

**Maine State Government
Dept. of Administrative & Financial Services
Office of Information Technology (OIT)**

Drone (Unmanned Aerial Vehicle) Policy

1.0 Purpose

- 1.1. This policy sets forth guidelines for appropriate Unmanned Aerial Vehicle (UAV) (also known as “drone”) use by State of Maine Executive Branch personnel.

2.0 Applicability

- 2.1. This policy applies to all State of Maine Executive Branch personnel, excluding law enforcement (see [Maine State Police UAV Policy](#), intranet only).¹

3.0 Compliance

- 3.1. A State of Maine Executive Branch Employee that intentionally uses a UAV without proper authorization and/or in deviation of the standards set forth in this policy may be subject to disciplinary action, up to and including revocation of flight approval, or termination.

4.0 Definitions

- 4.1. *Data Classification*: The taxonomy of organizing data into categories, so that data may be used and protected efficiently. OIT has adopted the [Federal Homeland Security Traffic Light Protocol](#)² for this purpose. For more information, see the [Data Exchange Policy](#)³.
- 4.2. *Federal Aviation Administration (FAA)*: is a governmental body of the United States with powers to regulate all aspects of civil aviation in the nation as well as over its surrounding international waters.
- 4.3. *Remote Pilot*: An agency personnel who is certified to operate an Unmanned Aerial Vehicle (UAV). Prior to operating a UAV, a Remote Pilot must hold a current FAA Remote Pilot Certification that evidences that the pilot meets minimum standards required for the operation of a UAV.
- 4.4. *Remote Pilot Certification*: In order to fly a Small Unmanned Aircraft System (sUAS) under the FAA’s Small UAS rule (Part 107), you must obtain a Remote Pilot Certification from the FAA. This certificate demonstrates that you understand the regulations, operating requirements, and procedures for safely flying UAVs.

¹ http://www.ps.state.me.us/orders/mspgo/orders/code4/MSPGOE-135_08082017.html

² <https://www.us-cert.gov/tlp>

³ <https://www.maine.gov/oit/policies/DataExchangePolicy.pdf>

- 4.5. *Small Unmanned Aircraft System (sUAS)*: Small Unmanned Aircraft System (Small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the vehicle in the national airspace system.
- 4.6. *Unmanned Aerial Vehicle (UAV)*: A remotely-controlled/-guided aircraft operated without a physical human presence within or on the aircraft and which, in the way it is used or the manner in which it is equipped, is capable of performing audio, visual, or other types of comprehensible surveillance.
 - 4.6.1. An sUAS is a type of UAV.

5.0 Responsibilities

- 5.1. The *Chief Information Officer* in collaboration with Agency Management is responsible for enforcing this policy.
- 5.2. *Agency Management* in the Department which purchased the UAV is responsible for:
 - 5.2.1. In collaboration with the CIO, owning, executing and enforcing this policy.
 - 5.2.2. Complying with the [Data Exchange Policy](#)⁴ for classification of all image data captured with the UAV.
 - 5.2.3. Maintaining a list of Remote Pilot(s).
 - 5.2.4. Maintaining a list of make/model of each department owned UAV.
 - 5.2.5. Maintenance and storage of all UAV equipment.
 - 5.2.6. Storing the UAV in a secure location when not in use.
 - 5.2.7. Developing internal policy on what data can be captured by the UAV.
 - 5.2.8. Securely storing all data captured by the UAV based on data classification and compliance.
 - 5.2.9. Ongoing knowledge of the operations of the UAV.
 - 5.2.10. Ongoing knowledge of safe operation of all UAVs within the agency.
 - 5.2.11. Ongoing knowledge of UAV incident management.
 - 5.2.12. Obtaining waiver and/or airspace authorization through the FAA.
- 5.3. A *Remote Pilot* is responsible for:
 - 5.3.1. Complying with this policy.
 - 5.3.2. Maintaining current FAA Remote Pilot certification.
 - 5.3.3. Making available to the FAA, upon request, the UAV for inspection or testing, and any associated documents/records required to be kept under the rule.

