

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 955**

S. P. 369

In Senate, February 21, 1945.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on Aeronautics, sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Noyes of Hancock.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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**AN ACT Relating to Intrastate Air Commerce.**

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

**R. S., c. 47-A, additional.** The revised statutes are hereby amended by adding thereto a new chapter to be numbered 47-A, to read as follows:

**CHAPTER 47-A.**

**INTRASTATE AIR COMMERCE.**

**Sec. 1. Definitions.** As used in this chapter, unless the context otherwise requires:

**I. "Air commerce"** means the carriage by aircraft of persons or property, or any class or classes thereof, including express, for compensation or hire in intrastate commerce in this state, including the carriage by aircraft of persons or property which move partly by aircraft and partly by other forms of transportation.

**II. "Aircraft"** means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

**III. "Commission"** means the Public Utilities Commission.

IV. "Common carrier by aircraft" means any person which holds itself out to the general public, whether directly or indirectly or by a lease or any other arrangement, and whether over regular or irregular routes to engage in air commerce.

V. "Overcharges" means charges for transportation service in excess of those applicable thereto under the tariffs lawfully on file with the commission.

VI. "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

VII. The "services" and "transportation" to which this chapter applies includes all aircraft operated by, for, or in the interest of any common carrier by aircraft irrespective of ownership or of contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in air commerce or in the performance of any service in connection therewith.

Sec. 2. Exemption. Nothing in this chapter shall be construed to apply to the transportation or handling of United States mail.

Sec. 3. Declaration of policy. It is declared to be the policy of this state to regulate air commerce in such manner as to;

- I. Recognize and preserve the inherent advantages of such commerce;
- II. Foster sound economic conditions in such commerce and among common carriers by aircraft in the public interest;
- III. Promote adequate, economical, and efficient service by such carriers, and reasonable charges therefor, without unjust discriminations, undue preferences or advantages, and unfair or destructive competitive practices;
- IV. Provide for competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to and adequate to meet the needs of the commerce of the United States and this state and of the national and state defense;
- V. Improve the relations between and coordinate transportation by and regulation of common carriers by aircraft; and
- VI. Cooperate with the federal government and the several states of the United States and the duly authorized officials thereof in the administration and enforcement of the provisions of this chapter. All of the provisions of

this chapter shall be administered and enforced with a view to carrying out the above declaration of policy.

Sec. 4. Compliance with chapter. No person shall engage in air commerce except in accordance with the provisions of this chapter, and every person engaging in air commerce is declared to be subject to control, supervision and regulation by the commission.

Sec. 5. General duties and powers of the commission.

I. Administration and enforcement. It shall be the duty of the commission to administer the provisions of this chapter, and to that end the commission shall have authority to make and amend such general or special rules and regulations and to issue such orders as may be necessary to carry out such provisions.

II. Jurisdiction over common carriers by aircraft. The commission shall, so far as may be necessary for the purpose of carrying out the provisions of this chapter, have general supervision and regulation of, and jurisdiction and control over common carriers by aircraft.

III. Classifications of common carriers by aircraft. The commission may make such just and reasonable classifications of common carriers by aircraft, according to geographical sections, types, or otherwise, as it may deem to be in the public interest. The commission shall have authority to inquire into and determine whether any person is a common carrier by aircraft.

IV. Complaints and investigations. The commission may investigate, either upon complaint or upon its own initiative, whether any common carrier by aircraft has failed to comply with any provision of this chapter or with any order, rules, regulation or requirement issued or established pursuant thereto, and, after notice and hearing, take appropriate action to compel compliance therewith. Whenever the commission is of the opinion that any complaint does not state reasonable grounds for action on its part, it may dismiss such complaint.

V. Joint hearings and cooperation. The commission is authorized to confer with or to hold joint hearings with any authorities of any state or of the government of the United States, having jurisdiction with respect to matters involving common carriers by aircraft, in connection with any matter arising under this chapter. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such authorities as fully as may be practicable, in the enforcement or administration of any provision of this section.

