

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
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(8) Any other adverse item of information which antedates the report by more than 7 years.

B. The provisions of paragraph A are not applicable in the case of any consumer credit report to be used in connection with:

(1) A credit transaction involving, or which may reasonably be expected to involve, a principal amount of \$50,000 or more;

(2) The underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of \$50,000 or more except that the provisions of paragraph A, subparagraphs 6 and 7 are not applicable in connection with the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of \$25,000 or more; ~~or~~

(2-A) The underwriting of disability income insurance involving, or which reasonably may be expected to involve, an indemnity for total disability of \$1,000 per month or more; or

(3) The employment of any individual at an annual salary which equals, or which may reasonably be expected to equal, ~~\$25,000~~ \$20,000 or more.

Sec. 13. 10 MRSA § 1323, sub-§ 2, as enacted by PL 1977, c. 514, is repealed and the following enacted in its place:

2. Additional damages. Such amount of additional damages as the court may allow, but not less than \$100 for each violation of this chapter involving negligence, and for each consumer report containing any item of information that was inaccurate or that the consumer reporting agency had reason to believe was not relevant to the purpose for which it was sought and that contributed in whole or in part to the decision to take adverse action against the consumer.

Sec. 14. 10 MRSA § 1326, as enacted by PL 1977, c. 514, is amended to read:

§ 1326. Unauthorized disclosures by officers or employees

Notwithstanding the provisions of Title 17-A, section 4-A, any officer or employee of a consumer reporting agency who knowingly and intentionally provides information concerning an individual from the agency's files to a person not authorized, within the meaning of sections 1313 and 1314 subsection 1, to receive that information shall be fined not more than \$5,000 or imprisoned for not more than one year, or both.

Effective July 6, 1978

CHAPTER 678

AN ACT to Revise Maine's Aeronautics Laws.

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

Sec. 1. 6 MRSA § 1 as amended to read:

§ 1. Title

Chapters 1 to ~~13~~ 17 shall be known and may be cited as the "Maine Aeronautics Act."

Sec. 2. 6 MRSA § 2, 1st sentence is amended to read:

It is declared that the purpose of chapters 1 to ~~13~~ 17 is to further the public interest by:

Sec. 3. 6 MRSA § 3, 1st sentence is amended to read:

As used in chapters 1 to ~~13~~ 17, unless the context otherwise indicates, the following words shall have the following meanings.

Sec. 4. 6 MRSA § 3, sub-§ 3, as amended by PL 1971, c. 404, § 2, is repealed and the following enacted in its place:

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

Sec. 5. 6 MRSA § 3, sub-§ 4 is repealed and the following enacted in its place:

4. Air commerce. "Air commerce" means the carriage by aircraft of persons or property for compensation or hire, when that carriage is a major enterprise for profit and not merely incidental to a person's other business.

Sec. 6. 6 MRSA § 3, sub-§ 7-A is enacted to read:

7-A. Air taxi. "Air taxi" means a person who undertakes, whether directly or indirectly or by lease or other arrangement to engage in air commerce and who possesses an Air Taxi Commercial Operators Certificate issued by the Federal Aviation Administration under 14 Code of Federal Regulations, Part 135.

Sec. 7. 6 MRSA § 3, sub-§§ 10-A, 10-B and 10-C, are enacted to read:

10-A. Antique aircraft. "Antique aircraft" means an aircraft in excess of 30 years of age which is flown only for purposes of demonstration and show.

10-B. Basing aircraft. "Basing aircraft" means storing, parking, tying down or mooring aircraft in Maine for more than 30 consecutive calendar days.

10-C. Bureau of Aeronautics. "Bureau of Aeronautics" means a bureau under the Department of Transportation charged with the responsibility, as determined by the commissioner, of implementing this Title.

Sec. 8. 6 MRSA § 3, sub-§ 18-A, as enacted by PL 1971, c. 404, § 6-A, is repealed and the following enacted in its place:

18-A. Commercial airport. "Commercial airport" means any airport which is open to the public upon which there is conducted an aeronautical business or which accommodates an operation in air commerce.

Sec. 9. 6 MRSA § 3, sub-§§ 18-B to 18-E are enacted to read:

18-B. Commercial seaplane landing area. "Commercial seaplane landing area" means any inland body of water or ice which is used for air commerce and at which there are no facilities for the shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.

18-C. Commissioner. "Commissioner" means the Commissioner of Transportation or his designee.

18-D. Commuter air carrier. "Commuter air carrier" means an air taxi which provides public transportation between at least 2 points in accordance with a published schedule or regularly operated flights.

