

# MAINE PILOTAGE COMMISSION

Annual Report

August 1, 2017

Coverage: Fiscal Year 2017

SOS Tracking: 387



Report Completed by:

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Administrator,  
Maine Pilotage Commission

## Mission Statement

It is declared to be the intent of the Maine Pilotage Commission to provide a system of state pilotage that,

- 1) offers maximum safety from the dangers of navigation for vessels entering or leaving the waters of the State of Maine,
- 2) is devoted to the safety of vessels, crew, and cargo, and the continuing protection of the environment, and vessels,
- 3) provides high standards for proficiency,
- 4) enhances commerce and navigation, and
- 5) educates the public about the role of pilotage.



## MAINE PILOTAGE COMMISSION

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## Maine's Pilotage History

Pilotage is a critical component to the marine transportation model, ensuring safety, environmental protection, and economic efficiency. Marine pilotage traces its roots as early as the 8th century BC with references in Homer's Iliad and later in Virgil's Aeneid and the Bible with discussion of local experts guiding vessels through coastal waters.

Marking its importance to trade and the economy, pilotage was first recognized in the United States by the First Congress in 1789. At that time pilotage regulation was left to each individual state to establish its own pilotage laws and structure. In 1837, the first Federal pilotage law was passed but ironically, Maine's members of Congress opposed compulsory pilotage as they considered the law too costly to schooner owners and the prosperous coastwise trade which was important to Maine. Despite Maine's legislators opposition, the law passed creating a more uniform national standard.



A four masted schooner piloting the Maine coast on a port tack in favorable conditions.

Maine's modern pilotage standards and the creation of the Maine Pilotage Commission were established in 1969 through state legislation.

In 1998, the administrative control of the Pilotage Commission was transferred from the Department of Professional and Financial Regulation to the Department of Transportation. The move maximized synergy and coordination with the rest of the state's transport systems. The change in oversight also raised the visibility of the state's pilotage program and ensured that sensible and practical laws and rules governed pilot licensure and service rates.

Today, Maine's pilotage is overseen by the Maine Pilotage Commission which is comprised of seven members appointed by the Governor. Nine pilots serve most of the State's commercial ports within 10 distinct licensure routes. Pilotage in the Port of Portland is governed separately by the Portland Board of Harbor Commissioners. Currently, the Port of Portland is served by two full time pilots.



## Tradition with Utility

The universal shipboard signal to indicate that a pilot is aboard a vessel is the "H" or *Hotel* flag. Beyond a maritime tradition, the Hotel flag is listed in the International Code of Signals and is the globally recognized pilot flag. The flag's use dates back to the Royal British Navy in 1691.

## 1. Preamble

Pursuant to Maine Revised Statute, Annotated (MRSA) 38 § 90-A, this annual report of the Maine Pilotage Commission is provided to the Commissioner of Transportation covering Fiscal Year 2017 (July 1, 2016 - June 30, 2017). As required by the aforementioned law, this report provides details on the Pilotage Commission's operations and financial position. The report also offers comments and recommendations that the Commission considers essential.

## 2. Background

Following MRSA Chapter 38 (Waters and Navigation), the Maine Pilotage Commission oversees and maintains the state marine pilotage system devoted to the preservation and protection of lives, property, the environment and vessels entering or leaving state waters at the highest standard of efficiency. The Commission achieves this mission by ensuring the availability of well qualified pilots for the discharge of their duties in aid of commerce and navigation.

Additionally, the Commission establishes the rules, policies, and procedures that govern the licensing, training, and discipline of marine pilots in the state's waters under the jurisdiction of the Commission. The Commission also approves the rates which pilots may charge for services. Administrative responsibility for the Maine Pilotage Commission was transferred to the Department of Transportation in July 1998. Since that time, the Office of Freight and Business Services has served as the administrative arm of the Commission.

## 3. The Modern Marine Pilot

The maritime industry is critical to Maine's economy. Marine pilots ensure that vital cargo is delivered to consumers safely and efficiently. Most Mainers are not aware of how dependent they are on Maine state pilots and that virtually every ship entering a Maine port is piloted by skilled local experts, many with decades of seagoing experience.

Ships serving the ports of Maine are becoming larger and more sophisticated requiring the highest level of professionalism. Often ships are staffed with foreign crews who are unfamiliar with the challenging Maine coast with its significant tides and currents, further highlighting the need for skilled pilots.

State pilots serve all types of vessels 24 hours a day, 365 days a year, ranging from cruise ships to oil tankers. Pilots board inbound and disembark outbound ships at sea using pilot boats by climbing a rope ladder on the side of the ship. Pilots make this challenging climb in all weather, regardless if the conditions are calm, stormy, or freezing.



## Changing Pilotage Needs - *Boothbay Harbor*

Boothbay Harbor has seen a sharp decline in commercial vessel traffic in recent memory, with virtually no vessel arrivals requiring pilotage in the past 5 years. The last full time pilot serving Boothbay Harbor retired in 2015. A replacement pilot has not been established because license candidates can't justify the cost and challenges of professional licensure against the speculative potential earning capacity.

As the cruise ship market continues to grow, some non-traditional Maine ports are under consideration to diversify cruise ship port options. The situation is causing CruiseMaine to seek other suitable destinations to better spread the flow of visitors and broaden the economic impact of the flourishing cruise ship industry in Maine. Under-utilized ports such as Rockland, Eastport, and Boothbay Harbor, are ideal locations to serve as a secondary or primary destination for cruise ships due to their deep water, accessible approaches and viability as tourist destinations.