⁴ <https://www.maine.gov/oit/policies/DataExchangePolicy.pdf>

- 5.3.4. Reporting to the FAA within 10 days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500. For more information, contact the local [Flight Standards District Office](#).⁵
- 5.3.4.1. In the event of damage or injury arising from use of the UAV, the Remote Pilot will notify Agency Management to [report the incident to the FAA](#)⁶ and the incident must be documented in an incident report.

6.0 Directives

- 6.1. A Remote Pilot in conducting State of Maine business may use a UAV provided that the requirements below are followed:
- 6.1.1. Prior to the deployment of a UAV, a Remote Pilot must be adequately trained in its use and operation and must be knowledgeable of the standards set forth in this policy.
- 6.1.2. The Remote Pilot must hold a current FAA Remote Pilot Certification that evidences that the pilot meets the minimum standards required for the operation of a UAV (see [Become a Drone Pilot](#)).⁷
- 6.1.2.1. To qualify for a Remote Pilot Certification, personnel must:
- 6.1.2.1.1. Meet all FAA eligibility requirements.
- 6.1.2.1.2. Demonstrate aeronautical knowledge by either:
- 6.1.2.1.2.1. Passing an initial aeronautical knowledge test at an FAA approved [Knowledge Testing Center](#)⁸; or
- 6.1.2.1.2.2. Holding a [Part 61](#)⁹ pilot certificate (other than student pilot), complete a flight review within the previous 24 months, and complete a sUAS online training course provided by the FAA.
- 6.1.2.2. Complete and pass the Transportation Security Administration security background check.
- 6.1.3. Any operation of a UAV must fully comply with all [FAA Small Unmanned Aircraft Rule, Part 107](#)¹⁰ requirements and guidelines as well as with any other applicable law, including, but not limited to, [25 M.R.S. sec. 4501, Regulation of Unmanned Aerial Vehicles](#).¹¹

⁵ https://www.faa.gov/about/office_org/field_offices/fsdo/?state=ME

⁶ <https://faadronezone.faa.gov/#/>

⁷ https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/

⁸ <http://candidate.catstest.com/sitesearch.php>

⁹ <https://www.ecfr.gov/cgi-bin/text-idx?SID=95d4d05b07bd4272c3b4692d296c11cb&mc=true&node=pt14.2.61&rgn=div5>

¹⁰ https://www.faa.gov/uas/media/Part_107_Summary.pdf

¹¹ <http://legislature.maine.gov/statutes/25/title25sec4501.html>

- 6.1.4. The Remote Pilot must [request a waiver](#)¹² for any operations not approved under Part 107 rules including but, not limited to:
 - 6.1.4.1. Flying a UAV from a moving aircraft or vehicle.
 - 6.1.4.2. Flying a UAV at night.
 - 6.1.4.3. Flying a UAV beyond [Visual Line of Sight \(VLOS\)](#)¹³.
 - 6.1.4.4. Flying multiple UAVs with only one Remote Pilot.
 - 6.1.4.5. Flying a UAV without yielding right of way.
 - 6.1.4.6. Flying a UAV over a person/people.
 - 6.1.4.7. Flying a UAV outside of standard operating limits.
 - 6.1.4.8. Not adhering to all visual observer requirements.
- 6.1.5. The Remote Pilot must [submit a request for authorization](#)¹⁴ to the FAA to fly in any controlled airspace near airports.