18-E. Experimental aircraft. "Experimental aircraft" means any aircraft used for noncommercial purposes holding a certificate issued by the Federal Aviation Administration under Federal Air Regulation, Part 21 classifying that aircraft in the experimental aircraft category.

Sec. 10. 6 MRSA § 3, sub-§ 19, as repealed and replaced by PL 1971, c. 593, § 2, is repealed and the following enacted in its place:

19. Director. "Director" means the Director of the Bureau of Aeronautics under the Department of Transportation.

Sec. 11. 6 MRSA § 3, sub-§ 19-A, as enacted by PL 1971 c. 404, § 7, is amended to read:

19-A. Federal air regulations. "Federal air regulations" means the regulations of the ~~Civil Aeronautics Board~~ Federal Aviation Administration issued under the authority of the ~~"Civil Aeronautics Act of 1938,"~~ "Federal Aviation Act of 1958," as amended, or any federal regulations superseding those issued under the authority of ~~that~~ the Act.

Sec. 12. 6 MRSA § 3, sub-§ 20, as last amended by PL 1969, c. 590, § 6, is further amended to read:

20. **Inspector.** "Inspector" means ~~the~~ an inspector of aeronautics ~~hired~~ appointed by the director.

Sec. 13. 6 MRSA § 3, sub-§ 21 is amended to read:

21. **Landing area.** "Landing Area" means any locality, either of land or water, ~~including airports and intermediate landing fields~~ which is used, or intended to be used, for the landing and takeoff of aircraft ~~whether or not facilities are provided for the shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.~~

Sec. 14. 6 MRSA § 3, sub-§ 23-A, as enacted by PL 1971, c. 404, § 9, is repealed and the following enacted in its place:

23-A. **Noncommercial airport.** "Noncommercial airport" means any airport, open to the public, where no fees are incurred to the user.

Sec. 15. 6 MRSA § 3, sub-§ 24 last sentence is amended to read:

Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control, in the capacity of owner, lessee or otherwise, of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of chapters 1 to ~~13~~ 17.

Sec. 16. 6 MRSA § 3, sub-§ 25-A, as enacted by PL 1971, c. 404, § 10, is repealed.

Sec. 17. 6 MRSA § 3, sub-§ 26 is repealed.

Sec. 18. 6 MRSA § 3, sub-§ 27-A, as enacted by PL 1971, c. 404, § 11, is repealed.

Sec. 19. 6 MRSA § 3, sub-§ 28 is repealed.

Sec. 20. 6 MRSA § 3, sub-§ 29-A, is enacted to read:

29-A. **State airways system.** "State airways system" means all air navigation facilities available for public use now existing or hereinafter established, whether natural or man-made, except for those under the jurisdiction of the Federal Government.

Sec. 21. 6 MRSA § 4, as last repealed and replaced by PL 1969, c. 498, § 5, is repealed.

Sec. 22. 6 MRSA § 5, as last repealed and replaced by PL 1969, c. 498, § 6, is repealed.

Sec. 23. 6 MRSA §§ 6 and 7 are repealed.

Sec. 24. 6 MRSA c. 2, 1st and 2nd lines are repealed and the following enacted in their place:

CHAPTER 2

DEPARTMENT OF TRANSPORTATION

Sec. 25. 6 MRSA § 11-A is enacted to read:

§ 11-A. Director, Bureau of Aeronautics

The Commissioner of Transportation shall appoint a Director of the Bureau of Aeronautics to administer the bureau as provided under Title 23, section 4206, subsection 4.

Sec. 26. 6 MRSA § 12, as last amended by PL 1975, c. 771, §§ 93 and 94, is repealed and the following enacted in its place:

§ 12. Duties

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

The director shall supervise and control all state airports and shall administer such rules and regulations concerning the use of the airports as promulgated by the commissioner. The commissioner may lease facilities at state-owned airports on such terms as he may direct.

The director shall have the care and supervision of such aircraft as may be owned by the State for the use of its departments and agencies and shall provide adequate hangar facilities and be responsible for the maintenance, repair, upkeep and operation of that aircraft. The director shall charge these departments and agencies requisitioning aircraft, amounts sufficient to reimburse the bureau of the full operating cost of these aircraft. Aircraft owned by the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Conservation and Department of Public Safety are exempt and excluded from this paragraph.

The director shall exercise general supervision, control and direction on behalf of the State over all matters pertaining to the location, construction and

maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the State Treasury. He may recommend to the commissioner that the State acquire land, easements and rights-of-way for the establishment of air navigation facilities. The land, easements and rights-of-way may be acquired by purchase, grant or condemnation in the manner hereinafter provided by Title 23, section 154 et seq., and property so acquired may be conveyed to a town for use in connection with the establishment of air navigation facilities for such a consideration as the commissioner may determine.

