

CHAPTER 2

DEPARTMENT OF TRANSPORTATION

§11. Department; director; appointment, tenure, salary

(REPEALED)

SECTION HISTORY

PL 1969, c. 498, §8 (NEW). PL 1971, c. 404, §12 (AMD). PL 1971, c. 531, §4 (AMD). PL 1971, c. 593, §3 (RP).

§11-A. Director, Bureau of Aeronautics

(REPEALED)

SECTION HISTORY

PL 1977, c. 678, §25 (NEW). PL 1995, c. 504, §B3 (RP).

§12. Duties

The commissioner shall administer the laws relating to aeronautics and adopt and administer such rules concerning aeronautical activities 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 commissioner 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. [PL 1999, c. 131, §6 (AMD).]

The commissioner shall supervise and control all state airports and shall adopt and administer such rules concerning the use of the airports as considered necessary. The commissioner may lease facilities at state-owned airports on such terms as the commissioner may direct. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 1999, c. 131, §6 (AMD).]

The commissioner has the care and supervision of such aircraft as may be owned by the State for the use of its departments and agencies and shall provide adequate hangar facilities and be responsible for the maintenance, repair, upkeep and operation of that aircraft. The commissioner shall charge these departments and agencies requisitioning aircraft amounts sufficient to reimburse the department of the full operating cost of these aircraft. All fees collected must be credited to the General Fund. Aircraft owned by the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Agriculture, Conservation and Forestry and the Department of Public Safety are exempt and excluded from this paragraph. [PL 1999, c. 131, §6 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

The commissioner 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 built or maintained, either in whole or in part, with money appropriated from the State Treasury. The commissioner may acquire land, easements and rights-of-way for the establishment of air navigation facilities. The land, easements and rights-of-way may be acquired by purchase, grant or condemnation in the manner hereinafter provided by Title 23, sections 154 to 161, 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. [PL 1999, c. 131, §6 (AMD).]

SECTION HISTORY

PL 1969, c. 498, §8 (NEW). PL 1971, c. 404, §§13,14 (AMD). PL 1973, c. 460, §18 (AMD). PL 1973, c. 513, §22 (AMD). PL 1975, c. 771, §§93,94 (AMD). PL 1977, c. 678, §26 (RPR). PL 1981, c. 456, §A22 (AMD). PL 1995, c. 504, §§B4,10 (AMD). PL 1999, c. 131, §6 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§13. Powers

The commissioner has the power to hold investigations, inquiries and hearings concerning matters covered by chapters 1 to 17 and the rules and orders adopted under chapters 1 to 17. Hearings are open to the public and must be held upon such notice as the commissioner may by rule provide. The commissioner has 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. All hearings, notices, reviews and orders must comply with the Maine Administrative Procedure Act. 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 order that person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt of the order. [PL 2013, c. 36, §2 (AMD).]

The commissioner has, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to 17 or any rule or regulation promulgated or adopted under those chapters as sheriffs, police officers and constables have in their respective jurisdictions. [RR 2023, c. 1, Pt. C, §31 (COR).]

The commissioner shall have power to conduct studies relating to aeronautical development within the State or any part thereof and may apply for and receive on behalf of the State federal aid in connection with those studies. [PL 1977, c. 678, §27 (RPR).]

The commissioner may employ, subject to the Civil Service Law, personnel that the commissioner considers necessary to carry out the duties outlined in this chapter or imposed upon the commissioner with respect to aviation. [PL 1995, c. 504, Pt. B, §5 (RPR); PL 1995, c. 504, Pt. B, §10 (AFF).]

The commissioner shall have jurisdiction over the state airways system. The expenditure of state funds in the interest of safety on any or all of the facilities of this system serves a useful public purpose and satisfies a public need. The commissioner shall prescribe the terms and conditions of the activities authorized for each facility. [PL 1977, c. 678, §27 (RPR).]

SECTION HISTORY

PL 1969, c. 498, §8 (NEW). PL 1971, c. 404, §15 (AMD). PL 1977, c. 678, §27 (RPR). PL 1979, c. 127, §41 (AMD). PL 1985, c. 785, §B41 (AMD). PL 1995, c. 504, §§B5,10 (AMD). PL 1999, c. 131, §7 (AMD). PL 2013, c. 36, §2 (AMD). RR 2023, c. 1, Pt. C, §31 (COR).

§14. Registration certificates

(REPEALED)

SECTION HISTORY

PL 1969, c. 498, §8 (NEW). PL 1971, c. 404, §§16-21 (AMD). PL 1971, c. 593, §23 (AMD). PL 1975, c. 745, §1 (AMD). PL 1977, c. 678, §28 (RP).

§15. Orders; notices; hearings; review

(REPEALED)

SECTION HISTORY

PL 1969, c. 498, §8 (NEW). PL 1977, c. 678, §29 (RP).

§16. Civil Air Patrol

(REPEALED)

SECTION HISTORY

PL 1969, c. 498, §8 (NEW). PL 1977, c. 678, §29 (RP).

§17. Aeronautical functions

The department shall be responsible for performing aeronautical functions including, but not limited to, the following: [PL 1977, c. 678, §30 (NEW).]

1. Development. Aid and assist municipalities and other political subdivisions in the development of their public airports;
[PL 2011, c. 351, §2 (AMD).]

