

MAINE PILOTAGE COMMISSION

Annual Report

August 1, 2020

Coverage: Fiscal Year 2020

SOS Tracking: 387



Report Completed by:

Brian J. Downey Jr.
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:

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



MAINE PILOTAGE COMMISSION

16 State House Station

Augusta, ME 04333-0016

www.maine-pilotage.com



CAPTAIN DENNIS R. SHERWOOD

Longtime pilot of vessels in New York and New Jersey ports
Captain Dennis R. Sherwood, 64, of Freehold Township passed
away suddenly on Monday, Dec. 30, 2019.

He was born and raised in the Castleton Corners section of Staten
Island, and later settled in Freehold Township in 1987.

Captain Sherwood received his BA from St. Peter's College in
Jersey City. He was employed as a Sandy Hook pilot for 35 years.
Captain Sherwood piloted all types of vessels in the New York and
New Jersey ports.

He summered at Cranberry Lake where he was a member of the
community club. A good story-teller and quick with a joke, he
enjoyed playing golf with his friends. His greatest love in life was his
family and he was in turn loved dearly by them all.

He was predeceased by his parents, William and Margaret
Sherwood. Dennis is survived by his wife of 35 years, Marianne
Sherwood of Freehold Township; children, Kelly Sherwood and her
husband, Robert McBriar of Hackettstown; Dennis Sherwood and
his husband, Paul Caruso of Jersey City; William Sherwood of
Hollywood, Fla., and Alexis Sherwood of Freehold Township and
siblings, Margaret Griswold and William Sherwood, both of Staten
Island.

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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 2020 (July 1, 2019 - June 30, 2020). 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.

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 Passenger Services has served as the administrative arm of the Commission.

The Maine Pilotage Commission

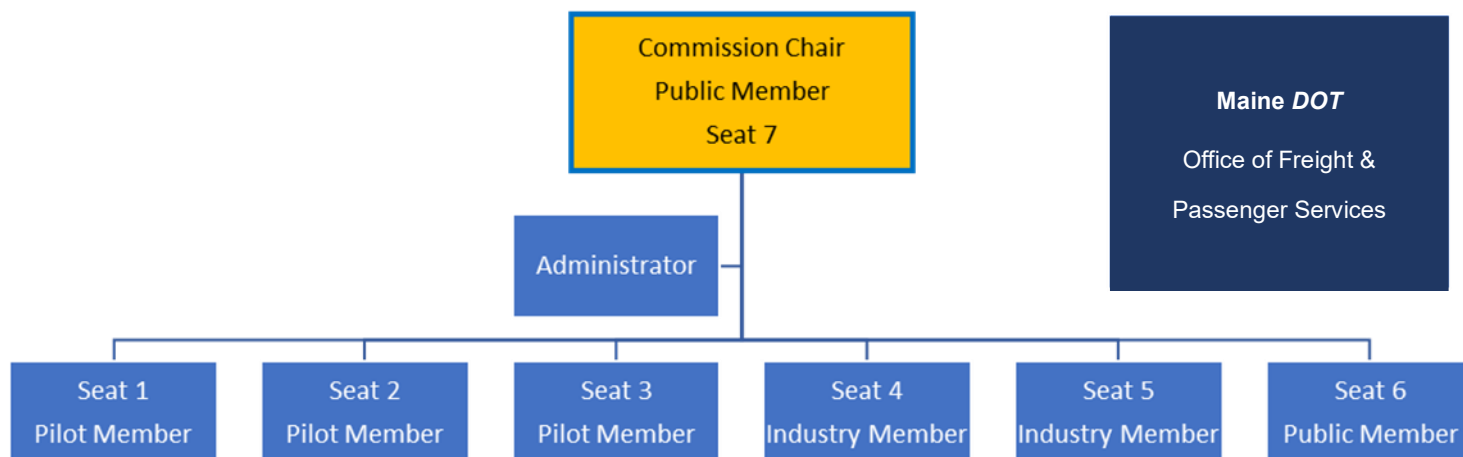
The MRSA 38 § 89 requires the Maine Pilotage Commission to be comprised of seven individuals who are citizens of the United States and Maine and appointed by the Governor as follows:

- 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 April 2020 Commission meeting.

