

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
H.P. 1446 - L.D. 2157

**An Act to Prohibit the Unauthorized Use of Drones on or over the Premises  
of Correctional Facilities and Jails**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 17-A MRSA §761** is enacted to read:

**§761. Unauthorized use of drone on or over premises of correctional facility or jail**

1. A person is guilty of unauthorized use of a drone on or over the premises of a correctional facility or jail if the person intentionally or knowingly flies a drone over the premises of a correctional facility or jail at or below a height of 400 feet above the ground, lands a drone on the premises or flies a drone from the premises.

A. Except as provided in paragraph B, a person who violates this subsection commits a civil violation for which a fine of not less than \$500 may be adjudged.

B. A person who violates this subsection after having been previously adjudicated as violating this subsection or has been previously adjudicated of committing a violation for conduct substantially similar to that prohibited in this subsection in another jurisdiction commits a Class D crime. Section 9-A governs the use of prior convictions when determining a sentence.

2. This section does not apply to:

A. A law enforcement officer, a corrections officer or a corrections supervisor engaged in the performance of the law enforcement officer's, corrections officer's or corrections supervisor's public duty; or

B. Another person acting in the course and scope of employment, as approved by the chief administrative officer of the correctional facility or the jail administrator.

3. It is not a defense to a prosecution under this section that the person holds a valid license to operate a drone issued by the United States Department of Transportation, Federal Aviation Administration or is otherwise permitted to operate a drone pursuant to regulations of the Federal Aviation Administration.

4. As used in this section, the following terms have the following meanings.

- A. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6.
- B. "Drone" means an aircraft or aircraft system operated without a physical human presence within or on the aircraft and includes, but is not limited to, an unmanned aircraft system, unmanned aerial vehicle, remotely piloted aircraft system or micro air vehicle.
- C. "Jail" means a county or regional jail.
- D. "Micro air vehicle" means a drone that weighs less than one kilogram.
- E. "Premises" includes, but is not limited to, lands, ways and any buildings or structures on those lands or ways.
- F. "Remote pilot station" means equipment such as controls, displays or a cockpit located separately from a drone and used by an operator to fly a drone.
- G. "Remotely piloted aircraft system" means a system that includes a drone, a remote pilot station and equipment for communication between the remote pilot station and the drone.
- H. "Unmanned aerial vehicle" means a powered aircraft that flies without a human pilot on board that is controlled either remotely from the ground or autonomously through a preprogrammed flight plan.
- I. "Unmanned aircraft system" means a system that includes a drone, a remote control station and equipment for communication between the remote control station and the drone.