VI. Interstate rates and service. When the interstate rates, fares, charges or classifications of common carriers by aircraft affecting the commerce of this state are, in the opinion of the commission, excessive or discriminatory or are levied or laid in violation of the Act of Congress entitled "Civil Aeronautics Act of 1938," approved June 23, 1938, and the acts amendatory thereof and supplementary thereto, or in conflict with the rulings, orders or regulations of the authorities having jurisdiction thereof, or when such services are, in the opinion of the commission, inadequate, unsatisfactory or discriminatory, the commission may apply by petition to the authorities having jurisdiction thereof for relief, and may present to such authorities all facts coming to the commission's knowledge as to violations of the rulings, orders or regulations of such authorities, or as to violations of the said Civil Aeronautics Act of 1938 or acts amendatory thereof or supplementary thereto.

VII. Administrative and judicial procedure. The procedure of the commission in administering this chapter, and of the courts in all matters arising under the provisions of this chapter, shall be the same as established by law with reference to railroads wherever practicable.

VIII. Pecuniary interest prohibited. No member of the commission, or any employee of the commission appointed or employed in the administration of this chapter shall in any manner have pecuniary interest in, own any securities of, or hold any position with any common carrier by aircraft operating within the state.

Sec. 6. Certificates required. No person shall engage in the business of a common carrier by aircraft unless there is in force a certificate issued by the commission authorizing such person to engage in such business; provided that if a person is engaged in such business on the date of the enactment of this chapter, or if engaged in furnishing seasonal service only, is in bona fide operation on the date of the enactment of this chapter during the season ordinarily covered by its operation, such person may continue so to engage between the same terminal and intermediate points for 120 days after said date, and thereafter until such time as the commission shall pass upon an application for a certificate to engage in such business if within said 120 days such person files such application as provided herein.

Sec. 7. Applications for certificates. Form and contents.

I. Applications for certificates shall be made in writing to the commission, be verified under oath, and shall be in such form and contain such in-

formation and be accompanied by proof of service upon such interested parties as the commission shall, by regulation, require.

II. Notice and hearing. Upon the filing of an application for a certificate, the commission shall give due notice thereof to such persons, and by such means, as the commission may by regulation determine. Any interested person may file with the commission a protest or memorandum of opposition to or in support of the issuance of a certificate. A public hearing shall be held on such application if the applicant, or any person having a substantial interest in the proceeding, shall so request within such time as the commission shall by regulation provide.

III. New service investigations. The commission upon its own initiative, whenever it deems such action advisable, may conduct an investigation to determine whether additional air transportation appears to be needed, and if, after such investigation, the commission is of the opinion that such procedure is appropriate, it may encourage the filing of applications for certificates authorizing the furnishing of such transportation. If such transportation may be furnished through the extension of existing service, the commission may institute a proceeding to require such extension in accordance with the provisions of section 11.

#### Sec. 8. Issuance of certificates.

I. Existing operations. If any applicant who makes application for a certificate within 120 days after the date of enactment of this chapter, or its predecessor in interest was in bona fide operation as common carrier by aircraft on January 1, 1945, over the route or routes or within the territory for which application is made and has so operated since that time, or if engaged in furnishing seasonal service only, was in bona fide operation on July 1, 1944, during the season ordinarily covered by its operation and has so operated since that time, except in either instance as to interruptions of service over which the applicant or its predecessor in interest had no control, the commission shall, subject to subsection III of this section, and section 14, issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings.

II. New operations. The commission shall, subject to subsections I and III of this section and section 14, issue a certificate authorizing the whole or any part of the operation covered by an application for a certificate, if it finds that the applicant is fit, willing, and able to perform such operation properly and to conform to the provisions of this chapter and the rules,

regulations, and requirements of the commission hereunder, and that such operation, and the performance thereof by the applicant, is required by the public convenience and necessity and is consistent with the declaration of policy contained in section 3; otherwise such application shall be denied.

