

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 1
CONSTITUTION

Titles 1 to 10



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
Copyright © 1964
by
State of Maine

This is a historical version of the Maine Revised Statutes that may not reflect the current state of the law. For the most current version, go to:

<http://legislature.maine.gov/legis/statutes/>

CHAPTER 3

AERONAUTICS COMMISSION

Sec.

41. Appointment; terms.
42. Duties.
43. Powers of commission; director and employees.
44. Registration certificates.
45. Orders, notice; hearings; review.

§ 41. Appointment; terms

The Aeronautics Commission, as heretofore established, shall consist of 5 persons who shall be residents of the State and who shall be appointed by the Governor, with the advice and consent of the Council, one to serve for one year, 2 to serve for 2 years and 2 to serve for 3 years. One member of the commission shall be a commercial airport operator, one member shall be regularly employed in the aviation trades and 3 members shall be in no way connected with the aviation industry. After the original appointments each member shall be appointed and serve for a term of 3 years and until his successor is duly appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term and shall serve until their successors are appointed and qualified. The commission shall organize annually by electing from its membership a chairman. Each member of the commission shall receive as compensation for each day actually spent on the work of the commission the sum of \$20 and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

R.S.1954, c. 24, § 4; 1959, c. 120.

§ 42. Duties

The commission shall administer the laws relating to aeronautics and shall make such rules and regulations concerning air traffic, 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 commission 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 commission shall supervise and control all state airports and shall make such rules and regulations concerning the use of the said airports and their facilities as they deem necessary for the efficient management thereof and the development of aviation. The commission, with the consent of the Governor and Council, may lease facilities at state-owned airports on such terms as they direct.

The commission shall have the care and supervision of such planes 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 such planes, and for that purpose the Governor and Council may authorize the advance of working capital from the Unappropriated Surplus of the General Fund. The commission is authorized to charge said departments and agencies requisitioning planes amounts sufficient to reimburse the commission for operating expense of said planes. Planes owned or operated by the Department of Inland Fisheries and Game, the Department of Sea and Shore Fisheries or the Forestry Department are exempt and excluded from this paragraph.

R.S.1954, c. 24, § 5; 1957, c. 229; 1961, c. 347.

§ 43. Powers of commission; director and employees

The commission, any member thereof, the director or any officer or employee of the commission designated by it, shall have the power to hold investigations, inquiries and hearings concerning matters covered by chapters 1 to 13 and the rules, regulations and orders of the commission, and concerning accidents in aeronautics within this State. Hearings shall be open to the public and, except as provided in section 45, shall be held upon such call or notice as the commission shall deem advisable. Each member of the commission, the director and every officer or employee of the commission designated by it to hold any inquiry, investigation or hearing 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 commission or its authorized representative may invoke the aid of any court of this State of general jurisdiction. The

court may thereupon order such 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.

R.S.1954, c. 24, § 14.

§ 44. Registration certificates

The commission is empowered to issue registration certificates for airmen, aircraft, landing areas, manufacturers or dealers and air carriers and establish the requirements for the terms, conditions and limitations of such certificates. A state registration certificate for airmen, aircraft, manufacturers or dealers and air carriers shall not be effective until in actual possession of the applicant and, except for manufacturer or dealer registration, shall always be carried on the person of the operator or occupant, or in some easily accessible place in or about the aircraft. A dealer registration certificate shall be displayed at a permanent place of business and a tag issued under the registration shall be carried in the aircraft. A state registration certificate for airmen, aircraft, manufacturers or dealers and air carriers shall remain in force until the first day of January next following the date of its issue, except that on and after December 25th of each calendar year it shall be lawful to use and display in aircraft, the aircraft and air carrier registration certificate or dealer tag issued for the next succeeding year. Aircraft registrations issued in any calendar year shall be valid for use and display until March 1st of the next calendar year, or until sooner suspended, revoked or cancelled. A state registration certificate of aircraft shall not be transferable.

1. Airmen, riggers. No civil aircraft shall be flown in the State unless such aircraft and its pilot are properly certificated under federal law, nor unless they have a valid certificate of registration. All aircraft pilots and all parachute riggers resident in the State and operating in the State shall register with the commission and pay a fee of \$1. All nonresident aircraft pilots engaged in air commerce within the State shall register with the commission and pay a fee of \$15 for each registration.

2. Aircraft. All aircraft owners resident in the State and operating planes in the State shall register such aircraft with the commission and pay a fee of \$1 for each registration. All nonresident aircraft owners engaged in air commerce within the State

shall register such aircraft with the commission and pay a fee of \$25 for each registration.

A. No aircraft shall be registered under this section until the excise tax or personal property tax has been paid in accordance with Title 36, sections 1482 and 1484.

1959, c. 308, § 4.