The director shall carry out such other and further duties as the commissioner directs.

Sec. 27. 6 MRSA § 13, as amended by PL 1971, c. 404, § 15, is repealed and the following enacted in its place:

§ 13. Powers

The commissioner shall have the power to hold investigations, inquiries and hearings concerning matters covered by chapters 1 to 17 and the rules, regulations and orders of the commissioner promulgated thereunder. Hearings shall be open to the public and, except as provided in chapter 4, shall be held upon such notice as the commissioner may by regulation provide. The commissioner shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas and order the attendance and testimony of witnesses and the production of papers, books and documents. In case of the failure of any person to comply with any subpoena or order issued under the authority of this section, the commissioner may invoke the aid of any court of this State of general jurisdiction. The court may thereupon order that person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt thereof.

The director shall have, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to 17 or any rule or regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

The commissioner shall have power to conduct studies relating to aeronautical development within the State or any part thereof and may apply for and receive on behalf of the State federal aid in connection with those studies.

The director may employ, subject to the approval of the commissioner and in accordance with the Personnel Law, such personnel as may be deemed necessary to aid him in the fulfillment of his duties to administer, supervise, program, plan, coordinate and enforce all aspects of aviation as outlined in this chapter or imposed upon him.

The commissioner shall have jurisdiction over the state airways system. The expenditure of state funds in the interest of safety on any or all of the facilities of this system serves a useful public purpose and satisfies a public need. The commissioner shall prescribe the terms and conditions of the activities authorized for each facility.

Sec. 28. 6 MRSA § 14, as last amended by PL 1975, c. 745, § 1, is repealed.

Sec. 29. 6 MRSA §§ 15 and 16, as enacted by PL 1969, c. 498, § 8, are repealed.

Sec. 30. 6 MRSA § 17 is enacted to read:

§ 17. Aeronautical functions

The department shall be responsible for performing aeronautical functions including, but not limited to, the following:

1. Development, maintenance and operation. Aid and assist municipalities and other political subdivisions in the development, maintenance and operation of their public airports;

2. Federal aid. Aid and assist municipalities and other political subdivisions with consultant and state engineers in the request for state and federal aid in the development of the capital improvement programs, planning grants, design and construction of airport projects;

3. Enforcement. Enforce all state aviation laws;

4. Inspection. Inspection of all commercial and noncommercial airports open to the public;

5. Safety. Develop and promote aeronautical safety;

6. Promotion. Develop and promote aeronautics and education in aeronautics within the State;

7. Investigation. Investigate all aircraft accidents and incidents within the State;

8. Federal regulations. Maintain a complete file on all federal air regulations;

9. Snow removal. Aid and assist in the repair of, maintenance of and removal of snow from municipal, state and county airports;

10. Air navigation facilities. Aid in development of a system of air navigation facilities;

11. Rules and regulations. Adopt rules and regulations;

12. State airport system plan. Develop a state airport system plan and periodically update;

13. Capital improvement programs. Prepare capital improvement programs and aeronautical budgets;

14. Civil Aeronautics Board proceedings. Monitor and participate in Civil Aeronautics Board proceedings; and

15. Further duties. Carry out such other and further duties as are provided by law.

Sec. 31. 6 MRSA § 18 is enacted to read:

§ 18. Finances

1. State aid. The commissioner may, from amounts appropriated, approve grants to cities, towns or counties separately, or to cities and towns jointly with one another or with counties for an appropriate share of the total cost of any airport development project.

2. State approval. No municipality or other political subdivision in this State, whether acting alone or jointly with another municipality, a political subdivision or with the State, shall submit to the administration any request for federal aid under the Federal Airport and Airway Development Act of 1970, so called, or any amendment thereof, unless the project and the project application have been first approved by the commissioner. This subsection may be waived by the commissioner if no state funds are involved and the project falls within the latest airport master plan for that airport.

3. Federal aid. This State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State are authorized to accept, establish, construct, own, lease, control, equip, improve, maintain and operate airports for the use of aircraft within their respective boundaries, or without those boundaries with the consent of the municipality or other political subdivision where the airport is or is to be located, and may use for the purpose or purposes any land suitable and available therefor.

The State, municipalities and other political subdivisions separately, and municipalities and other political subdivisions jointly with one another or with the State, by and through their duly constituted representatives, are authorized to apply for and accept federal aid to further any purpose related to the development of aeronautics and to do all things necessary or incidental thereto, subject to subsection 2 of this section.

Airports owned and operated by any city, town or county are declared to be governmental agencies and entitled to the same immunities as any agency of the State.