III. Evidence of compliance with other laws. No certificate shall be issued to any person to operate as a common carrier by aircraft unless the applicant submits evidence, satisfactory to the commission, showing that it will comply with the provisions of the laws of the United States, and the lawful rules, regulations and orders thereunder, respecting safety of operations, and the provisions of all applicable laws, rules and ordinances, with respect to the right to use such air ports, air lanes and aircraft as may be necessary in order properly to conduct the proposed operations and observe proper standards of safety in the operation or navigation of aircraft.

IV. Temporary operations. To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no air transportation service capable of meeting such need, the commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier by aircraft. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the commission shall specify but for not more than an aggregate of 180 days, and shall create no presumption that corresponding permanent authority will be granted thereafter. Transportation service rendered under such temporary authority shall be subject to all applicable provisions of this chapter and to the rules, regulations, and requirements of the commission thereunder.

#### Sec. 9. Terms and conditions of certificates.

I. General terms and conditions. Each certificate issued under the provisions of this chapter shall specify the points between which, or areas within which, the person is authorized to engage in operations as a common carrier by aircraft, the service to be rendered and, in the case of the carriage of goods, the commodity or commodities authorized to be transported. There shall be attached to the exercise of the privileges granted by such certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require, except that no term, condition, or limitation shall restrict the right of the common carrier by aircraft to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require. Any common carrier by aircraft transporting passengers under a certificate issued by

the commission may make charter trips or perform any other special service, without regard to the points named in its certificate, under regulations prescribed by the commission.

II. Effective date and duration of certificates. Each certificate shall be effective from the date specified therein, and shall continue in effect until suspended or revoked as hereinafter provided or, if issued for a limited period of time, shall continue in effect until the expiration thereof; unless such certificate shall be modified, suspended or revoked as provided herein; provided that if any service authorized by a certificate is not inaugurated within such period, not less than 90 days after the date of the authorization, as shall be fixed by the commission, or if, for a period of 90 days or such other period as may be designated by the commission, any such service is not operated, the commission may by order, entered after notice and opportunity for hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service.

III. Emergency operations. No common carrier by aircraft shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate, or by operating during an emergency between terminal and intermediate points other than those specified in its certificate.

Sec. 10. Modification, suspension, or revocation of certificates. The commission, upon petition or complaint or upon its own initiative, after notice and opportunity for hearing, may by order alter, amend, modify, suspend or revoke any certificate, in whole or in part, for intentional misrepresentation of a material fact in obtaining such certificate or voluntary discontinuance of operations, or intentional failure to comply with any provision of this chapter or any order, rule, or regulations issued hereunder or any term, condition, or limitation of such certificate.

Sec. 11. Extensions of service. The commission, upon petition or complaint or upon its own initiative, after notice and opportunity for hearing, may by order require any common carrier by aircraft to make reasonable extension of its existing service if the commission finds that such extension is required by the public convenience and necessity and that the expense involved will not impair the ability of such common carrier to perform its duty to the public under its existing certificate or certificates, and such order shall provide for such amendment of the certificate or certificates held by such common carrier as may be necessary because of such extension.

Sec. 12. Transfer of certificates. Any certificate may be transferred



subject to the approval of the commission, and under such reasonable rules and regulations, as may be prescribed by the commission. Except where a transfer of a certificate results from the operation of law, approval of such transfer shall be given only upon a finding by the commission, after notice and opportunity for a hearing, that such transfer will be consistent with the public interest. The application for approval shall be made jointly by the transferor and transferee. No value shall be allowed for any purpose for any certificate issued under the provisions of this chapter.

Sec. 13. Abandonment or discontinuance of service. No common carrier by aircraft shall abandon or discontinue any route, or part thereof, for which a certificate has been issued by the commission, unless upon the application of such common carrier, after notice and opportunity for hearing, the commission shall find such abandonment or discontinuance to be in the public interest. Any interested person may file with the commission a protest or memorandum of opposition to or in support of any such abandonment. The commission may, by regulations or otherwise, authorize such temporary suspension of service as may be in the public interest.

