

HOUSE No. 2734

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act making technical corrections to the aeronautics laws of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/20/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/20/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	

HOUSE No. 2734

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 2734) of Kate Hogan and others relative to aeronautics laws. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act making technical corrections to the aeronautics laws of the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90 of the General Laws, as appearing in the 2008 Official Edition,
2 is hereby amended by striking out section 35 and inserting in place thereof the following
3 section:-

4 Section 35. The following words and phrases used in sections 35 to 52, inclusive, shall
5 have the following meanings, unless a different meaning is clearly apparent from the language or
6 context, or unless such construction is inconsistent with the manifest intention of the general
7 court:—

8 “Administrator” or “director”, administrator for aeronautics appointed by the secretary of
9 transportation pursuant to section 29 of chapter 6C of the General Laws.

10 “Aeronautics”, transportation by aircraft; the operation, construction, repair or
11 maintenance of aircraft, aircraft power plants and accessories; the repair, packing and
12 maintenance of parachutes; the design, establishment, construction, extension, operation,

improvement, repair or maintenance of airports, restricted landing areas or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

“Aeronautics instructor”, any person who for hire engages in giving instructions or offering to give instruction in flying or ground subjects pertaining thereto.

“Air navigation facility”, any facility, other than one owned or controlled by the federal government, used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area, and any combination of any or all of such facilities.

“Air school”, (1) any aeronautics instructor who is duly certified and maintains a pilot certificate in accordance with Federal Aviation Administration regulations and advertises, represents, or holds himself out as giving or offering to give instruction in flying or ground subjects pertaining thereto; and (2) any person who advertises, represents or holds himself out as giving or offering to give instruction in flying or ground subjects pertaining thereto, whether for or without hire.

“Aircraft”, any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

“Airport”, any area of land or water other than a restricted landing area, which is used, or intended for use, for the landing and take-off 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.

“Airport Hazard”, any structure, object of natural growth or use of land which obstructs the air space required for the flight of aircraft navigating in an approach area for the purpose of landing, taking off or transiting an airport or restricted landing area.

“Airman”, any person who engages, as the person in command, or as pilot, mechanic or member of the crew, in the navigation of aircraft while under way, and any person who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft engines, propellers or appliances, and any person who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator; but does not include any person employed outside the United States, or any person employed by a manufacturer of aircraft, aircraft engines, propellers or appliances, to perform duties as inspector or mechanic in connection therewith, or any person performing inspection or mechanical duties in connection with aircraft owned or operated by him.

“Airworthy”, an aircraft that conforms to its Federal Aviation Administrator type design and certification and is in a condition safe for operation.

“Citation”, a notice to an offender upon which the administrator, or his or her designee, shall record one or more civil infractions which are to be disposed of under procedures in section 60B of chapter 6C of the General Laws.

“Civil aircraft”, any aircraft other than a public aircraft.

“Civil infraction”, a violation of any statute, regulation, rule or directive that is to be disposed of under the civil procedures in this chapter.

“Civil penalty”, the monetary amount scheduled as payment for a civil infraction.

“Dealer in aircraft” or “aircraft dealer”, any person who engages in a business in which a substantial part consists of the manufacture, sale, or exchange of aircraft.

“Division”, the aeronautics division of the Massachusetts department of transportation, established in section 59 of chapter 6C of the General Laws.

“Federal Aviation Administration”, the Federal Aviation Administration of the United States Department of Transportation, or its successor entity.

“General Aviation”, the section of the aviation industry that excludes both military and commercial passenger transport. Examples of General Aviation include private flying, air charter, flight training, air ambulance, and gliding.

“Navigable Air Space”, airspace at and above the minimum flight altitudes as prescribed by the Federal Aviation Administration, including airspace needed for safe takeoff and landing.

“Offense”, a violation of sections 35 to 52, inclusive, of chapter 90 of the General Laws, or any directives issued or regulations promulgated, by the division.

“Operation of aircraft” or “operate aircraft”, the use, navigation or piloting of aircraft in the air space over the commonwealth or upon any airport within the commonwealth. 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, is deemed to be engaged in the operation of aircraft.

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

79 “Person”, any individual, firm, partnership, corporation, company, association, joint stock
80 association; and includes any trustee, receiver, assignee or other similar representative thereof.