4. Appropriations, bond issues and taxation. The purchase price or award for land acquired for an airport or landing field may be paid for by appropriation of moneys available therefor, or wholly or partly paid for from the proceeds of sale of bonds of the city, town or county as the proper officers of the city, town or county shall determine, subject to the adoption of a proposition therefor, if required by law as a prerequisite to the issuance of bonds of the cities, towns or counties for public purposes generally. Cities, towns and counties are authorized to appropriate or cause to be raised by taxation or otherwise in the cities, towns or counties sums sufficient to carry out chapters 1 to 17.

Sec. 32. 6 MRSA c. 4 is enacted to read:

CHAPTER 4

REGISTRATIONS

§ 51. Airports

1. Commercial airports.

A. The director shall issue registration certificates for airports regularly served by air carriers or commuter air carriers. A fee of \$100 for each registration shall be paid by the owner of the airport. Prior to the issuance of the registration, the airport shall at least meet such minimum standards as are contained in chapter 6. The registration certificate shall be valid until January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

B. The director shall issue registration certificates for commercial general aviation airports whether publicly or privately owned. A fee of \$50 for each registration shall be paid by the owner. Prior to issuance of the registration, the general aviation commercial airport shall at least meet such minimum standards as are contained in chapter 6. The registration certificate shall be valid until January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

C. It shall be unlawful to operate a commercial airport without a valid registration certificate. This certificate shall be plainly visible to the general public.

2. Noncommercial airports.

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

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

3. Heliports; commercial.

A. The director shall issue registration certificates for commercial heliports other than those existing within the limits of a commercial airport under subsection 1. A fee of \$25 for each registration shall be charged and paid by the owner. Prior to the issuance of the registration certificate, the heliport shall at least meet such minimum standards as contained in chapter 6. The registration certificate shall be valid until January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

B. It shall be unlawful to operate a commercial heliport without a valid registration certificate.

4. Heliports; noncommercial.

A. The director shall issue registration certificates for noncommercial heliports other than those existing within the limits of a currently registered airport. A fee of \$5 for each registration shall be charged and paid by the owner. Prior to the issuance of the registration certificate, the heliport shall at least meet such minimum standards as are contained in chapter 6. The registration certificate shall be valid January 1st of the next calendar year unless sooner revoked, suspended or cancelled.

B. It shall be unlawful to operate a noncommercial heliport without a valid registration certificate.

5. Landing areas; temporary.

A. The director shall issue registration certificates for temporary commercial landing areas. The registration certificates shall be for a period not to exceed 10 consecutive calendar days and a fee of \$10 shall be charged for each certificate issued. Prior to the issuance of the registration certificate, the temporary landing area shall at least meet such minimum standards as are contained in chapter 6.

B. It shall be unlawful to operate a temporary commercial landing area without a valid registration certificate.

Registration fees required by this section shall not apply to facilities owned or operated by the United States or the State of Maine.

§ 52. Aircraft registration

1. Registration of aircraft.

- A. All resident aircraft owners basing aircraft in this State, unless exempted, shall register their aircraft with the director.
- B. The director is authorized to issue registration certificates and decals for all civil aircraft based in this State. A state registration certificate shall be valid from the date of issuance through the 30th day of April of the next calendar year. This certificate shall not be transferable except with the prior written approval of the director.
- C. All civil aircraft based in this State shall, upon registration, be issued a current registration certificate and license decal or an aircraft dealer's registration and decal to be displayed on the aircraft at all times in the manner prescribed.
- D. No person shall operate an aircraft in this State without a current license decal or aircraft dealer's registration certificate and decal attached to the aircraft, unless exempt.
- E. All newly purchased aircraft shall be registered in this State within 10 days.
- F. No aircraft shall be registered until the state sales tax and excise tax have been paid or sufficient proof has been shown that the owner is tax exempt.

2. Registration fees.

- A. A fee of \$10 shall be paid to the director for each aircraft registration.
- B. All aircraft registered as experimental or antique aircraft shall be exempt from the excise tax established in Title 36, section 1482.
- C. Nonresidents who own an aircraft which is used for compensation or hire within this State and which is based in Maine shall register the aircraft with the director and pay a fee of \$50 for each registration. An excise tax of 1/12 of the total value shall be charged for each month or fraction thereof that the aircraft remains in the State.

3. Exemptions.

- A. The following are exempt from registration in accordance with subsection 2, paragraph A:
 - (1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including aircraft of the government of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;
 - (2) All certified Civil Aeronautics Board, Part 121, air carrier aircraft operating in this State;

(3) An aircraft owned by a nonresident not for hire which is based in the State for less than 30 consecutive days in any one calendar year, or is registered in another state or foreign country;

(4) An aircraft not registered because it was in storage or was being repaired, provided that the owner has received approval for exemption from the director; and

(5) All aircraft registered in accordance with section 53.

