

# 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)

SENATE

EDWIN H. GREELEY, WALDO, CHAIRMAN  
CECIL H. McNALLY, HANCOCK  
CARROLL E. MINKOWSKY, ANDROSCOGGIN

ISABEL G. BRADBURY, COMMITTEE ASSISTANT



HOUSE

GEORGE A. CARROLL, LIMERICK, HOUSE CHAIRMAN  
EMILE JACQUES, LEWISTON  
JOHN W. JENSEN, PORTLAND  
KENNETH C. BROWN, MEXIGO  
JAMES P. ELIAS, MADISON  
RICHARD E. MCKEAN, LIMESTONE  
DONALD A. STROUT, CORINTH  
FREDERICK B. LUNT, PRESQUE ISLE  
MARJORIE C. HUTCHINGS, LINCOLNVILLE, SECRETARY  
LLOYD LITTLEFIELD, HERMON

STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON TRANSPORTATION

Representative John L. Martin, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with the directive of the Legislative Council, directing the Committee on Transportation to study the contents of L.D. 1154 and the need for revision of Maine aeronautics law, we enclosed herein the final report of the Committee.

Respectfully submitted,

A handwritten signature in cursive script, reading "Edwin H. Greeley".

Edwin H. Greeley  
Senate Chairman

A handwritten signature in cursive script, reading "George A. Carroll".  
George A. Carroll  
House Chairman

enclosure  
TP/sym



REPORT OF THE COMMITTEE  
ON TRANSPORTATION  
ON ITS STUDY OF  
THE AERONAUTICS LAW OF MAINE  
AND THE NEED FOR REVISION OF THE LAW

Senate

Edwin H. Greeley  
Cecil H. McNally  
Carroll E. Minkowsky

House

George A. Carroll  
Emile Jacques  
John W. Jensen  
Kenneth C. Brown  
James P. Elias  
Richard E. McKean  
Donald A. Strout  
Frederick B. Lunt  
Majorie C. Hutchings  
Lloyd Littlefield

Edward W. Potter  
Legislative Assistant

January 20, 1978



## INTRODUCTION

The Joint Standing Committee on Transportation, pursuant to Study Order H.P. 1774, has undertaken a study of Maine's aeronautics law and proposes revisions of the law. According to the study order, the Committee on Transportation was directed to "undertake an evaluation of L.D. 1154, 'AN ACT to Clarify and Correct Laws Relating to Aeronautics' as a means of conducting a thorough study of Maine's aeronautics laws, and that the Committee determine upon a modernization and revision of those laws...."

The Committee on Transportation conducted a public hearing pertaining to the revision of Maine's aeronautics laws. In addition, the Committee studied the composition of the aeronautics industry and the effects of revision of the State's aeronautics law upon the industry and the general public.

### I. Findings and Recommendations of the Committee

#### A. Findings

1. Roughly 50 percent of the Aircraft "housed" in Maine operate without a State registration. In addition, the owners of unregistered aircraft operating in Maine fail to pay the aircraft excise tax that is collected by the municipality wherein the aircraft is "housed".
2. The existing aeronautics law emphasizes the distinction between public and private airports. The most practical distinction is between commercial and non-commercial airports. Several public airports such as Portland Jetport, Bangor International Airport, and Augusta State Airport are public airports, but more important, they are commercial airports.
3. Maine's airport standards are established by Department of Transportation regulations. Some of the standards by which some airports operate are out-of-date or inadequate to ensure the safety and welfare of the general public. In addition, there are no State standards for some types of airports as heliports and commercial seaplane bases.
4. As a result of the growth and development of the aeronautics industry, there is a need to revise some of the provisions pertaining to the powers and duties of the Commissioner of Transportation and the Director of the Bureau of Aeronautics. In particular, some of the powers and duties presently exercised by the Commissioner could be exercised by the Director of the Bureau of Aeronautics which would permit the Commissioner of Transportation to devote more attention to aeronautics policy and the role of air transportation in the state's transportation system.