81 “Restricted landing area”, any area of land or water other than an airport which is used, or
82 is made available, for the landing and take-off of aircraft; provided, that the use of such an area
83 meets minimum standards for aircraft operations on land or water as established by the division.

84 SECTION 2. Section 35D of said chapter 90 of the General Laws, as so appearing, is
85 hereby further amended by striking out, in lines 4 and 10, the word “commission” and inserting
86 in place thereof, in each instance, the following word:- division

87 SECTION 3. Section 39 of said chapter 90 of the General Laws, as so appearing, is
88 hereby further amended by striking out, in lines 1, 3, 4, 6, 12, 22-23, and 29, the word
89 “commission” and inserting in place thereof, in each instance, the following word:- division

90 SECTION 4. Section 39A of chapter 90 of the General Laws, as so appearing, is hereby
91 amended by striking out, in lines 1, 4, 7, 12, 15, and 18, the word “commission” and inserting in
92 place thereof, in each instance, the following word:- division

93 SECTION 5. Section 39C of said chapter 90, as so appearing, is hereby amended by
94 striking out, in lines 1 and 5, the word “commission” and inserting in place thereof, in each
95 instance, the following word:- division

SECTION 6. Section 39E of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word “commission” and inserting in place thereof the following word:-
division

SECTION 7. Chapter 90 of the General Laws, as so appearing, is hereby further amended by striking out section 39F inserting in place thereof the following section:-

Section 39F. Whenever any city or town undertakes, in conformity with the state airport plan, the acquisition, construction, establishment, enlargement, improvement or protection of an airport and has appropriated sufficient funds, which together with funds available under this section, shall equal at least 5 per cent of the cost thereof, the state treasurer, at the request of the division, shall pay to or reimburse such city or town from such funds as have been appropriated for such purposes, such amount, not exceeding 95 per cent of the cost of such work, as may be determined by the division.

If any such city or town appropriates sufficient funds, which, together with the funds available under this section, is equal to one hundred per cent of the cost thereof, the state treasurer, at the request of the division, shall pay to or reimburse such city or town from such funds as have been appropriated for such purpose, such amount, not exceeding 95 per cent of the cost of such work, as may be determined by the division.

SECTION 8. Chapter 90 of the General Laws, as so appearing, is hereby further amended by striking out section 40 and inserting in place thereof the following section:-

Section 40. The aeronautics division shall foster air commerce and private flying within the Commonwealth and for such purpose shall: (a) encourage the establishment of airports and air navigation facilities and the development of education in aeronautics; (b) make

recommendations as to necessary legislation or action pertaining thereto; (c) consult with the Federal Aviation Administration and other agencies of the federal government in carrying forward research and development in aeronautics; (d) exchange with the said Federal Aviation Administration and with other state governments through existing governmental channels information pertaining to civil air navigation.

The division may: (1) co-operate with the federal government, and with any agency or department thereof, in the acquisition, establishment, construction, enlargement, improvement, protection, equipment, maintenance and operation of airports and other air navigation facilities within the Commonwealth, and comply with the provisions of federal law, and any rules and regulations made thereunder, for the expenditure of federal funds for or in connection with such airports or other navigation facilities; (2) accept, receive and receipt for federal funds, and also other funds, public or private, for and in behalf of the Commonwealth or as agent for any subdivision thereof, for the acquisition, establishment, construction, enlargement, improvement, protection, equipment, maintenance and operation of airports and other air navigation facilities within the commonwealth or such subdivisions, or jointly; provided that, if federal funds are received for such work, such funds shall be accepted upon such terms and conditions as may be prescribed by federal law and any rules and regulations made thereunder; (3) advise and co-operate with any political subdivision of this state or of any other state in all or any matters relating to aeronautics. For such purpose the division may confer with, or hold joint hearings with, any federal or state aeronautical agency in connection with any provision of sections 35 to 52, inclusive.

The division shall enforce sections 35 to 52, inclusive, and all orders, rules and regulations made pursuant thereto and other laws of the Commonwealth relating to aeronautics,

141 and shall have and may exercise for any or all of such purposes such powers and authority as
142 may be reasonably necessary therefor. Every state, county and municipal officer charged with
143 the enforcement of laws in their respective jurisdiction shall assist and co-operate with the
144 division in such enforcement.