§ 53. Aircraft dealers

1. Application for dealer's registration certificate. All persons engaged in the manufacturing, buying or selling of aircraft shall make application to the director for a dealer's registration certificate.

2. Eligibility. To be eligible for an aircraft dealer registration and renewal thereof, a person or corporation shall qualify and apply under one of the 2 categories set forth in the following paragraphs.

A. A franchise dealer shall be engaged in the business of manufacturing, buying or selling new and used aircraft, and shall maintain in the State a permanent place of business which includes an airport, office, hangar facilities, either owned or leased, and facilities for maintenance and repair of new aircraft and aircraft under warranty, provided that the repair and maintenance facilities are owned and operated by the dealer or contracted for by the dealer at the airport of operation.

B. An aircraft broker shall be engaged in the business of buying and selling only used aircraft and maintain in the State a permanent place of business.

3. Fees; transfer; display. An eligible and qualified aircraft franchise dealer or aircraft broker, upon payment of a \$100 fee shall be issued one registration certificate; the next 5 additional certificates may be issued upon payment of \$50 each; and any additional certificates, if desired, may be issued upon payment of \$25 each. These franchise dealer registrations and aircraft broker registrations may be transferred only to another aircraft in the possession of the dealer when they are placed upon the market for sale. Failure to display the certificates in the window or windshield of any aircraft listed for sale is prima facie evidence of failure to register.

4. Distinction between types of certificates. The director shall clearly distinguish between a franchise dealer registration certificate and an aircraft broker registration certificate.

5. Use of aircraft on market for sale. Aircraft dealers whose principal occupation is the sale of aircraft and who properly register their aircraft under this section, may use the aircraft while placed upon the market for sale as if the aircraft were registered under section 52; including Federal Air Regulation, Part 135, operations. Nothing in this section shall permit aircraft dealers from using aircraft offered for sale for more than 15 months from the date that the aircraft is first offered for sale.

§ 54. Fees

All fees collected under this chapter shall be deposited to the Treasurer of State, and by the Treasurer of State credited to the General Fund.

§ 55. Revocation or suspension

1. Authority to suspend or revoke a registration certificate.

A. The commissioner may suspend or revoke, for such period of time as he determines reasonable, a registration certificate issued by the Bureau of Aeronautics whenever he determines, after notice of an opportunity for a hearing as provided, that the holder has made any false statement in an application for a certificate or any report required by the director, or that any provisions of chapters 1 thru 17 or any regulation promulgated thereunder has been violated.

2. Authority to deny registration.

A. The commissioner may deny a registration certificate or other authorization whenever he determines that the requirements thereof would not be satisfied.

B. Whenever an application for a registration certificate or other authorization is denied, the applicant is entitled to have a hearing before the commissioner or his designee, only if he files a written application for a hearing within 15 days after the receipt of a notice of denial.

§ 56. Hearings, notices, reviews or orders

All hearings, notices, reviews or orders shall comply with the provisions of the Maine Administrative Procedure Act as defined in Title 5, chapter 375.

Sec. 33. 6 MRSA c. 6 is enacted to read:

CHAPTER 6

AIRPORTS

§ 101. Categories

All airports in this State shall be categorized as follows under this section.

1. Commercial airports.

A. Air carrier airports are those airports regularly served by an air carrier airline and which meet Federal Air Regulation, Part 139, or subsequent revisions or amendments.

B. Commuter air carrier airports are those airports regularly served by commuter air carriers, which airports shall also meet such provisions of the federal air regulations, Part 139, as are duly adopted by the commissioner.

C. General Aviation I airports are those airports not regularly served by an air carrier or a commuter air carrier and can be classified as publicly or privately owned and can be further subdivided as:

(1) Land; or

(2) Seaplane.

2. Noncommercial airports.

A. General Aviation II airports are airports which are publicly or privately owned and subdivided into 2 classes:

(1) Land; or

(2) Seaplane.

3. Heliports.

A. A heliport is an area, either at ground level or elevated, that is used for landing and taking off of helicopters. They are further subdivided into 2 categories:

(1) Commercial; or

(2) Noncommercial.

4. Landing area; temporary.

A. A temporary landing area is an area open to the agency for the purpose of conducting aeronautical business for a limited period of time.

§ 102. Minimum airport standards; airport managers; fire equipment and safety

1. Minimum standards.

A. Classification of airports by the commissioner.

(1) All airports shall be classified by the commissioner based on the published operating characteristics and limitations of the aircraft to be accommodated. All airports shall meet the appropriate minimum physical design criteria as set forth in the latest State or Federal Aviation Administration Advisory Circular and Federal Aviation Regulations for the airport's classification.