5. The present excise tax levied on aircraft may encourage Maine residents to register aircraft in neighboring states where the rate of tax is lower. Further study of the aircraft tax is required, and in particular, it is necessary to compare the aircraft tax rates in all the New England states.
6. Enforcement provisions in the present law are vague. Despite revision of some of these provisions, it may be very difficult for the State to enforce aeronautics laws. Many provisions regulating the aeronautics industry are embodied in federal statutes. Federal aeronautics law enforcement, however, is not very strict.

B. Recommendations

1. Aircraft "housed" in Maine should be required to visibly display an identifying insignia that indicates that the aircraft is properly registered in the State.
2. Airport standards, including heliports should be designed to meet minimum federal airport guidelines and regulations on a continuous basis. As federal guidelines and regulations change, Maine's airport standards should automatically change to meet the federal standards.
3. Provisions should be made to allow the Commissioner of Transportation to waive some airport standards or regulatory provisions for airports that are essential to the area in which they are located or to the aeronautics industry. For example, airports located on some of Maine's coastal islands are essential to the welfare of the inhabitants of the islands. Some of the islands' airports, however, would not meet federal minimum guidelines and regulations. Nevertheless, certain types of aircraft can safely utilize these airports.
4. The enforcement provisions of Maine's aeronautics laws need to be revised to be made more effective. In some cases, the provisions need to be more specific.
5. Provisions are required in Maine's aeronautics law to protect the public from fire. Provisions for specific fire prevention equipment such as fire extinguishers and static lines will significantly improve fire fighting capability. Federal aeronautics laws and regulations do not contain provisions requiring these particular types of equipment.

6. An area that the present law does not address is search and rescue procedures. A provision that will create an orderly procedure during emergency situations will significantly improve search and rescue efforts in the State.
7. Further study of aircraft excise taxes in New England is recommended in order to evaluate the effect of Maine's aircraft excise tax upon the registration of aircraft "housed" in Maine.

## II. Background

### A. Registration and Taxation of Aircraft in Maine

According to the data of the Maine Department of Transportation, there are 200 airports in Maine of which 66 are commercial and 134 are non-commercial airports. In addition, there are 1072 aircraft based in Maine.

In 1975, 60 percent or 646 aircraft of the total number of aircraft were registered with the Maine Department of Transportation. Data indicates that in 1977, 50 percent of the total number of aircraft in Maine are registered with the State. As a result, not only is a large percentage of Maine aircraft operating illegally, a number of municipalities are losing tax revenues.

In order to register an aircraft, the owner must pay an excise tax to the municipality in which the aircraft is "housed". Evidence of payment of the excise tax is required prior to the issuance of a registration certificate.

Aircraft registration and excise tax revenues are a very small portion of local and state revenues. In 1975 the State received \$325 in revenues from airport registration fees and \$3,230 in aircraft registration fees, and Maine municipalities received roughly \$43,500 in aircraft excise tax revenues. Potential excise tax revenues could exceed \$75,000 per annum.

In many municipalities, tax assessors and tax collectors are not knowledgeable of the value of aircraft. Many aircraft therefore are taxed at an unreasonably low value. According to records of the Bureau of Aeronautics, the average tax per plane is \$67.31. This figure is derived from the total excise taxes collected divided by the total number of registered aircraft.

### B. Airport Standards

The purpose of airport standards is to promote the safety and welfare of the general public. In addition, standards provide a basis by which airports are classified for operation and by which registrations are revoked and suspended.



There are no statutory standards for the operation and construction of airports in Maine. The Department of Transportation has developed standards for commercial airports and landing width and slope standards for non-commercial airports. Non-commercial airport standards, however, are inadequate. The only existing regulations require a landing width that extends 25 feet from either wing of the aircraft and a 20:1 glide slope approach.

Department regulations do not contain any standards for commercial or non-commercial heliports or for commercial seaplane bases. The only restriction pertaining to these types of airports is the requirement that the Commissioner of Transportation approve any airport facility.