3. Airports. Except as may be otherwise provided, the commission is authorized to provide for the licensing of airports including private landing areas and the annual renewal of such licenses. A fee not to exceed \$5 for each original license and not to exceed \$5 for each renewal thereof may be charged. Licenses or renewals shall be issued by the commission, if it is satisfied that the airport conforms to such minimum standards of safety as may be determined by the commission. Licenses and renewals may be issued subject to any reasonable conditions that the commission may deem necessary to effectuate the purposes of this section. Upon determination by the commission that a license shall not be granted for an airport, notice of such determination shall be duly forwarded to the applicant for the license with reasons for such refusal set forth and advising the applicant of an opportunity for hearing. The commission is empowered to revoke any license or renewal, with notice and opportunity for hearing as provided for refusal to issue a license or renewal when it shall reasonably determine that there has been an abandonment of the airport or that there has been a failure to comply with the conditions of the license or renewal or that because of a change of physical or legal conditions or circumstances, the airport has become unsafe or unusable for the aeronautical purposes for which the license or renewal was issued. It shall be unlawful for any municipality, officer or employee, or any person, to operate an airport without an appropriate license for such as may be duly required by rule or regulation issued pursuant to this section. This section shall not apply to airports owned or operated by the United States.

4. Exemptions. This section shall not apply to:

A. An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the Government of the United States, any state, territory or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

B. An aircraft registered under the laws of a foreign country and not engaged in air commerce within the State;

- C.** An aircraft not engaged in air commerce within the State which is owned by a nonresident and registered in another state, or otherwise qualified therein;
- D.** An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;
- E.** An individual piloting an aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the Government of the United States, any state, territory or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;
- F.** An individual piloting any aircraft registered under the laws of a foreign country, and not engaged in air commerce within the State;
- G.** A nonresident not engaged in air commerce and piloting aircraft in this State who is registered in another state, or otherwise qualified therein;
- H.** An individual piloting an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;
- I.** An individual operating model aircraft;
- J.** An individual piloting an aircraft which is equipped with fully functioning dual controls when a properly certificated pilot is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser.

1955, c. 161.

5. Revocation or suspension. The commission is empowered to revoke or suspend a registration certificate issued pursuant to the terms of this section, after notice and opportunity for hearing to the holder thereof, for any one of the following causes:

- A.** Makes any false statement in an application for a certificate or in any report required by the commission;
- B.** Is convicted of a violation of federal law or rules or regulations or the law, rules or regulations of another state which are not inconsistent with the then current federal law or rules or regulations relating to civil aeronautics;
- C.** Is in unsound physical or mental condition, in the case of a pilot;
- D.** Violates any provision of chapters 1 to 13 or any rule or regulation duly issued hereunder.

6. Dealer registration certificates; application; fee. Every manufacturer or dealer in new or used aircraft may, instead of registering each aircraft owned or controlled by him, make application upon a blank provided by the commission for a dealer registration. The commission, if satisfied that the applicant maintains a permanent place of business in the State where said applicant will be principally engaged in the business of manufacturing, buying and selling of aircraft and is satisfied with the other facts stated in the application, shall issue a certificate of registration. Such certificate of registration shall contain the name, place of residence and business of the applicant and the general distinguishing number assigned to him and made in such form as the commission may determine, and all aircraft owned or controlled by such applicant shall be regarded as registered under such general distinguishing number until sold, exchanged or operated for hire. To be eligible for the renewal of such aircraft dealer registration, the applicant must maintain in said State a permanent place of business where said applicant is principally engaged in the business of buying and selling aircraft. The annual fee for every such certificate of registration shall be \$15. The commission shall furnish applicant with 3 dealer aircraft tags free of cost, and upon payment of \$5 per tag additional dealer tags shall be furnished. On application for registration, or for additional tags applied for during the period between the first day of September and the 31st day of December in any year $\frac{1}{2}$ of the registration fee shall be charged. (1957, c. 116, § 2.)

R.S.1954, c. 24, § 13; 1955, c. 161; 1957, c. 116, §§ 1, 2; 1959, c. 308, § 4.

§ 45. Orders, notice; hearings; review

Every order of the commission requiring performance of certain acts or compliance with certain requirements and any denial or revocation of an approval, certificate or license shall set forth the reasons and shall state the acts to be done or requirements to be met before approval by the commission will be given or the approval, license or certificate granted or restored or the order modified or changed. Orders issued by the commission pursuant to chapters 1 to 13 shall be served upon the persons affected either by registered mail or in person. In every case where notice and opportunity for hearing are required under chapters 1 to 13 the order of the commission shall, on not less than 14 days' notice, specify a time when and a place where the person affected may be heard, or the time within which he may request hearing, and such

order shall become effective upon the expiration of the time for exercising such opportunity for hearing, unless a hearing is held or requested within the time provided, in which case the order shall be suspended until the commission shall affirm, disaffirm or modify such order after hearing held or default by the person affected. To the extent practicable, hearings on such orders shall be held in the county where the affected person resides or does business. Any person aggrieved by an order of the commission or by the grant, denial or revocation of any approval, license or certificate may have the action of the commission reviewed by the courts of this State in the manner provided for, and subject to the rules of law applicable to, the review of the orders of other administrative bodies of the State.

R.S.1954, c. 24, § 15.