While Rockland and Eastport are logical locations to expand cruise ship arrivals, these ports are currently served by licensed pilots. Boothbay Harbor, however, has no licensed pilots which leaves a gap in Maine pilotage that should be filled to ensure that all feasible ports of call are served by qualified pilots.

The Pilotage Commission has partnered with CruiseMaine to study cruise ship trends and determine the need for new Boothbay Harbor pilots. Moreover, the Pilotage Commission will examine the most efficient means to safely ensure the competence of future Boothbay Harbor pilots, if they are deemed necessary.



Boothbay Harbor from the air.

## Cruise Ships - *At a Glance*

The Cruise ship industry remains a bright spot in the midst of a prolonged stagnation in other commercial shipping sectors. In Maine, cruise ship passenger counts were at record highs across the various ports in the state. The state is visited by 30 different ships from 22 top internationally recognized cruise ship brands. In 2016, cruise ship bed days were logged at 282,140; a 6% increase over 2015.

According to CruiseMaine, cruise ships contribute approximately \$47 million in direct spending to the Maine economy.

Additionally, the cruise ship industry generated 755 jobs and wages totaling \$26 million in income for Maine workers. CruiseMaine analysis also indicates that local businesses benefit from passenger spending at a calculated rate of \$108 per passenger (including ship sponsored tours). Moreover, Maine businesses yield income from crew members who



Anthem of the Seas rounds Bald Porcupine Island while entering Bar Harbor.

disembark their vessels during port of calls, spending an added estimate of \$47.43 per visit.

Traditionally, September and October remain the busiest months for cruise ship traffic with arrivals tallying 73 and 62 respectively. Regardless, trends are starting to break from the traditional arrival pattern with more ships opting for more varied visits; some as early as April. The Pilotage Commission, through partnership with the Maine Port Authority and CruiseMaine are watching cruise ship trends closely to manage pilotage needs and ensure ports and waterways are prepared to support higher cruise ship arrivals in new ports.

Ports such as Rockland, Eastport, and Boothbay Harbor are all viable and navigable waterways that have untapped potential to broaden the flow of passengers in the state. There are tremendous economic and cultural benefits to Maine's cruise ship industry which are all made possible by the marine pilots who ensure the safe entry and departure of hundreds of thousands of visitors who travel to Maine by sea.

## 4. Maine Pilotage Commission Details

The MRSA 38 § 89 requires the Maine Pilotage Commission to be comprised of seven individuals who are citizens of the United States and Maine and appointed by the Governor as follows:

- Three licensed pilots who are active in pilotage representing each of the Commission's coastal zones;
- Two members who are not licensed pilots but are from a maritime industry that utilizes pilots; and
- Two members representing the public who are not licensed pilots but have a maritime background.

The Commission elects a Chairperson who liaises with the Commissioner of Transportation and the Governor as needed. Captain Weeks was the Chairperson for the period of this report and was re-elected at the March 2017 Commission meeting.

The table below depicts the current membership of the Maine Pilotage Commission.

Seat	Name	Date of Commission	Expiration	Status	Component
1	David Gelinas	October 7, 2016	October 7, 2019	Active	Pilot
2	Mark Klopp	August 19, 2015	August 18, 2018	Active	Pilot
3	Gerald Morrison <sup>1</sup>	October 23, 2014	October 23, 2017	Active	Pilot
4	Shawn Moody <sup>1</sup>	October 23, 2014	October 23, 2017	Active	Industry
5	Thomas Dobbins	October 7, 2016	October 7, 2019	Active	Industry
6	John Worth	October 7, 2016	October 7, 2019	Active	Public
7	Charles Weeks <sup>1</sup> ⊖	October 23, 2014	October 23, 2017	Active	Public

<sup>1</sup> Commission member's term is due to expire.

⊖ Commission Chair.

Governor LePage confirmed the re-appointments of Captain David Gelinas as well as Captain John Worth and Mr. Thomas Dobbins as Commission members all on October 7, 2016. Three Commission members are due for re-appointment in the Fall of 2017. Re-appointment application packages for the three expiring commissions were submitted to the Governor's Office for re-appointment between February and June of 2017.



## Meet the Maine Pilotage Commission

**Captain Charles Weeks** - *Commission Chairperson*; Professor Emeritus, Maine Maritime Academy with over 50 years of shipping & education experience. Master of vessels of unlimited tonnage. **Commission member since 1998.**

**Captain David Gelinas** - President, Penobscot Bay & River Pilots Association, Master of vessels of unlimited tonnage. **Commission member since 1998.**

**Captain Mark Klopp** - Kennebec River pilot. Master of vessels of unlimited tonnage and prior tankship Master. Captain Klopp also serves as a pilot in Portland Harbor/Casco Bay and is the current President of Portland Pilots Inc. **Commission member since 2015.**



Captain Mark Klopp pilots the ground breaking USS Zumwalt, during sea trials.