Sec. 14. Security for the protection of the public. No certificate shall be issued to a common carrier by aircraft or remain in force, unless such carrier complies with such reasonable rules and regulations as the commission shall prescribe governing the providing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amount as the commission may require, conditioned to pay, within the amount of such surety bonds policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such carrier for bodily injuries to or the death of any person (employees covered by insurance under workmen's compensation act excluded) resulting from the negligent operation, maintenance, or use of aircraft under such certificate, or for loss or damage to property of others. The commission may, in its discretion and under such rules and regulations as it shall prescribe, require any such carrier to provide a surety bond, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in a sum to be determined by the commission, to be conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees, and coming into the possession of such carrier in connection with its transportation service. Any such carrier which may be required by law to compensate a shipper or consignee for any loss, damage, or default for which a connecting carrier is legally responsible shall be subrogated to the rights of such shipper or consignee under any such bond, policies of

insurance, or other securities or agreements, to the extent of the sum so paid. Nothing in this chapter shall relieve a certificate holder from any liability for negligence, whether or not it has complied with the requirements of this section.

**Sec. 15. Tariffs.**

I. Filing of tariffs required. Every common carrier by aircraft shall file with the commission, print, and make available to the public, tariffs showing all rates, fares, and charges for air commerce between points served by it, and between points served by it and points served by any other common carrier by aircraft when through air commerce service and rates have been established, and all classifications, rules, regulations, practices, and services in connection with such commerce.

II. Extent and manner of filing; form. Tariffs shall be filed, printed, and made available to the public to the extent and in the manner required by regulations of the commission. The form of every such tariff shall be prescribed by the commission and shall conform as nearly as may be to the form of tariffs required of common carriers by aircraft by the civil aeronautics board or other administrative agency of the federal government under the Act of Congress entitled "Civil Aeronautics Acts of 1938," approved June 23, 1938, and the acts amendatory thereof and supplementary thereto. The rates, fares, and charges shown in any tariff shall be stated in terms of lawful money of the United States.

III. Rejection of tariffs. The commission is empowered to reject any tariff which is not consistent with this section and the regulations of the commission thereunder. Any tariff so rejected shall be void.

IV. Observance of tariffs; rebating prohibited. No common carrier by aircraft shall charge or demand or collect or receive a greater or less or different compensation for air commerce, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs; and no such carrier shall, in any manner or by any device, directly or indirectly or through any agent or broker, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the commission to be specified in such tariffs, except those specified therein. In the event that an excessive rate, fare, or charge is stated in a currently effective tariff through error, the common carrier by aircraft may, in accordance with regulations prescribed by the commission, make appropriate refunds to any person paying such charge.

V. Free or reduced rates. Nothing in this chapter shall prohibit common carriers by aircraft, under such terms and conditions as the commission may prescribe, from issuing or interchanging tickets or passes for free or reduced-rate transportation to their directors, officers, and employees and their immediate families; witnesses and attorneys attending any legal investigation in which any such carrier is interested; persons injured in aircraft accidents and physicians and nurses attending such persons; and any person or property with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. No such carrier shall provide free or reduced-rate transportation to any other persons or under any other circumstances.

VI. Notice of change in tariff. No change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff of any common carrier by aircraft, except after 30 days' notice of the proposed change filed, printed, and made available to the public in accordance with subsections I and II of this section. Such notice shall plainly state the change proposed to be made and the time such change will take effect. The commission may in the public interest, by regulation or otherwise, allow such change upon notice less than that herein specified, or modify the requirements of this section with respect to filing and posting of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

VII. Filing of divisions of rates and charges required. Every common carrier by aircraft shall keep currently on file with the commission, if the commission so requires, the established divisions of all joint rates, fares, and charges for air commerce in which such carrier participates.

#### Sec. 16. Rates and service.

I. Duty of common carriers by aircraft. It shall be the duty of every common carrier by aircraft to provide and furnish air transportation, as authorized by its certificate, upon reasonable request therefor and to provide reasonable through service in such transportation in connection with other such carriers or with common carriers by railroad, motor vehicle, express, or water; to provide adequate and reasonable service, equipment, facilities, waiting rooms and rest room, in connection with such transportation; to establish, observe and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to such transportation; and, in case of such joint rates, fares, and charges, to establish just, reasonable,

and equitable divisions thereof as between common carriers by aircraft participating therein which shall not unduly prefer or prejudice any of such participating carriers.