(2) The commissioner shall establish, maintain and periodically publish the current minimum physical design criteria and the criteria used as this section applies in the classification of "category" airports in the State.

(3) Waivers of any physical requirements may be given by the commissioner if he finds the action to be consistent with safety and public interest.

2. Airport managers.

A. All aircarrier and commuter air carrier airports, as defined under chapter 4, shall designate a person generally available who shall have administrative

responsibility for operation and management of the airport. All general aviation commercial airports, as defined under chapter 6, shall have at least a part-time airport manager.

B. All airport managers shall perform the following duties.

(1) The airport manager, or his authorized representative, shall be available during all hours of operation. A current telephone number shall be on file with the department.

(2) The manager shall file a notice to airmen with the Federal Aviation Administration designating any changes in airport conditions that may effect safety. A "notice to airmen" file shall be maintained at the airport.

(3) The manager shall display the local traffic pattern, airport traffic safety rules, any noise abatement procedures, and any special orders relating to the airport and its operations at a prominent location on the airport.

(4) The manager shall submit a list of federal aviation registration numbers twice yearly to the department in May and November of all aircraft based at his airport.

3. Fire equipment and safety.

A. Aircraft fuel servicing shall be conducted in accordance with accepted standards and requirements established by the National Fire Protection Association.

B. There shall be fire extinguishers of adequate size, type and amounts in locations as recommended by the National Fire Protection Association.

§ 103. Physical description of airports and minimum airport facilities

1. Commercial airports.

A. There shall be adequate toilet facilities approved by the proper authority in the community in which the commercial airport is located, an operation area contained in a building which has an interior floor area measuring no less than 6 feet by 8 feet, and a public telephone.

B. There shall be aviation fuel available and stored in National Fire Protection Association approved facilities.

C. There shall be a wind direction indicator consisting of either a wind sock, a tetrahedron or a wind tee.

D. All paved runways shall be marked in accordance with the latest State or Federal Aviation Administration Advisory Circular.

E. All lighted runways shall be lighted in accordance with the latest State or Federal Aviation Administration Advisory Circular.

2. Commercial airports; seaplanes.

A. A commercial seaplane base shall be deemed to be a commercial airport as defined in section 3, subsection 18-A, except that a commercial seaplane landing area shall not be considered to be a commercial seaplane base. The Commissioner of Transportation shall make rules and regulations pertaining to the use and operation of commercial seaplane landing areas. These rules and regulations shall include provisions concerning the safety of seaplane landing areas, the type of aircraft authorized to use the landing areas and the impact of commercial service on the area.

B. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on that body of water shall also be in conformity with the marine traffic rules and regulations of the authority, if those rules and regulations do not interfere with the safe operation of aircraft.

C. The registration issued to a seaplane base shall apply to the land area from which operations are conducted and to the water area designated for its operations. Where 2 or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane registration.

D. The use of that body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of public waters.

E. No person shall operate a watercraft in any manner as to intentionally obstruct or interfere with the take off, landing or taxiing of any aircraft.

F. All property used for the land operation of the seaplane base, including docks and ramps, shall be owned by the applicant, or the applicant shall show a statement in writing by the owner that he has the right to use and has control of the property for the purpose and time intended.

The applicant shall show that any construction or alteration of shorelines on the land area of the base is in conformity with the regulations of the Department of Environmental Protection, and with municipal building and other pertinent regulations if applicable.

G. There shall be suitable docking facilities for loading and unloading passengers. A power boat shall be available at all times when operations are in progress, also there shall be life preservers available.

H. There shall be situated on the commercial airport proper, adequate toilet facilities approved by the proper authority in the community in which the commercial seaplane base is located, an operations area contained in a building which has an interior floor area measuring no less than 6 feet by 8 feet, and a telephone.

I. There shall be aviation fuel available and stored in National Fire Protection Association approved facilities.

J. There shall be a wind direction indicator consisting of either a wind sock, tetrahedron or wind tee.

3. Noncommercial airports; land; open to the public. Noncommercial airports and land airports open to the public shall meet the following minimum requirements.

A. There shall be a wind direction indicator consisting of either a wind sock, tetrahedron or wind tee located adjacent to the landing area.

B. Airports without paved runways shall have the boundaries of the usable landing area defined with clearly visible markers painted yellow.

4. Heliports; commercial. Commercial heliports shall meet the following minimum requirements.

A. There shall be adequate toilet facilities approved by the proper authority in the community in which the commercial heliport is located, an operation area contained in a building which has an interior floor area measuring no less than 6 feet by 8 feet, and a public telephone available to the public.