**Captain Gerald Morrison** - Eastport and Quoddy area pilot, Master of vessels of unlimited tonnage. Over 35 years of seagoing and pilotage experience, including extensive tanker experience. **Commission member since 1999.**

**Captain Shawn Moody** - Operations Manager at Chase, Leavitt Ship Agents, Master of vessels of unlimited tonnage. **Commission member since 1999.**

**Mr. Thomas Dobbins** - Operations consultant to Sprague Energy with over 45 years of vessel, facility and marine logistics experience. Serves as Portland Harbor Commissioner. Master of near coastal vessels of 100 tons. Mr. Dobbins also served the Maine marine industry as a Past President of the Portland Chapter of the Propeller Club of the United States. **Commission member since 2013.**

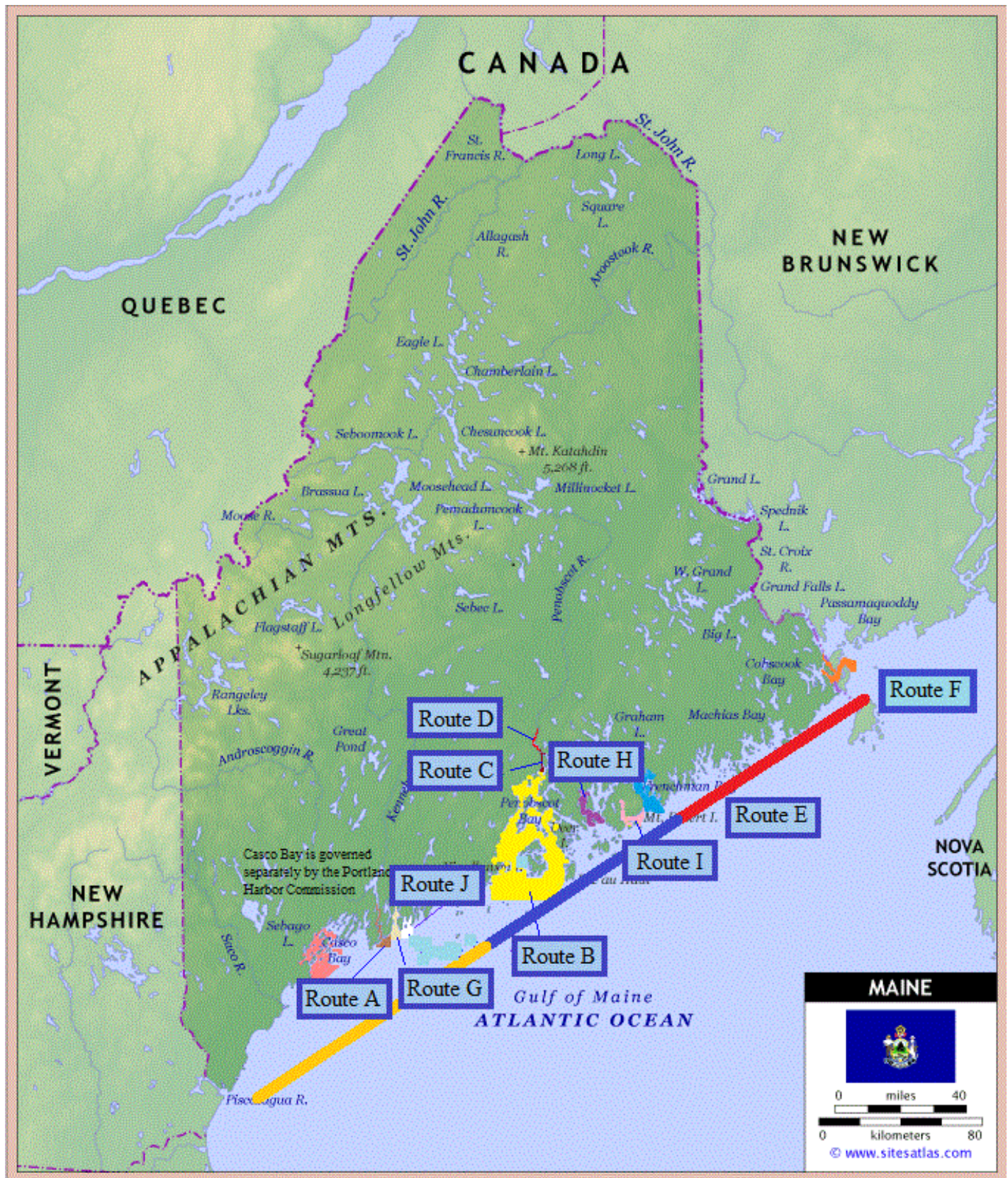
**Captain John Worth** -Retired Professor, Maine Maritime Academy, Relief Captain with the Maine State Ferry Service and extensive experience in shipboard operations and prior tug boat company owner. Master of vessels of 1600 tons. **Commission member since 2007.**

**Mr. Brian Downey** - Commission Administrator, retired senior Coast Guard officer with over 25 years of experience in marine safety and regulatory enforcement. Licensed deck officer of vessels of unlimited tonnage. **Commission Administrator since 2013.**

**Ms. Kim King** - Transportation Planning Specialist with the Maine DOT Office of Freight and Business Services with over 35 years of multi-modal transportation experience. Liaises and coordinates administration and financial transactions for the Commission. **Commission Liaison since 2007.**