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;
[PL 1977, c. 678, §30 (NEW).]

3. Enforcement. Enforce all state aviation laws;
[PL 1977, c. 678, §30 (NEW).]

4. Inspection. Inspection of all commercial and utility airports open to the public and all private airports with commercial activity;
[PL 1999, c. 131, §8 (AMD).]

5. Safety. Develop and promote aeronautical safety;
[PL 1977, c. 678, §30 (NEW).]

6. Promotion. Develop and promote aeronautics and education in aeronautics within the State;
[PL 1977, c. 678, §30 (NEW).]

7. Investigation. Assist the National Transportation Safety Board as needed in the investigation of aircraft accidents and incidents in the State;
[PL 1991, c. 68 (AMD).]

8. Federal regulations. Maintain a complete file on all federal air regulations;
[PL 1977, c. 678, §30 (NEW).]

9. Snow removal.
[PL 2011, c. 351, §3 (RP).]

10. Air navigation facilities. Aid in development of a system of air navigation facilities;
[PL 1977, c. 678, §30 (NEW).]

11. Rules and regulations. Adopt rules and regulations;
[PL 1977, c. 678, §30 (NEW).]

12. State airport system plan. Develop a state airport system plan and periodically update;
[PL 1977, c. 678, §30 (NEW).]

13. Capital improvement programs. Prepare capital improvement programs and aeronautical budgets;
[PL 1977, c. 678, §30 (NEW).]

14. Civil Aeronautics Board proceedings. Monitor and participate in Civil Aeronautics Board proceedings; and
[PL 1977, c. 678, §30 (NEW).]

15. Further duties. Carry out such other and further duties as are provided by law.
[PL 1977, c. 678, §30 (NEW).]

SECTION HISTORY

PL 1977, c. 678, §30 (NEW). PL 1991, c. 68 (AMD). PL 1999, c. 131, §8 (AMD). PL 2011, c. 351, §§2, 3 (AMD).

§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.

[PL 1977, c. 678, §31 (NEW).]

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.

[PL 1977, c. 678, §31 (NEW).]

2-A. Primary Airport Capital Improvement Grant Program; administration approval. Notwithstanding subsection 2, the Primary Airport Capital Improvement Grant Program, referred to in this subsection as "the state grant program," is established as a discretionary grant program administered by the department. The department shall distribute available state grant program funds to primary airports for eligible capital improvement projects as determined by the department. Funds may also be distributed to an eligible municipality or political subdivision of the State for airport equipment that is eligible under the administration's airport improvement program. The department shall provide state grant program funds to evenly share the local match with the eligible municipality or political subdivision of the State for the administration's airport improvement program grant offer and award an amount contingent upon the availability of state grant program funds. State grant program funds may be distributed only to projects ready for construction that are approved by the administration as eligible for state grant program funds. The department is not responsible for oversight or eligibility of projects under this subsection.

[PL 2011, c. 351, §4 (NEW).]

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

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 subsections 2 and 2-A. A request for federal aid under the federal Airport and Airway Improvement Act of 1982, 49 United States Code, Chapter 471, as amended, made by a municipality or other political subdivision in this State for a primary airport project is not required to be approved by the commissioner.

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.

[PL 2011, c. 351, §5 (AMD).]

4. Appropriations, bond issues and taxation. The purchase price or award for land acquired for an airport or landing field may be paid for by appropriation of moneys available therefor, or wholly or

partly paid for from the proceeds of sale of bonds of the city, town or county as the proper officers of the city, town or county shall determine, subject to the adoption of a proposition therefor, if required by law as a prerequisite to the issuance of bonds of the cities, towns or counties for public purposes generally. Cities, towns and counties are authorized to appropriate or cause to be raised by taxation or otherwise in the cities, towns or counties sums sufficient to carry out chapters 1 to 17.

[PL 1977, c. 678, §31 (NEW).]

SECTION HISTORY

PL 1977, c. 678, §31 (NEW). PL 2011, c. 351, §§4, 5 (AMD).

§19. Small community air service program

1. Small community air service. To promote essential air service, the Department of Transportation may administer a program of subsidies to qualified air carriers, patterned after the federal essential air service program, to ensure that small communities have adequate levels of service. This program must take into consideration a minimum round trip and minimum seating criteria for each eligible point to destinations within the State that provide access into the national air transportation system.

[PL 1991, c. 571, §1 (NEW).]

2. Eligibility requirements. To be eligible for subsidy, an air carrier must be certified by the Federal Aviation Administration to provide scheduled air service to the eligible point and must demonstrate a need for subsidy. The eligible point must be currently served by no more than one air carrier providing scheduled service.

[PL 1991, c. 571, §1 (NEW).]

3. Subsidies. The cost of air service subsidies must be allocated between the State and the community desiring to receive new service, with the State providing the percentage of the subsidy for which funds are available and the community providing the balance of the subsidy.

[PL 1991, c. 571, §1 (NEW).]

4. Adoption of rules. The Department of Transportation shall promulgate rules necessary to administer this section. The rules must establish the formula for reimbursement and application requirements.

[PL 1991, c. 571, §1 (NEW).]

SECTION HISTORY

PL 1991, c. 571, §1 (NEW).

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