145 Persons employed as inspectors under the provisions of section 59 of chapter 6 shall have
146 and exercise throughout the Commonwealth all the powers of constables, except the service of
147 civil process, and of police officers, including the power to arrest any person who, in the
148 presence of the inspector making the arrest, commits a breach of the peace which violates any
149 provision of the aviation law as contained in this chapter or the rules and regulations established
150 by the division and they may serve all process issued by the courts with respect to the
151 enforcement of such laws. Any officer authorized to make arrests, providing such officer is in
152 uniform or displaying his badge of office conspicuously on his outer coat or garment, may arrest
153 without a warrant any person who operates an aircraft and who does not have in his possession a
154 license to operate an aircraft, granted by federal authority; or who violates any statute or
155 regulation relating to the operation or control of aircraft; or who operates said aircraft while
156 under the influence of intoxicating liquor; or who refuses to produce a pilot or aircraft license or
157 registration upon request; or who uses an aircraft without authority; or who is a non-resident
158 operator violating any statute or regulation relating to the control of aircraft.

159 The pilot in command of any aircraft carrying passengers for hire may take such action as
160 is reasonably necessary to restrain any person who interferes with, or threatens to interfere with,
161 the operation of the aircraft.

162 The person so restrained may be placed in charge of a police officer in the city or town
163 where the aircraft next lands within the Commonwealth, to be taken to a lawful place of
164 detention. Complaint shall be made against the person arrested, by the officer taking him to the
165 place of detention, to a district court having jurisdiction over such offenses committed in the city
166 or town where such person is detained, and such court shall have jurisdiction of the case.

167 SECTION 9. Section 40A of said chapter 90 is hereby repealed.

168 SECTION 10. Chapter 90 of the General Laws, as so appearing, is hereby further
169 amended by striking out section 40B and inserting in place thereof the following section:-

170 Section 40B. Notwithstanding any city charter provision, or local ordinance or by-law to
171 the contrary, the division shall adopt uniform airport approach regulations, in accordance with
172 any applicable federal laws, regulations, directives and advisory circulars. Said regulations shall
173 apply to all public-use Airports within the commonwealth.

174 SECTION 11. Sections 40C, 40D, 40E, and 40F of said chapter 90 are hereby repealed.

175 SECTION 12. Chapter 90 of the General Laws, as so appearing, is hereby further
176 amended by striking out section 40G and inserting in place thereof the following section:-

177 Section 40G. (a) In any case in which, in the opinion of the city council of a city, or the
178 selectmen of a town, in which the real estate hereinafter referred to is located, or owning the
179 Airport in question, the public interest requires the establishment of protection to the approaches
180 of a publicly owned airport by the acquisition of certain real estate or rights in real estate in the
181 vicinity of such airport rather than by airport approach regulations adopted by the division, such
182 city or town may take by eminent domain under chapter 79 or chapter 80A, or acquire by

183 purchase or otherwise, such air rights, easements or other estate or interest in such real estate as
184 will provide adequate protection. A city or town which has acquired real estate or rights therein
185 as aforesaid may from time to time in like manner take or otherwise acquire additional real estate
186 or rights therein, or may discontinue in whole or in part rights already so acquired.

187 (b) Whenever airport approach regulations have been adopted or amended by the division
188 and the public safety and convenience require the removal or lowering of a structure or tree not
189 conforming to such regulations, or require other interference with the continuance of any such
190 non-conforming structure or tree, the city or town owning the airport to which such regulations
191 relate may take by eminent domain under chapter 79 or chapter 80A, or acquire by purchase or
192 otherwise, the land upon which such structure or tree stands, or such an air right, easement or
193 other estate or interest therein, as may be necessary.

194 SECTION 13. Sections 40H and 40I of said chapter 90 are hereby repealed.

195 SECTION 14. Chapter 90 of the General Laws, as so appearing, is hereby further
196 amended by striking out section 41 and inserting in place thereof the following section:-

197 Section 41. The administrator may conduct investigations or hearings relative to matters
198 covered by any provision of sections 35 to 52, inclusive, or of any order, rule or regulation of the
199 division, and shall conduct investigations relative to any accident involving personal injury
200 occurring in connection with aeronautics within the Commonwealth.

201 The division shall report to the Federal Aviation Administration and the National
202 Transportation Safety Board accidents within the commonwealth, and so far as possible, shall
203 preserve, protect and prevent the removal of the component parts of any aircraft involved in any
204 such accident being investigated by them.