Pilotage Commission Details

Organization & Structure



Seat	Name	Date of Commission	Expiration	Status	Component
1	David Gelinas	October 7, 2016	October 7, 2019	Active	Pilot
2	Vacant			Open	Pilot
3	Gerald Morrison	October 23, 2017	October 23, 2020	Active	Pilot
4	Shawn Moody	October 23, 2017	October 23, 2020	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 ⊕	October 23, 2017	October 23, 2021	Active	Public

⊕ Commission Chair.

Captain Klopp's Commission renewal was initiated in May of 2018 but due to the changing administrations, the action on that commission was deferred to the incoming governor. Captain Klopp had remained active on the Commission in the interim while waiting for the reappointment but later resigned from the Commission on June 27, 2019. Captain Klopp's seat remains temporarily vacant as there are no other pilots serving the Southern Coastal Zone, who are eligible to fill the seat. Captains Worth and Gelinas as well as Mr. Dobbins were due for a renewal of their respective Commissions as of October 2019. Renewal packages for Captains Worth, Gelinas, and Mr. Dobbins were submitted in the Spring of 2019 and are pending approval. Captains Moody and Morrison submitted renewal packages in the Spring of 2020 and are also awaiting action.

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 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.***

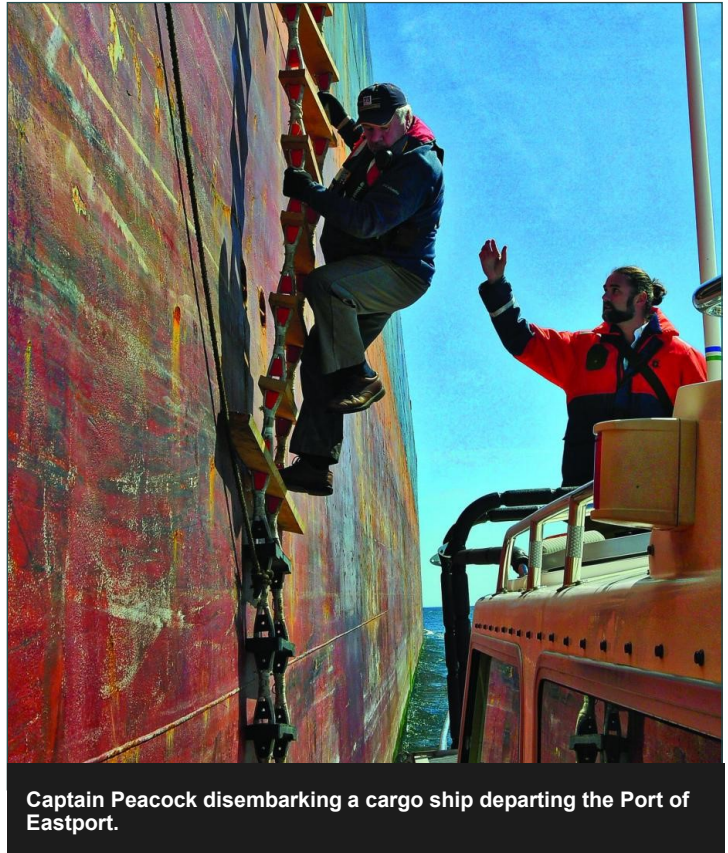
Captain Shawn Moody - Operations Manager at Chase, Leavitt Ship Agents, Master of vessels of unlimited tonnage. ***Commission member since 1999.***

Mr. Thomas Dobbins - Operations consultant to Sprague Energy with over 45 years of vessel, facility and marine logistics experience. He served as Portland Harbor Commissioner and holds a 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 1,600 tons. ***Commission member since 2007.***

Mr. Brian Downey - Commission Administrator, retired senior Coast Guard officer with 30 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 Passenger Services with over 35 years of multi-modal transportation experience. Liaises and coordinates administration and financial transactions for the Commission. ***Commission Liaison since 2007.***

