

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FIRST LEGISLATURE**

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**SENATE**

**NO. 271**

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In Senate, March 22, 1923.

Reported by Mr. Buzzell from Committee on Judiciary and  
laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

Presented by Mr. Buzzell of Waldo.

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**STATE OF MAINE**

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

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AN ACT to Regulate the Use of Aircraft.

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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. The

10 word "flight" shall include every kind of locomotion by air-  
11 craft. A "known, established, recognized field or place of  
12 landing" shall mean a public or private field or place of  
13 landing where the landing of aircraft is permitted by the  
14 owners thereof and such fact is publicly known. An "emer-  
15 gency place of landing" is any place where a landing may  
16 be effected in an emergency without endangering in any  
17 way life or property on such place of landing. Limits of  
18 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 for 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 examination  
15 upon demand by any proper officer. Any applicant for the  
16 registration of an aircraft who does not file his application  
17 until after the first day of June in any year shall be en-  
18 titled to a pro rata reduction in the fee for such regis-  
19 tration calculated to the first day of the month in which  
20 such application is made. Upon the transfer of owner-  
21 ship of any aircraft its registration shall expire, and the  
22 person in whose name the aircraft is registered shall forth-  
23 with notify the secretary of state in writing stating the date  
24 of such transfer of ownership and the name, place of resi-  
25 dence and postoffice address of the new owner. The regis-  
26 tration 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 exam-  
29 ined and inspected or caused to be examined and inspected  
30 by one or more competent persons, said aircraft, and shall  
31 be 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 un-  
10 til the secretary of state has examined the applicant there-  
11 for, or caused him to be examined by one or more com-  
12 petent persons, in such manner as said secretary of state  
13 may determine and said secretary of state is satisfied that  
14 the applicant is a proper person to receive such license.  
15 No license shall be issued to any person under twenty-one  
16 years of age. Applications for licenses shall be made upon  
17 blanks furnished by the secretary of state, which blank  
18 shall be in such form and shall contain such provisions not  
19 inconsistent with this act as said secretary of state may  
20 determine. A number shall be assigned to each license and  
21 a 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  
24 name, place of residence, and postoffice address of the  
25 licensee, the number assigned to him, the class of aircraft  
26 to be operated, and such provisions not inconsistent with  
27 this act as the secretary of state may determine. Such  
28 license shall expire at midnight on the thirty-first day of  
29 December in each year. Such license shall at all times be  
30 carried by the licensee when acting as pilot or as instructor

31 in any aircraft in this state, and shall be subject to exam-  
32 ination 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  
13 or 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 been  
2 granted a license to operate an aircraft under the laws of  
3 his state within one year, and who is thoroughly qualified,  
4 may operate aircraft in this state of a type which his train-  
5 ing has qualified him to operate, not exceeding fifteen days  
6 in any one year, without complying with the provisions of  
7 this act relative to the registration of aircraft and the licens-  
8 ing of pilots for private purposes only. Non-resident com-  
9 mercial pilots and passenger carrying aircraft must be reg-  
10 istered before carrying 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 to be thrown out, discharged or dropped, any ballast, instruments, tools, containers, unless it be directly over a place established for that purpose, and all equipment carried in aircraft shall be securely fastened in place before leaving the ground. By special permission of the proper officer of a municipality, handbills, circulars, cards, etc., may be dropped over a designated place.

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

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

Sect. 13. Chapter one hundred and sixty-one, of the public laws of nineteen hundred and twenty-one, is hereby repealed.