SECTION 15. Chapter 90 of the General Laws, as so appearing, is hereby further amended by striking out section 42 and inserting in place thereof the following section:-

Section 42. The superior court shall have jurisdiction to enforce any lawful rule, regulation, or order made by the division, and may compel the attendance of and the giving of testimony by witnesses before the division or any member thereof, in the same manner and to the same extent as before said court.

SECTION 16. Section 43 of said chapter 90 is hereby repealed.

SECTION 17. Chapter 90 of the General Laws, as so appearing, is hereby further amended by striking out section 44 and inserting in place thereof the following section:-

Section 44. Any person failing to comply with any requirement, or violating any provision, of this chapter, or any rules and regulations for the enforcement of this chapter made by the division, and in full force and effect, shall be punished by a fine, as established by the division, not to exceed ten thousand dollars, or by imprisonment for not less than one month nor more than six months, or both. Whoever operates an aircraft while under the influence of an intoxicating substance shall be punished by imprisonment for not less than one month nor more than two years.

SECTION 18. Chapter 90 of the General Laws, as so appearing, is hereby further amended by striking out section 45 and inserting in place thereof the following section:-

Section 45. Any person aggrieved by any rule or regulation promulgated by the division, or by any ruling, decision, or order under any provision of this chapter may, within thirty days

225 after the effective date of such rule or regulation or within thirty days after such ruling, decision,
226 or order, appeal to the superior court.

227 SECTION 19. Chapter 90 of the General Laws, as so appearing, is hereby further
228 amended by striking out section 46 and inserting in place thereof the following section:-

229 Section 46. Flight of aircraft over the lands and waters of this commonwealth, within the
230 navigable air space as defined in section 35, shall be lawful unless at such a low altitude as to be
231 imminently dangerous to persons or property lawfully on the land or water beneath.

232 SECTION 20. Section 47 of said chapter 90, as so appearing, is hereby amended by
233 striking out, in line 4, the words “of navigation”.

234 SECTION 21. Said section 47 of said chapter 90, as so appearing, is hereby further
235 amended by striking out, in line 6, the words “Civil Aeronautics Authority” and inserting in
236 place thereof the following:- Federal Aviation Administration.

237 SECTION 22. Said section 47 of said chapter 90, as so appearing, is hereby further
238 amended by striking out, in line 14-16, the words “, nor to glider pilots licensed by the
239 commission in accordance with such regulations as it may prescribe”.

240 SECTION 23. Section 48 of said chapter 90, as so appearing, is hereby amended by
241 striking out, in lines 8-9, the words “Civil Aeronautics Authority” and inserting in place thereof
242 the following words:- Federal Aviation Administration.

243 SECTION 24. Said section 48 of said chapter 90, as so appearing, is hereby further
244 amended by striking out, in lines 15 and 18, the word “commission” and inserting in place
245 thereof, in each instance, the following word:- division.

SECTION 25. Said section 48 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 16 to 17, the words “, nor to glider pilots licensed by the commission in accordance with such regulations as it may prescribe”.

SECTION 26. Chapter 90 of the General Laws, as so appearing, is hereby further amended by striking out section 49 and inserting in place thereof the following section:-

Section 49. Each owner or operator of an airworthy aircraft based in Massachusetts or dealer in aircraft in Massachusetts shall register said aircraft or federal dealer's aircraft certificate in such a manner as the division may by regulation prescribe.

(a) Subject to the limitations of paragraphs (b) and (c), every person who owns or operates an airworthy aircraft shall register the aircraft with the division during each calendar year in which the aircraft is based within the commonwealth for 60 cumulative days or more. Every dealer in aircraft shall register a federal dealer's aircraft registration certificate with the division. The division may charge fees for each such registration certificate and for each renewal thereof. Further, the division may charge for the registration of each federal dealer's aircraft registration certificate for each aircraft in the dealer's possession operated solely for the purpose of sale or demonstration. The amounts of said fees and charges shall be determined annually by the secretary of administration and finance under the provisions of section 3B of chapter 7 and published in 801 CMR 4.02. Such fees shall be in lieu of all personal property taxes on aircraft authorized by any law, ordinance, or by-law. Registration certificates issued after expiration of the first 6 months of the annual registration period, as prescribed by the division, shall be issued upon payment of 50 per cent of the annual fee.

