CHAPTER 1

GENERAL PROVISIONS

§1. Title

Chapters 1 to 17 shall be known and may be cited as the "Maine Aeronautics Act". [PL 1977, c. 678, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 678, §1 (AMD).

§2. Purpose

It is declared that the purpose of chapters 1 to 17 is to further the public interest by: [PL 1977, c. 678, §2 (AMD).]

1. Revision. The revision of existing statutes relative to aviation in order to centralize all aeronautical activities in a single state agency authorized to participate in any activity essential to progress in aeronautics;

2. Funds.
[PL 1969, c. 498, §1 (RP).]

3. Uniformity. Effecting a uniformity in the regulations pertaining to aeronautical activities by authorizing the adoption of uniform regulations consistent with federal regulations and making noncompliance with federal regulations a violation of the State law, thereby enabling the law enforcement agencies of the State to enforce the laws regulating aeronautical activities;
[PL 1971, c. 404, §1 (AMD).]

4. Safety. Providing for the protection and promotion of the public interest and safety in connection with aeronautical activities.
[PL 1971, c. 404, §1 (AMD).]

SECTION HISTORY

PL 1969, c. 498, §1 (AMD). PL 1971, c. 404, §1 (AMD). PL 1977, c. 678, §2 (AMD).

§3. Definitions

As used in this chapter and chapters 2 to 17, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 541, Pt. A, §42 (AMD).]

1. Administration. "Administration" means the Federal Aviation Administration of the United States, or any federal agency succeeding the Federal Aviation Administration.
[PL 1971, c. 404, §2 (AMD).]

2. Aeronautics. "Aeronautics" means the act, practice of, or instruction in the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports and air navigation facilities.
[PL 1971, c. 404, §2 (AMD).]

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 under Federal Air Regulations.
[PL 1999, c. 131, §1 (AMD).]

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.
[PL 1977, c. 678, §5 (RPR).]

5. Aircraft. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

5-A. Aircraft dealer. "Aircraft dealer" means any person engaged in the sale or purchase or manufacture of new or used aircraft.
[PL 1971, c. 404, §3 (AMD).]

6. Airman. "Airman" means any individual who engages, as the person in command or as pilot, mechanic or member of the flight crew, in the navigation of aircraft while under way; and any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or appliances.
[PL 1971, c. 404, §4 (AMD).]

7. Air navigation facility. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.
[PL 1971, c. 404, §4 (AMD).]

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.
[PL 1977, c. 678, §6 (NEW).]

8. Airport. "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
[PL 1971, c. 404, §5 (AMD).]

9. Airport hazard. "Airport hazard" means any structure, or vegetation, including trees, which obstructs the aerial approaches of a public airport.
[PL 1971, c. 404, §5 (AMD).]

10. Air transportation. "Air transportation" means the transportation of persons, property or mail by aircraft.

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.
[PL 1977, c. 678, §7 (NEW).]

10-B. Basing aircraft. "Basing aircraft" means storing, parking, tying down or mooring aircraft in Maine for more than 30 consecutive calendar days.
[PL 1977, c. 678, §7 (NEW).]

10-C. Bureau of Aeronautics.
[PL 1995, c. 504, Pt. B, §1 (RP).]

11. Certificate, airworthiness. "Certificate, airworthiness" is a document issued by the administration to the registered owner of an aircraft, certifying that the aircraft is airworthy when operated and maintained in accordance with the terms of said certificate.

12. Certificate, experimental. "Certificate, experimental" is a document issued by the administration to the registered owner of an aircraft, certifying that the aircraft is an experimental aircraft and specifying such operation limitations as are deemed necessary by the administration.

13. Certificate of competency. "Certificate of competency" is a document issued by the administration to airmen specifying the kind of aeronautical activity for which they are deemed competent.

14. Certificate, registration (federal). "Certificate, registration (federal)" is a document, together with an identification mark, issued by the administration to the owner of an aircraft for purposes of identifying the aircraft and determining its nationality.

15. Certificate, registration (State). "Certificate, registration (State)" is a document issued by the commissioner for aircraft, landing areas and air carriers, specifying the aeronautical activities in which the holder thereof may engage.
[PL 1969, c. 498, §2 (AMD); PL 1995, c. 504, Pt. B, §10 (AMD).]

