

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

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[supplied from page 1 of volume]

Sec. 2. P. L., 1917, c. 219, sec. 87; not repealed. Section eighty-seven of chapter two hundred nineteen of the public laws of nineteen, hundred seventeen is not hereby repealed.

Approved April 6, 1923.

Chapter 220.

An Act to Regulate the Use of Aircraft.

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

Sec. 1. Terms defined. The term "aircraft" as used in this act shall include every kind of vehicle or structure intended for use as a means of transporting passengers or goods in the air, including any airplane, hydro-airplane, seaplane, dirigible balloon, free balloon or other apparatus propelled by currents or by power or motor contained in such apparatus. The term "pilot" shall include every person, who, being in or upon any aircraft or part attached thereto, undertakes to direct its ascent, flight, course or descent in the air. The word "flight" shall include every kind of locomotion by aircraft. A "known, established, recognized field or place of landing" shall mean a public or private field or place of landing where the landing of aircraft is permitted by the owners thereof and such fact is publicly known. An "emergency place of landing" is any place where a landing may be effected in an emergency without endangering in any way, life or property on such place of landing. Limits of towns, cities of Maine, shall mean the land, or air above the land, or pier heads of any of the towns, cities of Maine.

Sec. 2. Persons operating aircraft to be licensed; aircraft to be registered; exceptions. It shall be unlawful for any person to operate aircraft of any kind in this state unless he is licensed and the aircraft is registered either by the secretary of state, or a federal board or department established by congress, provided however, that the provisions of this section shall not apply to unlicensed civilians when accompanied by a person licensed as aforesaid or by a military or naval aviator, but such licensed person or military or naval aviator shall be liable for the violation of any provision of this act committed by such unlicensed person.

Sec. 3. Registration of aircraft by secretary of state; contents of application; certificate of registration to be issued; pro rata reduction of fee after June 1; transfer of ownership; inspection. Every owner of one or more aircraft in operation in this state shall file upon a blank furnished by the secretary of state, a statement of his name, residence, and postoffice address, and a description of each aircraft operated by said owner, and shall give such other information pertaining thereto as shall be required

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by the secretary of state. The secretary of state shall register each such aircraft, assign to it a distinguishing number, and shall thereupon issue to such owner a certificate of registration which shall contain the name, place of residence, and postoffice address of said owner, the number assigned to said aircraft, and such further information as the secretary of state shall determine. Such certificate shall at all times be carried upon such aircraft, and shall be subject to examination upon demand by any proper officer. Any applicant for the registration of an aircraft who does not file his application until after the first day of June in any year shall be entitled to a pro rata reduction in the fee for such registration calculated to the first day of the month in which such application is made. Upon the transfer of ownership of any aircraft its registration shall expire, and the person in whose name the aircraft is registered shall forthwith notify the secretary of state in writing stating the date of such transfer of ownership and the name, place of residence and postoffice address of the new owner. The registration of every aircraft shall expire at midnight on the thirty-first day of December in each year. No aircraft shall be registered until the secretary of state has examined and inspected or caused to be examined and inspected by one or more competent persons, said aircraft, and shall be deemed by such examiners or inspectors to be air-worthy.

Sec. 4. Operation of aircraft without license prohibited; examination of applicant; record of licenses to be kept; licenses expire Dec. 31. No person, except as provided in sections two and five of this act, shall direct or operate an aircraft, or act as pilot of any aircraft, until he shall have obtained from the secretary of state a license for that purpose, except that any person may without such license, operate an aircraft upon or over land or water owned or leased by him, or upon or over land or water the owner of which has given written permission to such person to so operate thereon or thereover. No such license shall be issued until the secretary of state has examined the applicant therefor, or caused him to be examined by one or more competent persons, in such manner as said secretary of state may determine and said secretary of state is satisfied that the applicant is a proper person to receive such license. No license shall be issued to any person under twenty-one years of age. Applications for licenses shall be made upon blanks furnished by the secretary of state, which blank shall be in such form and shall contain such provisions not inconsistent with this act as said secretary of state may determine. A number shall be assigned to each license and a proper record of all applications for licenses issued shall be kept by the secretary of state at his office and shall be open to public inspection. Each license shall state the name, place of residence and postoffice address of the licensee, the number

assigned to him, the class of aircraft to be operated, and such provisions not inconsistent with this act as the secretary of state may determine. Such license shall expire at midnight on the thirty-first day of December in each year. Such license shall at all times be carried by the licensee when acting as pilot or as instructor in any aircraft in this state, and shall be subject to examination upon demand by any proper officer.

Sec. 5. Licenses for carrying passengers for hire. It shall be unlawful for any licensed pilot to carry passengers for hire unless said pilot shall obtain from the secretary of state a passenger carrying permit, application for such permit to be made upon blanks furnished by the secretary of state. The secretary of state shall grant such passenger carrying permits to such licensed pilots who have satisfied him that he is skilled in the flying of aircraft, and has had at least one hundred flying hours' experience as pilot not under instruction. For purposes of instruction, any unlicensed person may pilot any aircraft in this state only when under the instruction of a licensed pilot, whether such licensed pilot may be in the aircraft or in the immediate vicinity, on the ground or in the air.

Sec. 6. Fees. The secretary of state shall collect fees as follows: For the registration of every aircraft, five dollars; for examination and inspection of an aircraft, five dollars; for examination and tests of an applicant for a license to direct and operate aircraft as provided in this act, such sum as he may require, in any instance not exceeding twenty-five dollars; for a license to operate aircraft, two dollars; for a passenger carrying permit to licensed pilots, one dollar; for every additional copy of a certificate of registration or license, fifty cents.

Sec. 7. Registrations and licenses may be revoked. The secretary of state may after due hearing, suspend or revoke any certificate of registration or license to operate issued to any person under the provisions of this act for any cause which he may deem sufficient.

Sec. 8. Non-residents may operate in this state 15 days without registration or license, except those carrying passengers for hire. Any non-resident of this state, who has been granted a license to operate an aircraft under the laws of his state within one year, and who is thoroughly qualified, may operate aircraft in this state of a type which his training has qualified him to operate, not exceeding fifteen days in any one year, without complying with the provisions of this act relative to the registration of aircraft and the licensing of pilots for private purposes only. Non-resident commercial pilots and passenger carrying aircraft must be registered before carrying passengers for hire in this state.

Sec. 9. Trick flying prohibited except over established fields or landing

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places. No aircraft over the limits of any town or city of Maine or over any fairground or other public place in, or on which, people are congregated shall be guided or controlled by the pilot in a manner designed to give any demonstration of trick flying or aerial acrobatics, or be given any manipulation of the controls which may tend to divert the aircraft from a normal flight, with every consideration for stability and safety, except above a known, established, recognized field or place of landing; and no aircraft shall fly over any part or section of any city, or of any fairground, or other public place, in, or on which, people are congregated at a height lower than that enabling said aircraft to glide in an emergency at all times to a known established or recognized open or unobstructed place on land or water; nor in flying within the limits of any city shall aircraft fly at a height lower than one thousand feet except at the beginning or end of a flight or flying on or over open water.

Sec. 10. Dropping of material from aircraft prohibited; handbills and circulars may be dropped if authority is obtained. 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.

Sec. 11. Meeting and passing of aircraft; right of way. 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.

Sec. 12. Penalty for violation of provisions of this act. 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.

Sec. 13. P. L., 1921, c. 161; repealed. Chapter one hundred and sixty-one, of the public laws of nineteen hundred and twenty-one, is hereby repealed.

Approved April 6, 1923.