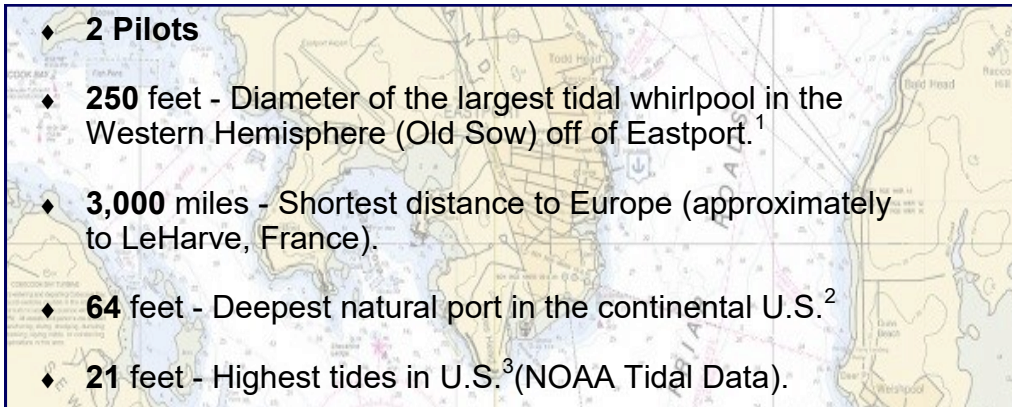
# Maine's Pilo



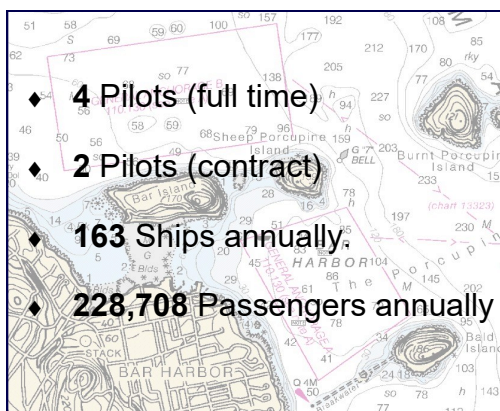


# Stage Ports

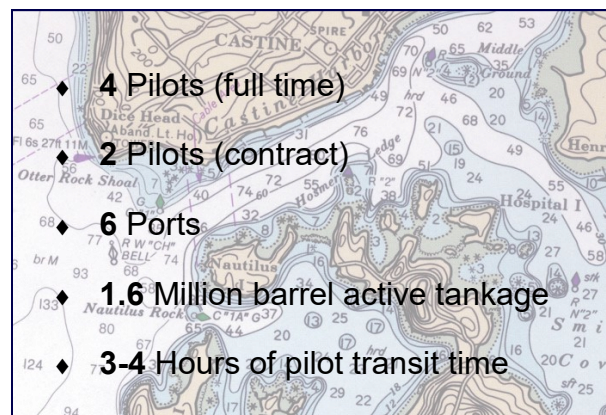
## By the Numbers - Eastport / Quoddy



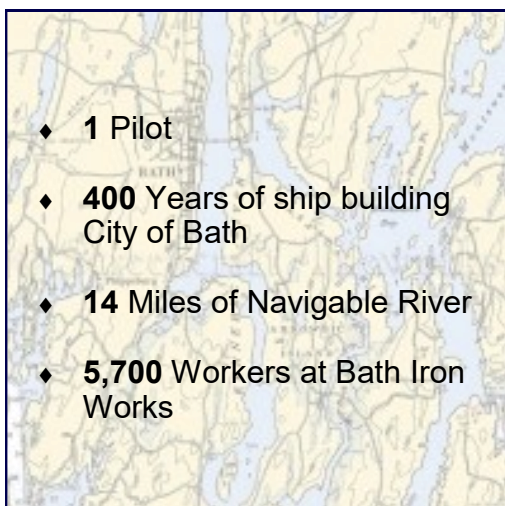
## By the Numbers - Bar Harbor



## By the Numbers - Penobscot Bay & River



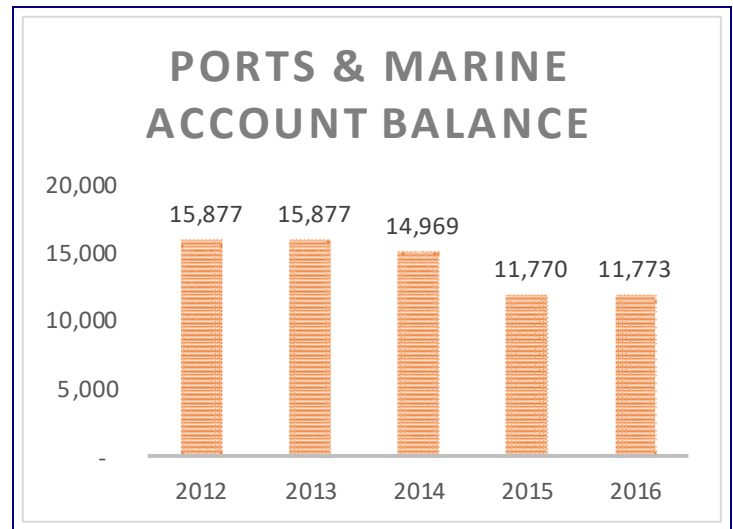
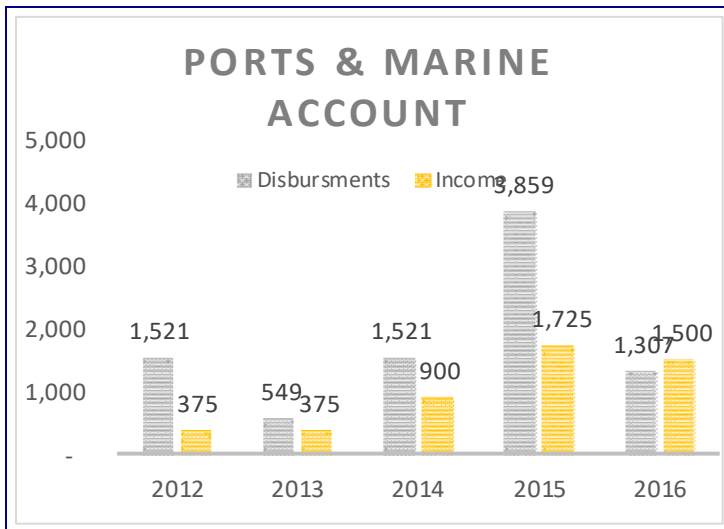
## By the Numbers - Kennebec River