#### C. Duties of the Department

Present aeronautics law provides the Commissioner of Transportation with the responsibility of administering the state's aeronautics law, supervising and caring for state aircraft, determining and approving the construction and location of air navigation facilities, developing an air navigation system, promoting aeronautics education in Maine and a number of other duties. The Commissioner of Transportation therefore is given total responsibility for the development and regulation of the aeronautics industry in Maine.

The growth and development of the aeronautics industry requires a different approach to the administration and regulation of the industry. A Bureau of Aeronautics, concerned with the day-to-day operation of the industry, would not only provide the industry with greater departmental attention and assistance, it would also relieve the Commissioner of Transportation of a number of duties to concentrate upon the role of aeronautics in the transportation system in Maine.

#### D. Enforcement of Aeronautics laws and Regulations

Enforcement provisions in present law are vague. Despite any revisions, the Department may not be able to better enforce the aeronautic laws than it can at the present time. Enforcement of aeronautics laws and regulations is primarily the responsibility of the federal government. Federal aeronautics law enforcement, however, is not very strict.

Present enforcement laws provide the Director of the Bureau of Aeronautics and the inspectors with the same enforcement authority possessed by policemen and constables. The director and the inspectors are charged to enforce all state aeronautic laws.

Some of the provisions that the Bureau is charged to enforce include:

1. prohibiting the employment of uncertified airmen
2. prohibiting the operation of uncertified airports and aircraft
3. prohibiting the reckless operation of aircraft.

While these laws are aimed toward the operation of safe aircraft, they do not necessarily regulate the safe operation of aircraft except to prohibit reckless operation. For example, there are no provisions to prohibit aircraft from using public roads and ways. There have been several instances when aircraft in Maine have used public roads and ways in non-emergency situations, but the operator could not be punished because the action is not prohibited by law.

Another problem is altitude of flight which is regulated by federal law. On several occasions, the Bureau of Aeronautics has been notified of low-flying aircraft in violation of federal law. Since the act is not prohibited by state law, the Bureau of Aeronautics cannot enforce the law. By the time federal officials are notified, a long period of time has passed and the offender cannot be apprehended.

### III. Conclusion

The growth of the aeronautics industry in Maine requires a revision of Maine's aeronautics law to meet the needs and to foster the growth of the aeronautics industry. In addition, the revision will provide for the more effective regulation of rapidly developing industry. In order to achieve this objective the Committee proposes to:

1. require that aircraft bear a visible registration insignia to readily identify aircraft that are operating illegally.
2. increase airport registration fees to help reduce the expenditure of state monies for additional services provided by the State to airports. Bangor International Airport, Portland Jetport, and the Augusta State Airport require many additional services as a result of their growth and development. Registration fees, however, are not dedicated funds, and these revenues are deposited in the General Fund.

The Committee bill proposes to increase airport registration revenues by 923 percent. Of the total increase in revenues, 78 percent would be derived from non-commercial airports which are not presently subject to a registration fee, and 22 percent would be derived from commercial airports. Commercial airport registration fees would be increased from \$5 to \$50 or \$100 depending upon the type of aircraft utilizing the airports.

3. Increase aircraft registration fees

Aircraft registration fees are raised from \$5 to \$10 which, in addition to increased registration of aircraft

will increase registration revenues 232 percent. The purpose of the increase in registration revenues is to more accurately reflect the services that aircraft owners receive from the State.

4. Increase the effectiveness of the enforcement provisions of the aeronautics law

The bill provides the Bureau of Aeronautics with enforcement authority which will enable the State to enforce the aeronautics law on a continuous basis. In addition, some of the provisions concerning unlawful acts are more specific. For example, the committee proposes to prohibit aircraft from using public roads and ways. There have been several instances when aircraft in Maine have used public roads and ways in non-emergency situations, but the operator could not be punished because the action is not prohibited by law. In addition to current powers and duties, the Commissioner of Transportation is empowered to:

- a. provide consultant and state engineers to political subdivisions which request aid in the development of capital improvement programs, etc.
- b. inspect all commercial and non-commercial airports
- c. investigate all aircraft accidents
- d. maintain a file on all federal air regulations
- e. develop a state airport system plan
- f. prepare capital improvements programs and aeronautical budgets
- g. monitor and participate in Civil Aeronautics Board meetings.

