

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 224

In Senate, March 7, 1923.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Buzzell of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Regulate the Use of Aircraft.

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

Section 1. The term "aircraft" as used in this act shall
2 include every kind of vehicle or structure intended for use
3 as a means of transporting passengers or goods in the air,
4 including any airplane, hydroairplane, seaplane, dirigible
5 balloon, free balloon or other apparatus propelled by cur-
6 rents or by power or motor contained in such apparatus.
7 The term "pilot" shall include every person, who, being in
8 or upon any aircraft or part attached thereto undertakes
9 to direct its ascent, flight, course or descent in the air.
10 The word "flight" shall include every kind of locomotion

11 by aircraft. A "known, established, recognized field or
12 place of landing" shall mean a public or private field or
13 place of landing where the landing of aircraft is permitted
14 by the owners thereof and such fact is publicly known. An
15 "emergency place of landing" is any place where a landing
16 may be effected in an emergency without endangering in
17 any way life or property on such place of landing. Limits
18 of towns, cities of Maine, shall mean the land, or air above
19 the land, or pier heads of any of the towns, cities of Maine.

Sect. 2. It shall be unlawful of any person to operate
2 aircraft of any kind in this state unless he is licensed and
3 the aircraft is registered either by the secretary of state,
4 or a federal board or department established by congress,
5 provided however, that the provisions of this section shall
6 not apply to unlicensed civilians when accompanied by a
7 person licensed as aforesaid or by a military or naval avi-
8 ator, but such licensed person or military or naval aviator
9 shall be liable for the violation of any provision of this act
10 committed by such unlicensed person.

Sect. 3. Every owner of one or more aircraft in opera-
2 tion in this state shall file upon a blank furnished by the
3 secretary of state, a statement of his name, residence, and
4 postoffice address, and a description of each aircraft oper-
5 ated by said owner, and shall give such other information
6 pertaining thereto as shall be required by the secretary of
7 state. The secretary of state shall register each such air-
8 craft, assign to it a distinguishing number, and shall there-

9 upon issue to such owner a certificate of registration which
10 shall contain the name, place of residence, and postoffice
11 address of said owner, the number assigned to said air-
12 craft, and such further information as the secretary of state
13 shall determine. Such certificate shall at all times be car-
14 ried upon such aircraft, and shall be subject to examina-
15 tion upon demand by any proper officer. Any applicant
16 for the registration of an aircraft who does not file his
17 application until after the first day of June in any year shall
18 be entitled to a pro rata reduction in the fee for such reg-
19 istration calculated to the first day of the month in which
20 such application is made. Upon the transfer of ownership
21 of any aircraft its registration shall expire, and the person
22 in whose name the aircraft is registered shall forthwith
23 notify the secretary of state in writing stating the date of
24 such transfer of ownership and the name, place of resi-
25 dence and postoffice address of the new owner. The reg-
26 istration of every aircraft shall expire at midnight on the
27 thirty-first day of December in each year. No aircraft
28 shall be registered until the secretary of state has examined
29 and inspected or caused to be examined and inspected by
30 one or more competent persons, said aircraft, and shall be
31 deemed by such examiners or inspectors to be airworthy.

Sect. 4. No person, except as provided in sections two
2 and five of this act, shall direct or operate an aircraft, or
3 act as pilot of any aircraft, until he shall have obtained
4 from the secretary of state a license for that purpose, ex-

5 cept that any person may without such license, operate an
6 aircraft upon or over land or water owned or leased by
7 him, or upon or over land or water the owner of which
8 has given written permission to such person to so operate
9 thereon or thereover. No such license shall be issued until
10 the secretary of state has examined the applicant therefor,
11 or caused him to be examined by one or more competent
12 persons, in such manner as said secretary of state may
13 determine and said secretary of state is satisfied that the
14 applicant is a proper person to receive such license. No
15 license shall be issued to any person under twenty-one years
16 of age. Applications for licenses shall be made upon blanks
17 furnished by the secretary of state, which blank shall be
18 in such form and shall contain such provisions not incon-
19 sistent with this act as said secretary of state may deter-
20 mine. A number shall be assigned to each license and a
21 proper record of all applications for licenses issued shall
22 be kept by the secretary of state at his office and shall be
23 open to public inspection. Each license shall state the name,
24 place of residence, and postoffice address of the licensee,
25 the number assigned to him, the class of aircraft to be oper-
26 ated, and such provisions not inconsistent with this act as
27 the secretary of state may determine. Such license shall
28 expire at midnight on the thirty-first day of December in
29 each year. Such license shall at all times be carried by
30 the licensee when acting as pilot or as instructor in any

31 aircraft in this state, and shall be subject to examination
32 upon demand by any proper officer.