## 5. Financial

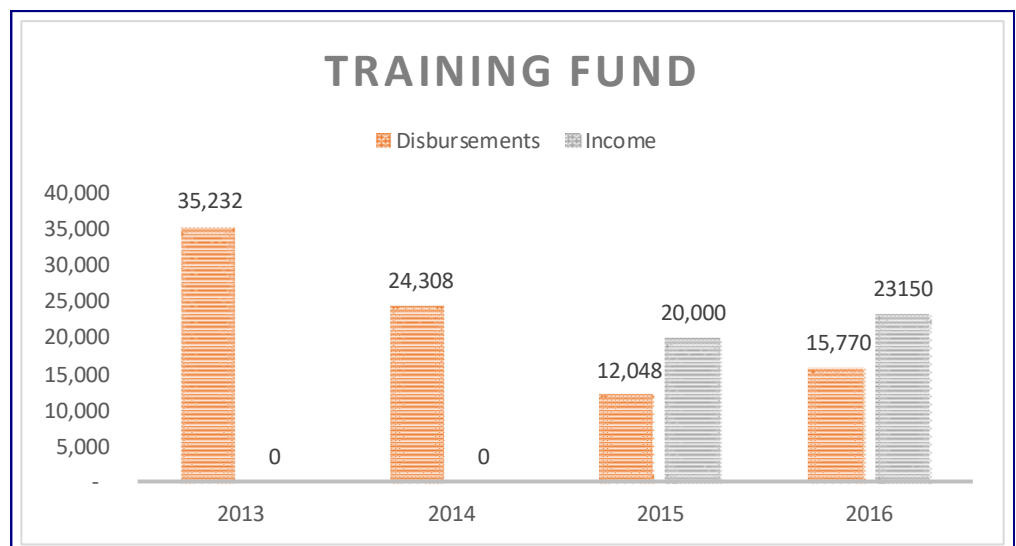
### Ports and Marine Account

The Commission maintains a “Ports and Marine Account” which is the repository from which income and expenses (insurance, hearings, and miscellaneous costs) flow. Four licenses were renewed in Fiscal Year 2017 which (along with license upgrades and examination administration) is the single source income source for the fund. The current Marine Account balance at the close of Fiscal Year 2017 was \$11,773.84.



### Pilot Training Fund

Limited training funds for pilots are available separately through the Maine Ground & Surface Waters Clean-up & Response Fund through 38 MRS § 551. The fund is sourced through a per-barrel fee on oil imports entering the State of Maine. The fund is managed by the Maine Department of Environmental Protection (DEP) and the Maine Ground & Surface Waters Clean-up & Response oversight board.



## 6. Meetings and Hearings

The following offers specific details of Commission public forums during the period of July 1, 2016 – June 30, 2017. All meetings and hearings are open to the public.

Typically, routine and recurring Pilotage Commission business is managed with three or four meetings per year. Matters warranting public interaction, such as rate adjustments or rule updates, require public hearings which are more formal and transcribed by a stenographer. There were no public hearings held by the Pilotage Commission during Fiscal Year 2017.

### Commission Meetings

#### Meeting November 17, 2016

Location: Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 8

Length of Meeting: 1.25 hours

#### Meeting March 30, 2017

Location: Augusta, ME

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 6

Length of Meeting: 1.75 hours

#### Meeting June 29, 2017

Location: Augusta, ME

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 4

Length of Meeting: 1.5 hours





## 7. Roster of Licensed State Pilots

Active Pilots	Expiration
Doug Fournier	2020
David Gelinas	2022
Mark Klopp	2021
Gerald Morrison	2022
Robert Peacock	2020
Adam Philbrook	2019
Ryan Read	2017
David Smith	2022
Prentice Strong	2019

### Active Pilots

Active pilots are licensed individuals who currently serve one or more routes and maintain currency by meeting annual recency mandates, annual eye & physical exams, continuing education & drug testing requirements.

### Inactive Pilots

Inactive pilots may hold a state pilotage license but do not meet one or more of the currency requirements of an active pilot. Inactive pilots cannot pilot ships until all currency requirements are met.