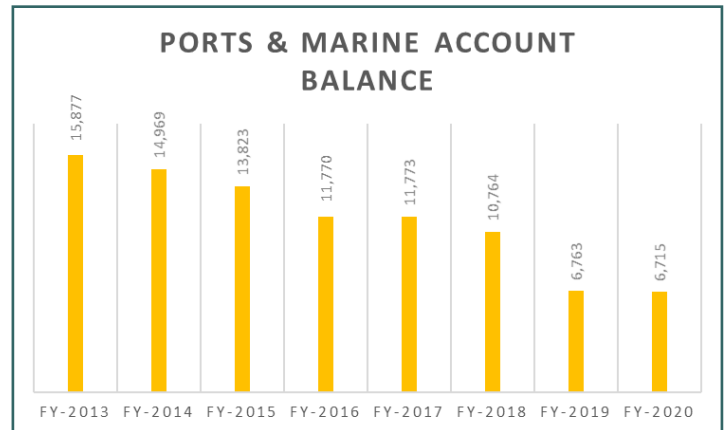
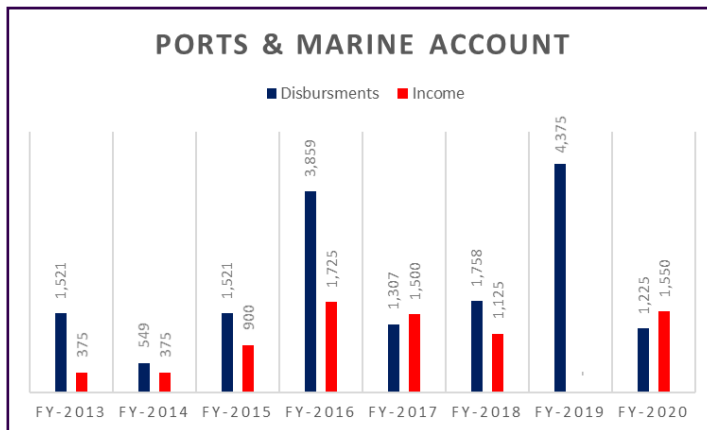


Captain Peacock disembarking a cargo ship departing the Port of Eastport.

Financial Summary & Budget

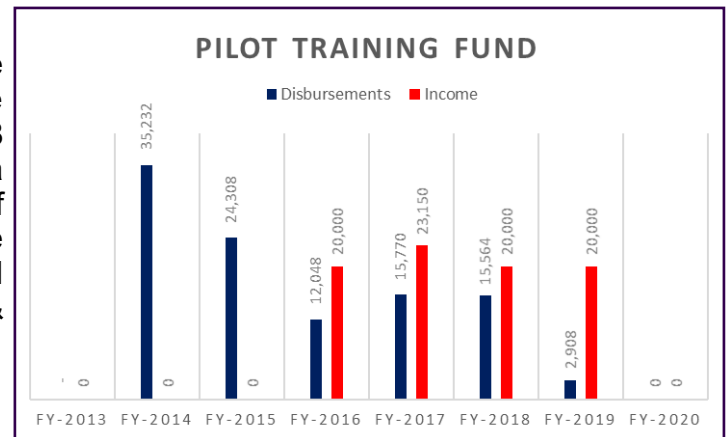
Financial Summary - Ports and Marine Account

The Commission maintains a "Ports and Marine Account" which is the repository from which income and expenses (insurance, hearings, and miscellaneous costs) flow. There were three licenses renewed in Fiscal Year 2020. License renewals along with license upgrades and examination administration constitute the only source of income for the fund. The current Marine Account balance at the close of Fiscal Year 2020 was \$6,715.



Financial Summary - 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.



Budget Proposal - Fiscal Year 2021

Per 38 MRS § 90-B, the following annual budget is offered to the Commissioner.

Item	Tort & Civil Rights Insurance	Board Vehicle Liability Insurance	Bond Fidelity Insurance	Board Travel	StaCap	Steno-graphy	Hearings	Legal	Other	Total
\$	675	60	18	1,200	8.55	0	0	0	0	\$ 1,961.55

Anticipated Income - Fiscal Year 2021

Fee	Initial License Fees	Renewal Fees	Successive Area Fees	Total
\$	0	750	50	\$ 800.00

Regular Commission and Public Meetings

The following offers specific details of Commission public forums during the period of July 1, 2019 – June 30, 2020 in which the Maine Pilotage Commission participated. All meetings are open to the public. Due to the social distancing precautions required to combat the Coronavirus, the March 24, 2020 Maine Pilotage Commission meeting was postponed to April 22, 2020 which was held virtually using video conferencing. The June 24, 2020 meeting was likewise held virtually.

Commission Meetings

Meeting November 20, 2019

Location: Maine DOT Augusta, ME

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 7

Length of Meeting: 1.8 hours

Meeting April 22, 2020

Location: Virtual Teleconference

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 7

Length of Meeting: 1 hour

Meeting June 24, 2019

Location: Virtual Teleconference

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 3

Length of Meeting: 1.1 hours

Legislative Hearing

Members of the Maine Pilotage Commission attended a public hearing of the Joint Standing Committee on Transportation, which discussed LD-2066.