II. Discrimination. No common carrier by aircraft shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in any respect whatsoever or subject any particular person, port, locality, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

III. Extensions of credit. Nothing in this chapter shall prohibit a common carrier by aircraft from extending credit, for such reasonable periods and subject to such reasonable terms and conditions as the commission may by regulations prescribe, to such persons as, in the judgment of such carrier, may appear to be proper credit risks.

IV. Power to prescribe rates and practices. Whenever, after notice and opportunity for hearing, upon complaint, or upon its own initiative, the commission shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged, collected or received by any common carrier by aircraft for air commerce performed by it, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the commission shall determine and prescribe the lawful rate, fare, or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected, or received, or the lawful classification, rule, regulation, or practice thereafter to be made effective.

V. Suspension of rates.

A. Whenever any common carrier by aircraft shall file with the commission a tariff stating a new individual or joint rate, fare, or charge for air commerce or any classification, rule, regulation, or practice affecting such rate, fare or charge, or the value of the service thereunder, the commission is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by such carrier, but upon reasonable notice, to enter upon an investigation concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such investigation and the decision thereon, the commission, by filing with such tariff, and delivering to the carrier affected thereby, a statement

in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period of 90 days, and, if the proceeding has not been concluded and a final order made within such period, the commission may, from time to time, extend the period of suspension, but not for a longer period in the aggregate than 180 days beyond the time when such tariff would otherwise go into effect; and, before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the commission, after opportunity for hearing may make such order with reference thereto as would be proper in a proceeding instituted after such rate, fare, charge, classification, rule, regulation, or practice had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect at the end of such period; provided that this paragraph shall not apply to any initial tariff filed by any such carrier.

B. At any hearing involving any change in any tariff, classification, rule, regulation or practice of a common carrier by aircraft, the effect of which is to increase any rate, fare or charge theretofore charged or to decrease the value of the service thereunder, the burden of proof to show that the changed tariff, classification, rule, regulation or practice, is just and reasonable shall be upon such carrier.

VI. Power to prescribe divisions of rates. Whenever, after notice and opportunity for hearing, upon complaint or upon its own initiative, the commission is of the opinion that the divisions of joint rates, fares, or charges for air commerce are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the common carriers by aircraft parties thereto, the commission shall prescribe the just, reasonable, and equitable divisions thereof to be received by such carriers. The commission may require the adjustment of divisions between such carriers from the date of filing the complaint or entry of order of investigation, or such other date subsequent thereto as the commission finds to be just, reasonable, and equitable.

VII. Power to establish through transportation service. The commission shall, whenever required by the public convenience and necessity, after notice and hearing, upon complaint or upon its own initiative, establish through service and joint rates, fares, or charges (or the maxima or minima, or the maxima and minima thereof) for air commerce performed

by common carriers by aircraft, or the classification, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, and the terms and conditions under which such through service shall be operated.

VIII. Long and short haul. No common carrier by aircraft shall charge or receive any greater compensation in the aggregate for the carriage of persons or of a like kind of property for a shorter distance than for a longer distance over the same route in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation as a through fare or rate than the aggregate of the intermediate fares or rates; but this shall not be construed as authorizing any such carrier to charge or receive as great a compensation for a shorter as for a longer distance. Upon application to the commission, such carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the carriage of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section.

IX. Time tables. Common carriers by aircraft shall publish, post, and file with the commission, in accordance with general or special regulations prescribed by the commission, time tables showing the time of arrival and departure of regularly scheduled aircraft engaged in air commerce.