Inactive Pilots	Expiration
Michael Ames	2020
Doug Lord	2019
Earl Walker	2017

## Pilot License Activity

The current roster of state licensed pilots includes 12 individuals. During Fiscal Year 2017, pilot license transactions were as follows:

- i. New Licenses Issued: 0
- ii. Current Licenses Renewed: 4
- iii. Licenses Suspended (for cause): None
- iv. Licenses Deactivated: None
- v. New Route Endorsements Issued: 0

## 8. Pilot Training

Training continued to be a focus of the Maine Pilotage Commission during 2016-17. Following the approval an ambitious three-year training plan on June 30, 2016 the Commission immediately began execution of the plan in the Fall of 2016.

**Training MOU** - A renewal of a Memorandum of Understanding between the Maine Pilotage Commission and the Maine Department of Environmental Protection was approved and signed by Commissioner Mercer on October 4, 2016. The MOU streamed \$20,000 from the Maine Ground & Surface Waters Clean-up & Response Fund into the Pilot Training Fund for 2016-17 training.

**Bridge Resource Management (for Pilots)** - The prestigious Maritime Institute for Training and Graduate Studies was contracted to deliver a two day Bridge Resource Management for Pilots Course at two separate venues (Portland and Belfast) to maximize access and attendance. The course focused on case study analysis in identifying risks and solutions to complex navigation safety scenarios.

The course was attended by 25 students including ferry Captains from Casco Bay Lines and the Maine State Ferry Service.



Instructor, Captain Larry Bergin consults a case study during a Bridge Resource Management for Pilots course in Belfast.

**Advanced Ship-Handling** - Advanced ship-handling training was identified by the Commission as a critical part of a pilot's training portfolio. The training typically combines a detailed classroom format with practical manned model exercises in which scaled models are used to replicate ship types and designs similar to those that call on Maine ports. The highest quality training is provided by schools located in Western Europe. The international travel entails higher logistics costs which must be budgeted carefully. Currently one pilot is slated to attend a Manned Model Advanced Ship Handling course at Port Revel Ship Handling in France during 2017.

**NTSB – Marine Accident Investigator** - The Commission intends to send one Marine Casualty Investigator to the National Transportation Safety Board Marine Accident Investigator course in December. The course will be held at their state-of-the-art Ashburn, VA training facility. The course is an important element to ensure that Commission investigations are conducted with sufficient depth and detail to gain lessons learned and improve safety. The valuable course is only offered by the NTSB once every two or three years.

## 9. Commission Comments

### Searsport Dredging

An important dredging project at the Port of Searsport has been in various stages of deliberation for the past several years. The project has been stalled on multiple occasions for a variety of reasons. The Maine Port Authority and the affected Pilot group has teamed with the Army Corps of Engineers as well as community partners to seek feasible and sustainable solutions to balance a dredging project with other waterway uses and to address environmental concerns.

The planned dredging project would not expand the shipping channel or shipping berths at Mack Point in Searsport. The plan, rather, is to maintain the existing shipping channel and ship turning basin that has silted in over the years.

The Penobscot Bay and River Pilots Association has also researched and prepared a revised proposal that would reduce the dredge footprint by approximately 60% while still accomplishing an advance in navigation safety. Their notional plan reduces un-needed dredging (originally identified by the Army Corps of Engineers) East of the Mack Point Piers. Their vision also connects areas that were dredged to as much as 42 feet over 20 years ago for an unfinished infrastructure project and will give those dredge sites utility.

If completed, the dredging project will not only maintain the viability of the Mack Point terminal but could make the terminal more competitive to receive cargoes from a more diverse scope of ships. The terminal is currently handcuffed to a depth of water that is too shallow for some ships that would, otherwise, consider using the terminal to deliver products ranging from aggregates for construction to wind turbine components for alternative energy production.

The added versatility of the port, if dredged, will improve navigation safety but could also improve cargo throughput in the Mid-coast region of Maine. In the end, the project is all about safety. Deeper water means a safer transit with less chance of a grounding that could cause significant environmental damage.

### Clean-Up and Response Fund Review Board

The Maine Coastal & Inland Surface Clean-up Fund was combined by legislation with the Groundwater Oil Clean up Fund, and is now referred to as the Maine Ground & Surface Waters Clean-up & Response Fund. The combined fund necessitated the creation of a new Board to oversee distribution of funds.

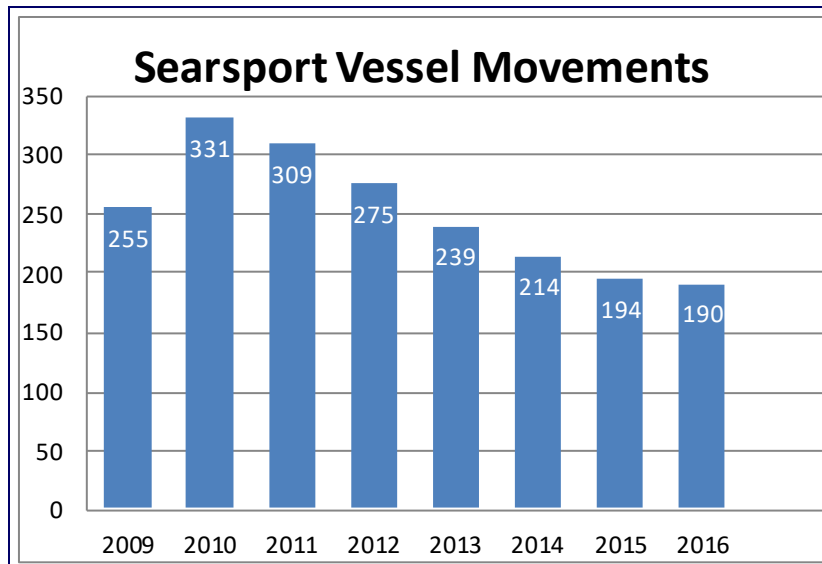
Captain Skip Strong was nominated and appointed by the House of Representatives Speaker's Office to serve on the Clean-Up and Response Fund Review Board effective February 23, 2017. The appointment satisfies a provision for one member of this new Board to be a licensed state pilot or licensed merchant marine officer. The important board position presents an opportunity for the pilots to describe their role and benefits to the citizens, including protection of the environment.