B. There shall be aviation fuel available and stored in National Fire Protection Association approved facilities.

C. There shall be a wind direction indicator consisting of either a wind sock, a tetrahedron or a wind tee located adjacent to the landing area.

5. Heliports, noncommercial; open to the public.

A. Noncommercial heliports open to the public shall have a wind direction indicator consisting of either a wind sock, a tetrahedron or a wind tee located adjacent to the landing area.

6. Landing area; temporary; commercial.

Temporary landing area is an area open to the agency for the purpose of conducting aeronautical business for a limited period of time. The agency shall submit to the Department of Transportation, on a form furnished by the commissioner, the necessary information to properly document this area. The physical descriptions and safety requirements for establishing these sites shall be set forth in the permit granted for each temporary landing area.

§ 104. Abandoned airports; removal of identification markings

Any abandoned airport from which markers, wind direction indicators or other aeronautical signs have not been removed is declared to be a public nuisance.

Sec. 34. 6 MRSA c. 8 is enacted to read:

CHAPTER 8

AGRICULTURE

§ 151. Agricultural aviation

It shall be unlawful for any person to operate or authorize the operating of any civil aircraft in aerial pest control operations, spraying or dusting farm crops, forests or other land areas, including dispensing of fertilizer seeding or other form of pesticides or poisons, without a permit from the director.

The director may issue to any licensed pilot, a permit under such regulations as the director may determine, to operate aircraft in pest control operations, including crop dusting, spraying and dispensing of insecticides and poisons. In those operations, the director may waive regulations concerning altitude of flight. The possession of a permit shall not be a defense in any action for damages resulting from aerial crop dusting, spraying or dispensing of insecticides and poisons, and shall not authorize a private pilot to engage in those operations over property other than his own.

It shall be unlawful to conduct agricultural operations inconsistent with Federal Air Regulation, Part 137.

For the purposes of conducting agricultural operations it shall not be unlawful for aircraft to be operated from limited use landing areas, provided the land owners permission has been obtained.

Sec. 35. 6 MRSA c. 9 as amended is repealed.

Sec. 36. 6 MRSA § 201, as last amended by PL 1971, c. 544, § 17, is further amended to read:

§ 201. Arrests

The director and inspectors shall have, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to ~~19~~ 17 or any rule and regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

Sec. 37. 6 MRSA § 202, sub-§ 1 is amended to read:

1. **Identification mark.** For any person to operate or authorize the operation of any civil aircraft which is not possessed of a valid identification mark assigned or approved therefor by the administration ~~or if owned by a resident of the State, is not also possessed of a currently effective airworthiness or experimental certificate and a state registration certificate;~~

Sec. 38. 6 MRSA § 202, sub-§ 2 is amended to read:

2. **Airworthiness certificate.** For any person to operate or authorize the operation of any civil aircraft ~~in air commerce~~ within the State which is not possessed of a currently effective airworthiness certificate ~~and a State registration certificate;~~

Sec. 39. 6 MRSA § 202, sub-§ 3, as amended by PL 1969, c. 498, § 11, is repealed and the following enacted in its place:

3. **Service without certificate; exemptions.** For any person to serve in any capacity as an airman in connection with any civil aircraft without an airman certificate and current medical certificate issued by the administration authorizing him to serve in that capacity;

Sec. 40. 6 MRSA § 202, sub-§ 4, as last amended by PL 1969, c. 498, § 11, is repealed and the following enacted in its place:

4. Landing or take off from public highways. For any person to taxi, take off from or land on any public highways in this State except in the case of emergency or with prior written permission granted by the commissioner;

Sec. 41. 6 MRSA, § 202, sub-§ 5, as last repealed and replaced by PL 1971, c. 404, § 24, is repealed and the following enacted in its place:

5. Operation without certificate.

A. For any person to operate an airport, heliport or temporary landing area within the State without having first been issued and holding a valid state registration certificate as required by the director pursuant to chapter 4; or

B. For any person to operate an aircraft within the State without having first been issued and holding a valid state registration certificate as required by the director pursuant to chapter 4. It shall be prima facie evidence that an aircraft is being operated unlawfully if a current decal is not affixed to the aircraft or an exemption obtained as prescribed in chapter 4.

Sec. 42. 6 MRSA § 202, sub-§ 6, as last repealed and replaced by PL 1971, c. 404, § 24, is repealed.

