

3-303.

(A) Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the existing use to which the land or water, or the space over the land or water is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft of the airman shall be liable, as provided in § 3-304.

(B) THERE EXISTS A PUBLIC RIGHT TO FREEDOM OF TRANSIT IN AIR COMMERCE THROUGH THE AIRSPACE OVER THE STATE.

5-508.

(b) [No] THE ADMINISTRATION MAY NOT ADOPT ANY rule, regulations, orders or standards [prescribed by the Administration shall be] THAT ARE INCONSISTENT WITH[,] OR CONTRARY TO[,] any act of the Congress of the United States or any regulations promulgated [or standards established] pursuant [thereto] TO THE ACT. [These regulations should not, however, be more severe, nor should they duplicate the federal requirements, where federal regulations now exist.]

SECTION 2. AND BE IT FURTHER ENACTED, That new Sections 8-804 and 8-805 be and they are hereby added to Article 1A - Aviation, of the Annotated Code of Maryland (1968 Replacement Volume and 1975 Supplement) to read as follows:

Article 1A - Aviation

8-804.

(A) (1) ANY OBSTRUCTION TO AIR NAVIGATION INTERFERES WITH THE PUBLIC RIGHT OF FREEDOM OF TRANSIT IN AIR COMMERCE, ENDANGERS THE LIVES AND PROPERTY OF THOSE USING THE AIRSPACE FOR TRANSPORTATION, AND ENDANGERS THE LIVES AND PROPERTY OF THE OCCUPANTS OF LAND IN THE STATE.

(2) THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE REGULATION OF ERECTION AND MAINTENANCE OF OBSTRUCTIONS TO AIR NAVIGATION.

(B) THE ADMINISTRATOR SHALL ADOPT RULES AND REGULATIONS THAT INCORPORATE THE FEDERAL AVIATION ADMINISTRATION OBSTRUCTION STANDARDS EXCEPT TO THE EXTENT THAT, AFTER PUBLIC HEARING, HE FINDS ANY PART OF THE STANDARDS TO BE DETRIMENTAL TO THE GENERAL PUBLIC SAFETY, THE SAFETY OF PERSONS OPERATING, USING, OR TRAVELING IN