- 6.2. Prior to UAV flight, all Remote Pilots must:
 - 6.2.1. Pass a recurrent knowledge test with the FAA every two years to maintain Remote Pilot Certification. For more information, see [Renewing Your Certificate](#).¹⁵
 - 6.2.2. Perform a [pre-flight inspection](#)¹⁶ in accordance with the UAV manufacturer's recommendations and FAA guidelines to ensure the UAV is in a condition for safe operation.
 - 6.2.2.1. This must include ensuring that no part of the UAV is loose or missing and batteries are charged and in working condition.
 - 6.2.2.2. Any safety related issues must be reported immediately to Agency Management.
 - 6.2.3. Ensure that the small unmanned aircraft complies with the existing registration requirements specified in [14 C.F.R. sec. 91.203\(a\)\(2\), Civil Aircraft: Certifications Required](#).¹⁷ Including but not limited to:
 - 6.2.3.1. UAV must be registered on the [FAA's UAS registry](#).¹⁸
 - 6.2.3.2. UAV must be marked with FAA registration number (see, [How to Label your Drone](#)).¹⁹

- 6.3. During flight operations, Remote Pilots must have in their possession documentation that includes but may not be limited to the following:
 - 6.3.1. Certificate of Remote Pilot Authorization from the FAA.

¹² https://www.faa.gov/uas/commercial_operators/part_107_waivers/

¹³ https://www.faa.gov/uas/public_safety_gov/public_safety_toolkit/media/TBVLOS_Waiver_Final.pdf

¹⁴ https://www.faa.gov/uas/recreational_fliers/where_can_i_fly/airspace_restrictions/flying_near_airports/

¹⁵ https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/#renew

¹⁶ https://www.faa.gov/news/updates/media/2015-FAA-383-UAS_Holiday_Pre-flight-checklist_1200x627_ae05.pdf

¹⁷ <https://www.law.cornell.edu/cfr/text/14/91.203>

¹⁸ <https://faadronezone.faa.gov/#/>

¹⁹ https://www.faa.gov/uas/getting_started/register_drone/media/UAS_how_to_label_Infographic.pdf

- 6.3.2. Current operations log of all flights.
 - 6.3.3. Proof of access to public or private property associated with flight operations.
 - 6.3.4. Proof of Part 107 waiver approval authorization from the FAA associated with flight operations.
- 6.4. Remote Pilots must follow *all* FAA, Part 107 Regulations including, but not limited to:
- 6.4.1. UAV must:
 - 6.4.1.1. Weigh less than 55 pounds.
 - 6.4.1.2. Be registered if over .55 pounds.
 - 6.4.1.3. Fly only in uncontrolled airspace.
 - 6.4.1.4. Remain within unaided VLOS of the Remote Pilot.
 - 6.4.1.5. Fly under 400 feet above ground level.
 - 6.4.1.6. Be flown during the daylight hours only.
 - 6.4.1.7. Fly at or below 100 mph.
 - 6.4.1.8. Yield right of way to manned aircraft.
 - 6.4.2. UAV must not:
 - 6.4.2.1. Be flown in adverse weather conditions such as in high winds or reduced visibility where weather visibility is less than 3 miles.
 - 6.4.2.2. Be operated over any persons not directly participating in the operation.
 - 6.4.2.3. Be operated from a moving aircraft or vehicle.
 - 6.4.2.4. Be operated in a careless or reckless manner.
 - 6.4.2.5. Be operated in a manner which interferes with ground vehicles or traffic.
 - 6.4.2.6. Be operated inside buildings.
 - 6.4.2.7. Carriage hazardous material.
 - 6.4.2.8. Carriage weapons of any kind.

7.0 Document Information

- 7.1. Initial Issue Date: April 3, 2020
- 7.2. Latest Revision Date: August 25, 2020
- 7.3. Point of Contact: Enterprise.Architecture@maine.gov
- 7.4. Approved By: Chief Information Officer, OIT
- 7.5. Legal Citation: [Title 5, Chapter 163: Office of Information Technology](#)²⁰
- 7.6. Waiver: [Waiver Policy](#)²¹

²⁰ <https://legislature.maine.gov/statutes/5/title5ch163sec0.html>

²¹ <https://www.maine.gov/oit/policies/waiver.pdf>