16. Civil aircraft. "Civil aircraft" means any aircraft other than a public aircraft.

17. Civil air regulations.
[PL 1971, c. 404, §6 (RP).]

18. Department. "Department" means the Department of Transportation.
[PL 1971, c. 593, §1 (RPR).]

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.
[PL 1977, c. 678, §8 (RPR).]

18-B. Commercial seaplane landing area.
[PL 1999, c. 131, §2 (RP).]

18-C. Commissioner. "Commissioner" means the Commissioner of Transportation or his designee.
[PL 1977, c. 678, §9 (NEW).]

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.
[PL 1977, c. 678, §9 (NEW).]

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.
[PL 1977, c. 678, §9 (NEW).]

18-F. Commercial activity. "Commercial activity" means an aeronautical business or an operation in air commerce.
[PL 1999, c. 131, §3 (NEW).]

18-G. FAA. "FAA" means the Federal Aviation Administration.
[PL 1999, c. 131, §3 (NEW).]

19. Director.
[PL 1995, c. 504, Pt. B, §2 (RP).]

19-A. Federal air regulations. "Federal air regulations" means the regulations of the Federal Aviation Administration issued under the authority of the "Federal Aviation Act of 1958," as amended, or any federal regulations superseding those issued under the authority of the Act.
[PL 1977, c. 678, §11 (AMD).]

19-B. Heliport. "Heliport" means a place set aside for the landing and take off of helicopters.
[PL 1971, c. 404, §7 (NEW).]

20. Inspector. "Inspector" means an inspector of aeronautics appointed by the commissioner.
[PL 1977, c. 678, §12 (AMD); PL 1995, c. 504, Pt. B, §10 (AMD).]

21. Landing area. "Landing area" means any locality, either of land or water, which is used, or intended to be used, for the landing and takeoff of aircraft.
[PL 1977, c. 678, §13 (AMD).]

22. Navigable air space. "Navigable air space" means air space above the minimum altitudes of flight prescribed by the federal air regulations.
[PL 1971, c. 404, §8 (AMD).]

23. Navigation of aircraft. "Navigation of aircraft" or "navigate aircraft" includes the piloting of aircraft.

23-A. Noncommercial airport. "Noncommercial airport" means any airport, open to the public, where no fees are incurred to the user.
[PL 1977, c. 678, §14 (RPR).]

24. Operation of aircraft. "Operation of aircraft" or "operate aircraft" means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. 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 17.
[PL 1977, c. 678, §15 (AMD).]

25. Person. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

25-A. Private airport.
[PL 1977, c. 678, §16 (RP).]

25-B. Private airport. "Private airport" means an airport that is not open to the public.
[PL 1999, c. 131, §4 (NEW).]

25-C. Primary airport. "Primary airport" means an airport that has at least 10,000 passenger boardings per year.
[PL 2011, c. 351, §1 (NEW).]

26. Private landing area.
[PL 1977, c. 678, §17 (RP).]

27. Public aircraft. "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory or possession of the United States or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

27-A. Public airport.
[PL 1977, c. 678, §18 (RP).]

28. Public landing area.
[PL 1977, c. 678, §19 (RP).]

29. Resident. "Resident" means a person who has resided and made his home not less than 6 months next prior to his application for registration continuously within the State.

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.
[PL 1977, c. 678, §20 (NEW).]

30. Structure. "Structure" means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.

31. Utility airport. "Utility airport" means an airport that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
[PL 1999, c. 131, §5 (NEW).]

SECTION HISTORY

PL 1969, c. 498, §§2-4 (AMD). PL 1969, c. 590, §6 (AMD). PL 1971, c. 404, §§2-11 (AMD). PL 1971, c. 593, §§1,2 (AMD). PL 1977, c. 678, §§3-20 (AMD). PL 1979, c. 541, §§A42,A43 (AMD). PL 1995, c. 504, §§B1,2,10 (AMD). PL 1999, c. 131, §§1-5 (AMD). PL 2011, c. 351, §1 (AMD).

§4. State airways system

(REPEALED)

SECTION HISTORY

PL 1969, c. 498, §5 (RPR). PL 1977, c. 678, §21 (RP).

§5. Crop dusting

(REPEALED)

SECTION HISTORY

PL 1969, c. 498, §6 (RPR). PL 1977, c. 678, §22 (RP).

§6. Abandoned airports; removal of identification markings

(REPEALED)

SECTION HISTORY

PL 1977, c. 678, §23 (RP).

§7. Airport hazards not in public interest

(REPEALED)

SECTION HISTORY

PL 1977, c. 678, §23 (RP).

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