The revisions in the powers and duties of the Department of Transportation (DOT) are not substantive. In many cases, the Bureau of Aeronautics or the DOT exercised these duties under the general authority granted the director which states, "The director shall administer the laws relating to aeronautics....as may be necessary to promote public safety and the best interests of aviation in the State."

5. Utilize federal aeronautics regulations and guidelines as minimum standards for Maine airports.

By means of minimum airport standards for Maine which are based upon federal standards, the public safety and welfare will be further protected. In addition, Maine airports will be eligible for federal funds which are available only to airports that meet federal standards.

LEGISLATION PROPOSED BY THE MAJORITY OF THE  
COMMITTEE ON TRANSPORTATION

STATE OF MAINE  
108th LEGISLATURE  
SECOND REGULAR SESSION

---

**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 is amended to read:**

**§ 1. Title**

Chapters 1 to ~~13~~ 16 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~~ 16 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~~ 16, 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, where such 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 is enacted to read:

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

Sec.8. 6 MRSA § 3, sub-§ 10- B is enacted to read:

10-B. 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. 9. 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.10. 6 MRSA § 3, sub-§ 18-B is enacted to read:

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

Sec.11. 6 MRSA § 3, sub-§ 18-C is enacted to read:

18-C. 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.

Sec.12. 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. 13. 6 MRSA §3, sub-§19-A is enacted to read:

19-A. Experimental Aircraft. Experimental aircraft means any aircraft used for non commercial purposes holding a certificate issued by the Federal Aviation Administration under FAR Part 21 classifying that aircraft in the experimental aircraft category.

Sec.14. 6 MRSA § 3, sub-§ 19-B, as enacted by PL 1971. c. 404, § 7, is amended to read:

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

Sec. 15. 6 MRSA § 3, sub-§ 20, as last amended by PL 1969, c. 590, § 6, is amended to read:

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

Sec. 16. 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. 17. 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. 18. 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 ~~15~~ 16.

Sec. 19. 6 MRSA § 3, sub-§ 25-A, as enacted by PL 1971, c. 404, § 10, is repealed.

Sec. 20. 6 MRSA § 3, sub-§ 26 is repealed.

Sec. 21. 6 MRSA § 3, sub-§ 27-A, as enacted by PL 1971, c. 404, § 11, is repealed.

Sec. 22. 6 MRSA § 3, sub-§ 28, is repealed.

Sec. 23. 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. 24. 6 MRSA § 4, as last repealed and replaced by PL 1969, c. 498, § 5, is repealed.

Sec. 25. 6 MRSA § 5, as last repealed and replaced by PL 1969, c. 498, § 6, is repealed.

Sec. 26. 6 MRSA §§ 6 and 7 are repealed.

Sec. 27. 6 MRSA c. 2, 1st and 2nd lines are repealed and the following enacted in their place:

## CHAPTER 2

### DEPARTMENT OF TRANSPORTATION

Sec. 28. 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. 29. 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 such aircraft. The director shall charge these departments and agencies requisitioning aircraft, amounts sufficient to reimburse the bureau for 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 the 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. Such 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.

Sec. 30. 6 MRSA § 12, as last amended by PL 1975, c. 771, §§ 93 and 94, is further amended by adding at the end a new paragraph to read:

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

Sec. 31. 6 MRSA § 13, as last 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 16 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 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.

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 16 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 such studies.

The director may employ, subject to the approval of the commissioner and in accordance with the personnel laws, 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 such facility.

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

Sec. 32. 6 MRSA §§ 15 and 16, as enacted by PL 1969, c. 498, § 8, are repealed.