If the annual registration fee is not received by the division on or before December 31, a late fee in an amount determined by the division may be assessed in addition to the specified annual registration fee. The timely annual registration of all airworthy aircraft and dealers in aircraft shall be the sole responsibility of aircraft owners and dealers. The deadline for registration renewal of all airworthy aircraft and for dealer's in aircraft is December 31.

(b) Possession of the appropriate effective federal aircraft certificate or dealer's certificate, and the payment of the appropriate fee as set forth in 801 CMR 4.02, shall be the only requisites for registration of an aircraft or dealer in aircraft.

(c) The provisions of this section shall not apply to:

(1) an aircraft owned by and used exclusively in the service of any government, including the government of the United States or of any state thereof, or political subdivision thereof, which is not engaged in carrying persons or property for commercial purposes;

(2) an aircraft registered under the laws of a foreign country; or

(3) an aircraft engaged principally in federally certificated scheduled airline operation as provided by the Federal Aviation Administration, or its successor.

SECTION 27. Sections 49A to 50, inclusive, of said chapter 90, as so appearing, are hereby repealed.

SECTION 28. Section 51J of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 6 and 9-10, the words "Massachusetts aeronautics commission" and inserting in place thereof, in each instance, the following:- division.

SECTION 29. Section 51K of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 2-3 and 12-13, the word “Massachusetts aeronautics commission” and inserting in place thereof, in each instance, the following:- division.

SECTION 30. Said section 51K of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 4-5, the words “said last mentioned commission” and inserting in place thereof the following:- the division.

SECTION 31. Section 51L of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 4-5 and 10, the words “Massachusetts aeronautics division” and inserting in place thereof, in each instance, the following:- division.

SECTION 32. Section 51M of said chapter 90, as so appearing, is hereby further amended by striking out, in line 5, the words “under the ‘drive it yourself’ system, so called” and inserting in place thereof the following:- through a car rental business.

SECTION 33. Chapter 90 of the General Laws, as so appearing, is hereby further amended by striking out section 51N, and inserting in place thereof the following section:-

Section 51N. (a) Except to the extent inconsistent with then current law, two or more municipalities, by vote of the city council in a city with the approval of the mayor or by vote of a town meeting in a town, may agree to establish, maintain and operate an Airport as a joint enterprise, in this section referred to as a joint airport. For the purposes of this section, the foregoing authorization, in so far as it relates to the establishment of a joint airport, shall be deemed also to authorize the acquisition, construction, enlargement and improvement thereof, including other action involving capital expenditures in connection with such an airport, all of which action shall be comprehended within the meaning of the words “establish”, “establishing”

309 and “establishment”, and such authorization, in so far as it relates to the maintenance and
310 operation of such an airport, shall be deemed also to authorize the regulation, protection,
311 policing, alteration or repair thereof, including other action involving expenditures, other than
312 capital expenditures, in connection with such an airport, all of which action shall be
313 comprehended within the meaning of the words “maintain and operate”, “maintaining and
314 operating” and “maintenance and operation”. Within thirty days after such votes have been
315 passed the mayor and city council of cities and selectmen of towns which have so voted shall
316 meet and draft a tentative agreement covering the contemplated action or actions. Said tentative
317 agreement when completed shall be submitted and may be resubmitted to the director of
318 accounts in the department of corporations and taxation for approval as to its financial provisions
319 and to the division for approval as to its other provisions. The agreement, as approved by the
320 division and said director, shall become effective when agreed to by the mayor and city council
321 of each such city and the town meeting of each such town. Any reference in this section to the
322 mayor of a city shall, in case of a city having a Plan E form of government, be deemed to refer to
323 its city manager.

324 (b) In addition to the provisions covering the requirements contained in this section, such
325 an agreement shall include, but shall not be limited to, provision for the following:

326 (1) Establishing a joint airport commission for the purpose of exercising as agent all of
327 the powers relative to the joint airport granted to each participating municipality, specifying the
328 terms of office and compensation of each member of such a commission.