Captain Skip Strong pilots the sail vessel L'Hermoine during a visit to Castine.



## Pilot Support



While cruise ship traffic is up across the state, cargo volumes are significantly down. The trend is consistent with a global slow-down in maritime commerce but the impacts are more painful in the relatively small Maine port communities. Although outside of the purview of the Maine Pilotage Commission, it is worth noting that Portland has been the hardest hit with the virtual closure of the Portland Pipeline which historically has represented the largest portion of pilotage assignments and income due to the traffic volume and ship size. Overall, in the Port of Portland ship arrivals are down by about 50% of pre-pipeline slow down numbers. Penobscot Bay has also seen a decline

in cargo movement with a recorded 33% drop below average in the last five years. Similarly, the Port of Eastport only had about 26 ship arrivals in 2016, which is about half of more robust years. The chart above illustrates the decline in Searsport, which also provides an anecdotal snapshot of the entire state.

The situation is an extreme challenge, as Maine's ports are critical to the regional and national economies, however, the current marine traffic volume is straining local pilotage organizations. Maintaining top tier pilotage services has significant expenses that largely go unseen by the public. Pilot boat wharfage, fuel, and maintenance top the charts of pilot expenses followed by staffing payroll and benefits. Other logistical needs such as office space and administrative support are additional costs that are, in most cases, being eliminated from Maine pilotage groups to make ends meet during this lean period of marine commerce.

All of Maine's pilotage groups have collectively indicated that with such low ship traffic, maintaining viable pilotage services and associated infrastructure is unsustainable without some external support. Rate increases, while possible, may not be the correct measure as rate increases in certain ports could price cargo out of Maine to competing ports in other states. The Maine Port Authority has researched support options to determine what regional pilot support is offered in other parts of the Country. The research indicated that there are no simple solutions. Some areas, offer stipends to pilots in low volume areas in order to maintain a pilot service, others offer municipally supported infrastructure, and in one case pilots are actually paid city employees.

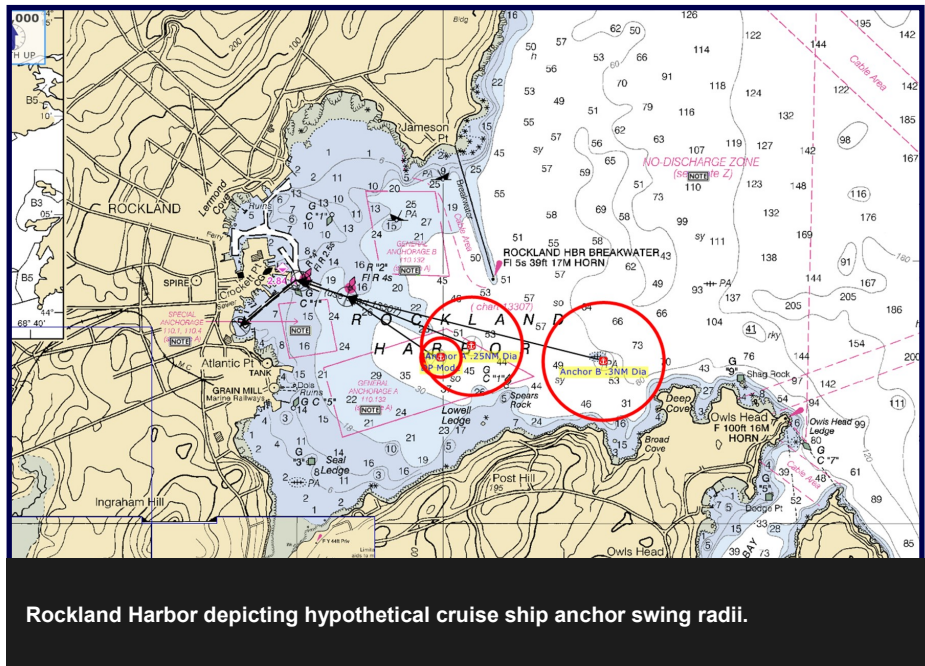
## Challenges

The first months of 2017 were met with stalled Federal license (issued by the U.S. Coast Guard) renewals for Pilots due to a significant backlog of license files that inundated the Coast Guard's National Maritime Center. Through the flexibility and extra effort of the National Maritime Center, all of our Maine pilots were able to renew their Federal licenses without any lapse in coverage. The Coast Guard's Federal pilot license is a condition of state licensure under Maine statute. Even a short lapse in license validity could severely impact the pilotage system and delay vital commerce entering and departing the state by sea.