Sec. 43. 6 MRSA § 202, sub-§ 7, as amended by PL 1969, c. 498, § 11, is further amended to read:

7. Unlawful operation. For any person to operate or authorize the operation of aircraft in violation of any other rule or regulation, or in violation of the terms of any certificate issued under the authority of ~~chapters 1 and 2~~ chapter 4;

Sec. 44. 6 MRSA § 202, sub-§ 8, as last amended by PL 1971, c. 404, § 25, is repealed and the following enacted in its place:

8. Operation from unauthorized areas. For any person to operate or authorize the operation of aircraft in air commerce from any of the public inland waters or ice areas of the State identified by the commissioner as unsafe for that operation;

Sec. 45. 6 MRSA § 203, 1st sentence, is amended to read:

Violation of any provision of chapters 1 to ~~13~~ 17 or rules and regulations made hereunder shall be punishable as follows:

Sec. 46. 6 MRSA § 203, sub-§ 1, as last amended by PL 1971, c. 404, § 28, is further amended to read:

1. Violations of rules or orders. Any person who violates any provisions of chapters 1 to ~~13~~ 17 pertaining to registration, trespass or the air traffic rules, or who violates any provisions of an order, rule or regulation made hereunder, or fails to answer a subpoena or to testify before the director shall be punished by a fine of not more than \$200 or by imprisonment for not more than 3 months, or by both.

Sec. 47. 6 MRSA § 203, sub-§ 2 is amended to read:

2. Fraud and forgery. Any person who fraudulently forges, counterfeits, alters or falsely makes any certificate authorized under chapters 1 to ~~13~~ 17, or any

person who knowingly uses or attempts to use any such fraudulent certificate shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 years, or by both.

Sec. 48. 6 MRSA c. 17 is enacted to read:

CHAPTER 17

SPECIAL PROVISIONS

§ 301. Civil Air Patrol

The commissioner shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol, which patrol shall expend such funds as in its best judgment would most effectively carry out its purpose and objectives.

§ 302. Maine Aeronautical Advisory Board.

1. Board established.

A. There is established the Maine Aeronautical Advisory Board, in this section called "the board," which shall be a board within the Department of Transportation.

2. Membership.

A. The membership of the board shall consist of 5 members; One person from the Maine Airport Association; one person from the Maine Pilot's Association; and 3 persons appointed by the Commissioner of Transportation, one of whom shall not represent an interest in aviation. The members representing the aviation organizations shall be appointed by their respective board of directors and all members shall serve a term of office of 2 years. Vacancies in membership shall be filled in the same manner as the original appointment. The director shall be a member of the board and shall serve as secretary.

3. Meetings.

A. The board shall annually elect a chairman from among its members, and the chairman shall serve a term of one year. The board shall meet at the call of the chairman, or at the call of at least 3 members of the board, and there shall be at least 3 meetings held a year.

B. Members will serve without compensation or expenses.

4. Duties.

A. The board shall advise the department on matters relating to aeronautics and shall submit to the commissioner an annual report which shall include recommendations for change to the aeronautical laws and comments upon the present and future needs of that service. Written reports and comments shall be available to the public.

5. Staff support.

A. The department shall supply reasonable staff support requested by the board.

6. Transition.

A. Of the initial members appointed to the board, 3 shall serve for a term of one year and 2 shall serve for a term of 2 years. After expiration of the initial term of any member of the board, any appointment to the membership shall be for a term of 2 years.

§ 303. Air search procedures

The commissioner may establish agreements with public or private agencies and organizations to assist in air search operations.

Sec. 49. 36 MRSA § 1482, sub-§ 1, ¶ A, as amended by PL 1965, c. 378, is repealed and the following enacted in its place:

A. For the privilege of operating aircraft within the State, each heavier and lighter than air aircraft so operated and owned or controlled by a resident of this State, or a nonresident operating for compensation or hire within this State and required to register under Title 6, shall be subject to such excise tax as follows: A sum equal to 9 mills on each dollar of the maker's average equipped price for the first or current year of model; 7 mills for the 2nd year; 5 mills for the 3rd year; 4 mills for the 4th year; and 3 mills for the 5th and succeeding years. The minimum tax shall be \$10. Nonresidents of this State who operate aircraft within this State for compensation or hire shall pay 1/12 of the total excise tax as required in this subsection for each calendar month or fraction thereof that the aircraft remains in the State.

Sec. 50. 36 MRSA § 1483, sub-§ 4, is amended to read:

4. Dealers or manufacturers. Vehicles owned by bona fide dealers or manufacturers of the vehicles, which vehicles are held solely for demonstration and sale and constitute stock in trade, and aircraft registered in accordance with Title 6, section 53;

Sec. 51. 36 MRSA § 1483, sub-§ 14, is enacted to read:

14. Antique and experimental aircraft. Antique and experimental aircraft as defined in Title 6, section 3, subsection 10-A and subsection 18-E and registered according to the provisions of Title 6.

Effective July 6, 1978

CHAPTER 679

AN ACT to Establish Standard Interest and Penalty Provisions for the Tax Laws.