329 (2) Choosing by the joint airport commission of officers of the joint enterprise including a
330 treasurer who may be treasurer of one of the participating municipalities and who shall be

331 custodian of the joint airport fund and shall deposit with the director of accounts a bond running
332 to such municipalities with a surety company authorized to transact business in the
333 commonwealth as surety, for the faithful performance of his duties as treasurer of the joint
334 enterprise, in such form and upon such conditions as said director may require. Said director
335 shall cause an audit to be made of the accounts of the joint enterprise and may cause subsequent
336 audits to be made of such accounts annually, and for this purpose he and his duly accredited
337 agents shall have access to all necessary books, papers and records. Upon completion of such
338 audit, copies of the report thereof shall be sent to the treasurer of the joint enterprise and to the
339 mayor, selectmen, and city or town clerk of each participating municipality.

340 (3) Establishing a joint airport fund into which there shall be deposited the proportionate
341 share of the cost and expenses incident to the establishing, maintaining and operating of the joint
342 airport, all revenues obtained from or on account of the joint airport and all federal, state and
343 other contributions or loans and from which disbursement shall be made by order of the joint
344 airport commission.

345 (4) Specifying the proportionate interest of each participating municipality in the joint
346 airport and its proportionate share of the cost and expenses and indebtedness incident to the
347 establishing, maintaining and operating thereof, which proportionate interest and share shall be
348 determined on the basis of the taxable valuations of said municipalities as last established by the
349 general court as a basis for state and county taxes or on any other basis agreed upon.

350 (5) Terminating the joint enterprise and liquidating its affairs.

351 (6) Amending the agreement, provided that any amendment thereof providing for the
352 enlargement of the joint airport or any alteration or improvement thereof involving capital

expenditures shall become effective only when agreed to by the mayor and city council of each participating city and the town meeting of each participating town.

(c) The joint airport commission from time to time shall determine the amounts necessary to be raised to establish the joint airport and shall apportion the balance needed, over and above the amount available for such purposes in the joint airport fund, among the several participating municipalities on the basis set forth in the agreement and shall promptly thereafter notify said municipalities of such apportionment by sending notice to the mayor, in the case of a city, and to the selectmen, in the case of a town. There shall be no referendum to the voters on any action taken under this paragraph by the legislative body of any participating municipality. In case any such municipality fails to pay over to the treasurer of the joint enterprise the amount of its apportionment within the time specified in the agreement for such payment, the treasurer of such municipality shall forthwith certify such amount to the board of assessors of his municipality who shall include such amount in the tax levy next following the certification, and the amount when raised shall be paid over by the treasurer of such municipality to the treasurer of the joint enterprise.

The joint airport commission shall determine the amounts necessary to be raised to maintain and operate the joint airport and shall apportion the balance needed, over and above the amount available for such purposes in the joint airport fund, among the several participating municipalities on the basis set forth in the agreement and shall promptly thereafter notify the treasurers of said municipalities of such apportionment. Every treasurer so notified shall, annually in December, certify the amount of such apportionment to the board of assessors of his municipality, who shall, unless funds are available from appropriations or otherwise, include such amount in the tax levy of the following year, and the amount of such apportionment shall be

376 paid over by the treasurer of such municipality to the treasurer of the joint enterprise within the
377 time specified in the agreement for such payment.

378 Action by a participating municipality in establishing, maintaining and operating a joint
379 airport shall be authorized to the same extent and subject to the same provisions of law as in the
380 case of like action by such municipality independently with respect to an airport, except as
381 otherwise provided in this section and except that the joint airport commission is authorized to
382 acquire property by eminent domain, purchase or otherwise for purposes of the joint airport in
383 the names of the participating municipalities but only within the territorial limits of such
384 municipalities, and each of such municipalities shall have the same interest in the property so
385 acquired that it has in the joint airport under the agreement.

386 Section 38. Notwithstanding any general or special law to the contrary, no city or town
387 shall limit or restrict the authority of an airport commission, as established by this chapter and
388 specifically with regard to an airport commission's authority over the management, operation,
389 and control of an airport, through charter provision, local ordinance or by-law, or regulation.

390 SECTION 34. Chapter 90 of the General Laws, as so appearing, is hereby further
391 amended by striking out section 52, and inserting in place thereof the following section:-

392 Section 52. If any provision of said sections 35 to 51, inclusive, is declared
393 unconstitutional or the application thereof to any person or circumstance is held invalid, the
394 validity of the remaining provisions thereof and the application of such provision to other
395 persons and circumstances shall not be affected thereby. These sections, being necessary for the
396 welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the
397 purposes hereof.