# Rockland Anchorage

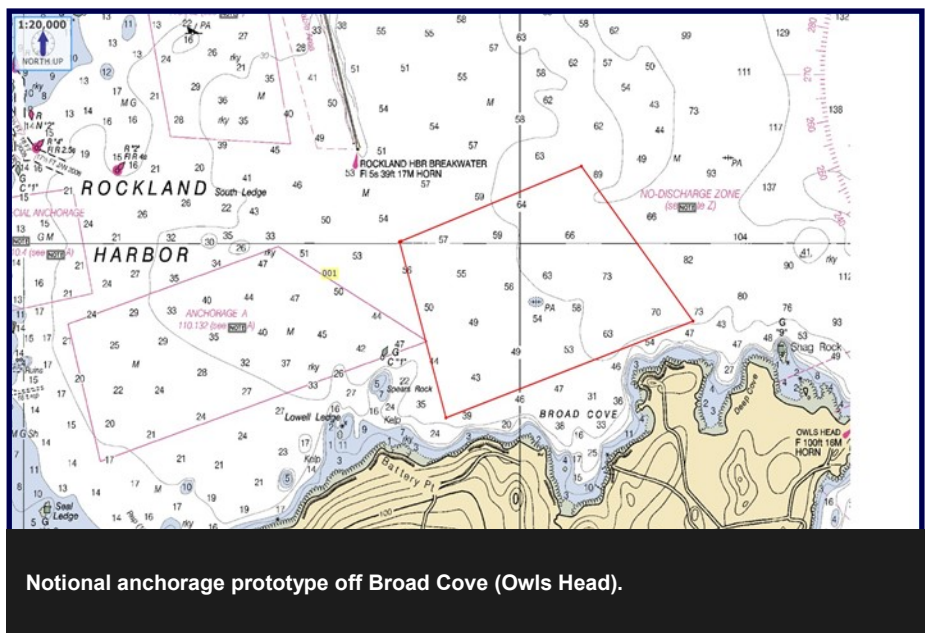
The Penobscot Bay and River Pilots Association recommended and proposed to improve deep draft vessel anchoring options in Rockland Harbor. The proposal followed the positive results of a 2016 NOAA survey and the elimination of a charted wreck off Owls Head.

Due to the tight confines of Rockland Harbor, large cruise ships often need to use dynamic positioning systems to maintain position within the restricted anchorage. Dynamic positioning often is a costly measure due to added fuel consumption which makes a Federal Anchorage a consideration. Creating a Federal anchorage requires a Federal Rule making led by the Coast Guard and would entail a Notice of Proposed Rulemaking, potential public hearings with comment periods, followed by a Final Rule making (if approved).



The red circles in the top figure, represent hypothetical ship/anchor swing radii for cruise vessels. The left circle shows a .25 nautical mile radius and the right shows a .3 nautical mile radius.

The red box off Broad Cove in the bottom figure is the Pilots' approximate depiction of how a notional Federal Anchorage may appear (not to scale), if approved.



## Marine Pilots Thank Robert Elder

On December 20, 2016, the Maine Pilotage Commission formally recognized Mr. Robert Elder, for superior service during his 44-year career with the State of Maine. In his role as Director of Freight and Business Services, Mr. Elder tirelessly championed navigation safety and expertly liaised between the Maine Pilotage Commission and Department of Transportation as well as other state agencies. He was instrumental in a critical transfer of control of the Pilotage Commission from the Department of Professional and Financial Regulation to the Department of Transportation in 1998 which raised the visibility of the state's pilotage program. The move also ensured that practical laws and



Administrator, Brian Downey, formally recognizing Mr. Rob Elder on behalf of the Maine Pilotage Commission for 44 years of dedicated service to marine transportation in the State of Maine.

rules governed pilot licensure and service rates. Mr. Elder routinely participated in Pilotage Commission meetings to address pertinent multi-modal and marine shipping issues to improve safety and enhance cargo and passenger transportation efficiency. Moreover, he was an early advocate of a Memorandum of Understanding (MOU) between the Pilotage Commission and Maine Department of Environmental Protection, securing approximately one hundred thousand dollars over a decade to deliver much needed pilot training. The innovative MOU facilitated and availed Maine pilots of valuable training to best protect Maine's pristine marine habitat. The Pilotage Commission thanks Mr. Elder for his dedicated service and wishes Rob and his family fair winds and following seas.

## 11. Commission Recommendations

The Commission continues to strongly support continuation of the MOU with the Department of Environmental Protection for pilot training on an annual basis. Training is the most cost effective and reliable tool in the transportation system's arsenal to avoid an accident and the environmental damage caused by an oil spill. As training and travel costs continue to rise with inflation, the training funds must keep pace. The Maine Pilotage Commission has pursued tireless efforts to stretch funds sourced through the MOU on an irregular renewal cycle but training opportunities have waned as a result. Further, without a predictable source of training funds it is difficult to select the highest quality programs and avail top flight training to all pilots to avoid accidents and oil spills. Delivering a sustained annual funding source will improve pilot training to ensure the safest and most efficient marine pilotage systems in the United States. Better training will protect our vital transport links, the safety of our lobster fishery brand, and our iconic coastal tourism industry.



## End Notes

<sup>1</sup> Coast Pilot 1 – 2014

<sup>2</sup> NOAA Tidal Data - 2015

**Maine Pilotage  
Commission**

**MaineDOT**

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