 **Sec. 16. 6 MRSA §103, sub-§3, ¶B**, as enacted by PL 1977, c.
678, §33, is amended to read:

2 B. ~~Airports~~ Land airports without paved runways shall must
4 have the boundaries of the usable landing area defined with
clearly visible markers painted yellow white.

6 **Sec. 17. 6 MRSA §105** is enacted to read:

8 **§105. Aviation fueling facilities**

10 Airports may, at their option, provide aircraft fuel
12 servicing. The operations must meet the following minimum
standards.

14 A. Aviation fuel must be stored in National Fire Protection
16 Association approved facilities.

18 B. Aircraft fuel servicing must be conducted in accordance
20 with accepted standards and requirements established by the
National Fire Protection Association.

22 C. There must be fire extinguishers of adequate size, type
24 and numbers in locations as recommended by the National Fire
Protection Association.

26 **Sec. 18. 6 MRSA §302, sub-§2, ¶A**, as amended by PL 1995, c.
504, Pt. B, §10, is further amended to read:

28 A. The membership of the board shall ~~consist~~ consists of 5
30 members; one person from ~~the Maine Airport Association an~~
airport association in the State; one person from ~~the Maine~~
32 Pilot's Association a pilot's association in the State; and
34 3 persons appointed by the Commissioner of Transportation,
one of whom shall ~~may~~ not represent an interest in aviation.
The members representing the aviation organizations shall ~~be~~
36 are appointed by their respective board of directors and all
members shall serve a term of office of 2 years. Vacancies
38 in membership shall must be filled in the same manner as the
original appointment. The commissioner shall ~~serve~~ serves as
secretary of the board.

40 **Sec. 19. 6 MRSA §302, sub-§3, ¶A**, as enacted by PL 1977, c.
42 678, §48, is amended to read:

44 A. The board shall annually elect a ~~chairman~~ chair from
46 among its members, and the ~~chairman shall serve~~ chair serves
a term of one year. The board shall meet at the call of the
48 ~~chairman~~ chair, or at the call of at least 3 members of the
board, and there shall must be at least ~~3 meetings~~ one
50 meeting held a year.

2

SUMMARY

4 The bill amends the aviation laws as follows.

6 1. It directs that an air carrier be certified under
Federal Air Regulations instead of the Civil Aeronautics Board.

8 2. It adds the definitions for "commercial activity,"
10 "FAA," "private airport" and "utility airport."

12 3. It amends the duties and powers of the Commissioner of
Transportation.

14 4. It clarifies that the Department of Transportation is
16 responsible for the inspection of utility airports and private
airports with commercial activity.

18 5. It amends the aeronautics laws to be consistent with the
20 term "utility airport" instead of the term "noncommercial
airport."

22 6. It gives airports the authority to provide aircraft fuel
24 servicing.

26 7. It changes the number of meetings the Maine Aeronautical
Advisory Board must have.