

# MAINE STATE LEGISLATURE

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## CHAPTER 11

## ENFORCEMENT

Sec.

- 201. Arrests.
- 202. Prohibitions.
- 203. Penalties.

**§ 201. Arrests**

The director and inspectors, when so designated by the commission, 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 13 or any rule and regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

R.S. 1954, c. 24, § 8.

**§ 202. Prohibitions**

It shall be unlawful:

**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;

**2. Airworthiness and registration 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;

**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 issued by the administration authorizing him to serve in such capacity, and if a resident, or a nonresident engaged in air commerce within the State, unless possessed of such certificate issued by the administration and an appropriate State registration certificate. Such State registration certificate shall not be required of a person receiving a demonstration flight or dual flying instruction carried out in accordance with the civil air regulations;

**4. Employment of uncertified persons.** For any person to employ for service in connection with any civil aircraft an airman

who does not have the certificates required by subsection 3 authorizing him to serve in the capacity for which he is employed;

**5. Carrier operation without certificate.** For any person to operate as an air carrier without an air carrier registration certificate;

**6. Designation of landing areas.** For any person to designate any area of land or of the inland waters as a landing area by markings, the display of a wind direction indicator, or otherwise, or operate or permit operation of aircraft on or from any area for compensation or hire, unless such area is registered with the commission. For the purpose of this section, an area used either as the point of departure or as the destination of an aircraft operation, but not as both, shall not be considered a landing area;

**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 to 13;

**8. Operation from unregistered areas.** For any person to operate or authorize the operation of aircraft for compensation or hire from any of the public inland waters or ice areas of the State unless each such area is registered with the commission. Applications for such registration shall contain such details with respect to the areas from which flights are to be made as the commission may from time to time require;

**9. Operation under the influence or recklessly.** For any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics or other habit-forming drug, or to operate an aircraft in the air or on the ground or water, in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics;

**10. Trespass.** For any person to trespass upon the landing area of any licensed airport.

R.S.1954, c. 24, § 16.

**§ 203. Penalties**

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

**1. Violations of rules or orders.** Any person who violates any provisions of chapters 1 to 13 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 commission shall be punished by a fine of not more than \$200 or by imprisonment for not more than 3 months, or by both.

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

**3. Lights, signals and marks.** Any person who displays any false light, signal or air marking, or who moves, defaces, obstructs or otherwise interferes with the use of any airport or airway light or marking, any air navigation facility, or any device or equipment used in connection with air navigation shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 5 years, or by both.

R.S.1954, c. 24, § 16.