Sec. 33. 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. 34. 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 such boundaries with the consent of the municipality or other political subdivision where the airport is or is to be located, and may use for such 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 such 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 such cities, towns or counties sums sufficient to carry out chapters 1 to 16.

Sec. 35. 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 such 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 such 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 must 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 noncommercial 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. 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 to 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.

B. 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.

C. 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.

D. All newly purchased aircraft shall be registered in this State within 10 days.

E. 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. All aircraft owners resident in this State and operating aircraft in this State shall, unless hereinafter exempted, register such aircraft with the director and pay a fee of \$10 for each registration.

B. All aircraft registered as experimental or antique aircraft shall be exempt from the excise tax established in 36 MRSA §1482.

C. Nonresidents operating an aircraft for compensation or hire within this State shall register such aircraft with the director and pay a fee of \$50 for each registration. An excise tax based on 1/12 of the full value shall be charged for each full 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, who bases the aircraft for less than 30 consecutive days in any one calendar year, provided the aircraft is registered in a sister state or foreign country;

(4) An aircraft not registered because it was in storage or was being repaired; and

(5) Dealers who register 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 16 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 Administrative Procedure Act as defined in 5 MRSA Chapter 375.

Sec. 36. 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 Federal Air Regulation Part 139, or any subsequent revisions or amendments. The commissioner reserves the right to waive any requirement of Federal Air Regulation Part 139.

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 Advisory Circulars 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 such action to be consistent with safety and public interest.

### 2. AIRPORT MANAGERS

A. All aircarrier and commuter aircarrier airports as defined under chapter 4 shall have a full-time airport manager. 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 mean any seaplane base, whether privately or publicly owned, at which any kind of commercial aviation service is available to the public or the public use of which, for aeronautical purposes, is invited, permitted or tolerated by the operator or the person having right of access. A commercial seaplane base shall be granted a registration when it is shown that it has met the requirements herein.

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 such body of water shall also be in conformity with the marine traffic rules and regulations of such authority, if such 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 separate seaplane registration.

D. The use of such 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.

§ 10 4 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. 37. 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 such 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 such 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. 38. 6 MRSA c. 9 as amended is repealed.

Sec. 39. 6 MRSA § 201, 1st sentence, as last amended by PL 1971 c. 544.

§ 17, is further amended to read:

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 provisions of chapter 1 to ~~43~~ 16 or any rule and regulation promulgated thereunder as sheriffs, policemen and constables have in their respective jurisdictions.

Sec.40. 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.41. 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.42. 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 such capacity;

Sec.43. 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 highway in this State except in the case of emergency or with prior written permission granted by the commissioner:

Sec. 44. 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.

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. 45. 6 MRSA § 202, sub-§ 6, as last repealed and replaced by PL 1971, c. 404, § 24, is repealed.

Sec. 46. 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. 47. 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 such operation;

Sec. 48. 6 MRSA § 203, 1st sentence, is amended to read:

Violation of any provision of chapters 1 to 16 or rules and regulations made hereunder shall be punishable as follows:

Sec. 49. 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 16 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. 50. 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 16, 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. 51. 6 MRSA c. 16 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 in its best judgment would most effectively carry out its purposes 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 shall have the authority to direct and implement air search procedures to locate lost or down aircraft in Maine. The Commissioner may establish agreements with public or private agencies and organizations to assist in air search operations.

Statement of Fact

The purpose of this bill is to revise Maine's aeronautic law to more effectively enforce the law, to provide the Director of the Bureau of Aeronautics with statutory authority to implement the law, and to insure greater public safety with respect to air travel in Maine.

This bill proposes to:

1. raise aircraft and airport registration fees,
2. establish minimum airport standards that meet minimum federal guidelines and aviation standards,
3. provide the Director of the Bureau of Aeronautics with statutory authority to implement and enforce the law,
4. strengthen the provisions concerning the equipment to be available for combatting fire at airports,
5. give the Commissioner of Transportation the authority to direct air search operations.