X. Improvement in service. Whenever the commission, upon its own motion or upon complaint, after opportunity for hearing, shall find that any common carrier by aircraft does not operate a sufficient number of aircraft reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not operate its aircraft with sufficient frequency or at a reasonable or proper time, or does not stop the same at proper places, or does not operate its aircraft upon a reasonable time schedule for the run, or does not maintain its time schedule with reasonable regularity, the commission shall have power to make any order or orders that the commission may determine to be reasonably necessary to correct such deficiency or inadequacy; provided that no such order shall require such carrier to violate any provision of the Act of Congress entitled "Civil Aeronautics Act of 1938," approved June 23, 1938, and the acts amendatory thereof and supplementary thereto, or the lawful rules, regulations and orders of the Civil Aeronautics Board or other administrative agency of the federal government charged with the duty of administering said act.

Sec. 17. Accounts, records, and reports.

I. Filing of reports. The commission is empowered to require annual reports from any common carrier by aircraft covering any or all operations or business. The contents of such report and the form thereof shall conform as nearly as may be to that required of common carriers by aircraft by the Civil Aeronautics Board or other administrative agency of the federal government under the Act of Congress entitled "Civil Aeronautics Act of 1938," approved June 23, 1938, and the acts amendatory thereof and supplementary thereto. The commission may also require monthly, periodical, and special reports from any common carrier by aircraft; may prescribe the manner and form in which such reports shall be made; and require from any such carrier specific answers to any questions pertaining to air commerce performed by it within this state, and the books, records, properties or operations in connection therewith upon which the commission may deem information to be necessary. Such annual, monthly, periodical and special reports and answers to questions shall be under oath whenever the commission so requires. The commission may also require any common carrier by aircraft to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such carrier and any other carrier or person, in relation to any traffic affected by the provisions of this chapter.

II. Form of accounts. The commission is empowered to prescribe the forms of any and all accounts, records, and memoranda to be kept by common carriers by aircraft, including the accounts, records and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved. The forms of accounts, records, and memoranda prescribed by the commission as provided above shall conform as nearly as may be to those from time to time prescribed by the Civil Aeronautics Board or other administrative agency of the federal government under the Act of Congress entitled "Civil Aeronautics Act of 1938," approved June 23, 1938, and the acts amendatory thereof and supplementary thereto.

III. Inspection of accounts and property. The commission shall at all times have access to all lands, buildings, and equipment of any common carrier by aircraft and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by such carriers; and it may employ special agents or auditors, who shall have authority under the orders of the commission to inspect and examine any and all such lands, building, equipment, accounts, records, and memoranda.

Sec. 18. **Reparations.** When complaint has been made to the commission concerning any rate, fare or charge for any service performed by any common carrier by aircraft, and the commission has found, after investigation, that such carrier has charged an unreasonable, excessive or discriminatory amount, or an amount in excess of the lawful rate in force at the time such charge was made, for such service, in violation of any of the provisions of this chapter, the commission may order that such carrier make due reparation to the complainant therefor, with interest from the date of collection, provided that no discrimination will result from such reparation. Such complaint shall be filed with the commission within 2 years from the time the cause of action accrues, and not after; provided that if a claim based on an overcharge has been presented to such carrier within the 2-year period of limitation, said period shall be extended to include 6 months from the time notice in writing is given by such carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice. If a common carrier by aircraft does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, suit may be instituted in any court of competent jurisdiction to recover the same within 1 year from the date of the order, and not after.

Sec. 19. **Penalties.** Every person including any officer, agent or employee of a corporation, who violates, procures, aids or abets in the violation of, any provision of this chapter, or fails to comply with any order, decision or regulation issued by the commission, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment. Every day's violation of the provisions of this chapter or any of the terms or conditions of any such order, decision or regulation shall constitute a separate offense, punishable as aforesaid.

Sec. 20. **Fees.**

I. **Application fees.** The following application fees shall be paid to the commission at the time of filing an application:

Application for certificate, \$15.

Application for transfer of certificate, \$5.

Application for duplicate certificate, \$5.

II. **Disposition of fees collected.** All fees or sums collected by the commission under the provisions of this chapter shall be deposited with the treasurer of state, and shall be set aside by him in a fund subject to the use of the commission as it may determine for the administration and enforcement of this chapter.