Sect. 5. It shall be unlawful for any licensed pilot to
2 carry passengers for hire unless said pilot shall obtain from
3 the secretary of state a passenger carrying permit, appli-
4 cation for such permit to be made upon blanks furnished
5 by the secretary of state. The secretary of state shall grant
6 such passenger carrying permits to such licensed pilots who
7 have satisfied him that he is skilled in the flying of air-
8 craft, and has had at least one hundred flying hours' ex-
9 perience as pilot not under instruction. For purposes of
10 instruction, any unlicensed person may pilot any aircraft
11 in this state only when under the instruction of a licensed
12 pilot, whether such licensed pilot may be in the aircraft or
13 in the immediate vicinity, on the ground or in the air.

Sect. 6. The secretary of state shall collect fees as fol-
2 lows: For the registration of every aircraft, five dollars;
3 for examination and inspection of an aircraft, five dollars;
4 for examination and tests of an applicant for a license to
5 direct and operate aircraft as provided in this act, such
6 sum as he may require, in any instance not exceeding twen-
7 ty-five dollars; for a license to operate aircraft, two dol-
8 lars; for a passenger carrying permit to licensed pilots, one
9 dollar; for every additional copy of a certificate of regis-
10 tration or license, fifty cents.

Sect. 7. The secretary of state may after due hearing,
2 suspend or revoke any certificate of registration or license

3 to operate issued to any person under the provisions of this
4 act for any cause which he may deem sufficient.

Sect. 8. Any non-resident of this state, who has com-
2 plied with the laws of the state within which he resides
3 relative to aircraft and the direction thereof, within one
4 year, and who is thoroughly qualified, may operate aircraft
5 in this state of a type which his training has qualified him
6 to operate, not exceeding fifteen days in any one year with-
7 out complying with the provisions of this act relative to
8 the registration of aircraft and the licensing of pilots for
9 private purposes only. Non-resident commercial pilots and
10 passenger carrying aircraft must be registered before carry-
11 ing passengers for hire in this state.

Sect. 9. No aircraft over the limits of any town or city
2 of Maine shall be guided or controlled by the pilot in a
3 manner designed to give any demonstration of trick flying
4 or aerial acrobatics, or be given any manipulation of the
5 controls which may tend to divert the aircraft from a nor-
6 mal flight, with every consideration for stability and safety,
7 except above a known, established, recognized field or place
8 of landing; and no aircraft shall fly over any part or sec-
9 tion of any city at a height lower than that enabling said
10 aircraft to glide in an emergency at all times to a known
11 established or recognized open or unobstructed place on
12 land or water; nor in flying within the limits of any city
13 shall aircraft fly at a height lower than one thousand feet

14 except at the beginning or end of a flight or flying on or
15 over open water.

Sect. 10. No person in any aircraft shall cause or permit
2 to be thrown out, discharged or dropped, any ballast, instru-
3 ments, tools, containers, unless it be directly over a place
4 established for that purpose, and all equipment carried in
5 aircraft shall be securely fastened in place before leaving
6 the ground. By special permission of the proper officer of
7 a municipality, handbills, circulars, cards, etc., may be
8 dropped over a designated place.

Sect. 11. Aircraft approaching each other from differ-
2 ent directions shall seasonably turn to the right in passing
3 so as to give the other a fair and equal opportunity to pass.
4 A lighter than aircraft shall at all times have the right of
5 way over heavier than aircraft.

Sect. 12. Whoever violates any provision of this act or
2 any rule or regulation made hereunder shall be punished
3 by a fine of not less than ten nor more than one hundred
4 dollars, or by imprisonment for not less than one month
5 or more than six months, or by both such fine and impris-
6 onment.

Sect. 13. This act shall become void at such time as the
2 federal government or congress shall pass laws and regu-
3 lations governing aircraft in all the states.

Sect. 14. Chapter one hundred and sixty-one, of the pub-
2 lic laws of nineteen hundred and twenty-one, is hereby
3 repealed.