Hearing February 11, 2020

Location: State House - Augusta, ME

Purpose: Commission members spoke in support to LR 2066, which authorized the use of vessels of less than 1,600 Gross Tons for training in Low Volume Areas.

Legislative Work Session

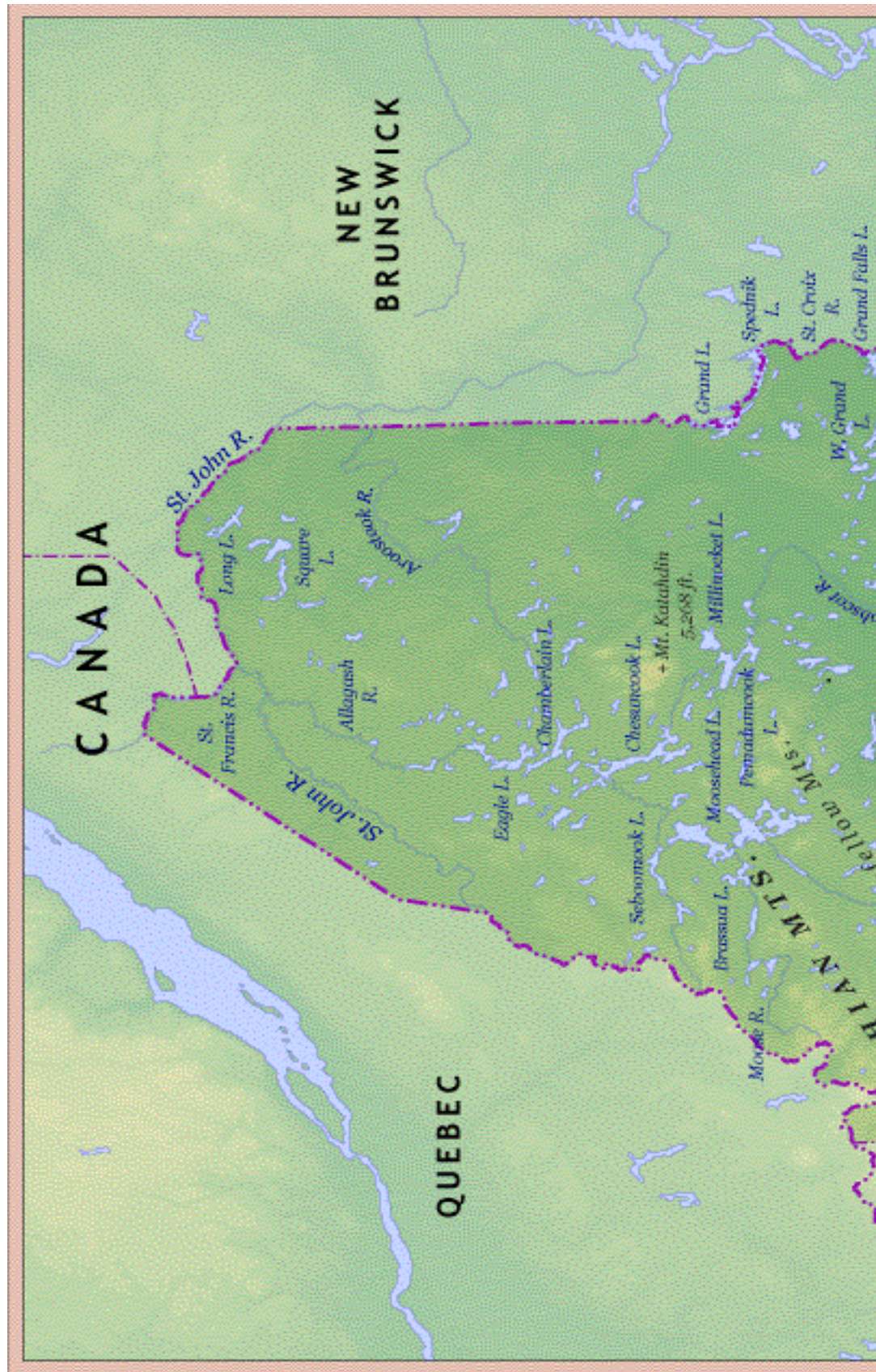
The Administrator of the Maine Pilotage Commission attended a public work session of the Joint Standing Committee on transportation, regarding LD-2066.

Work Session February 13, 2020

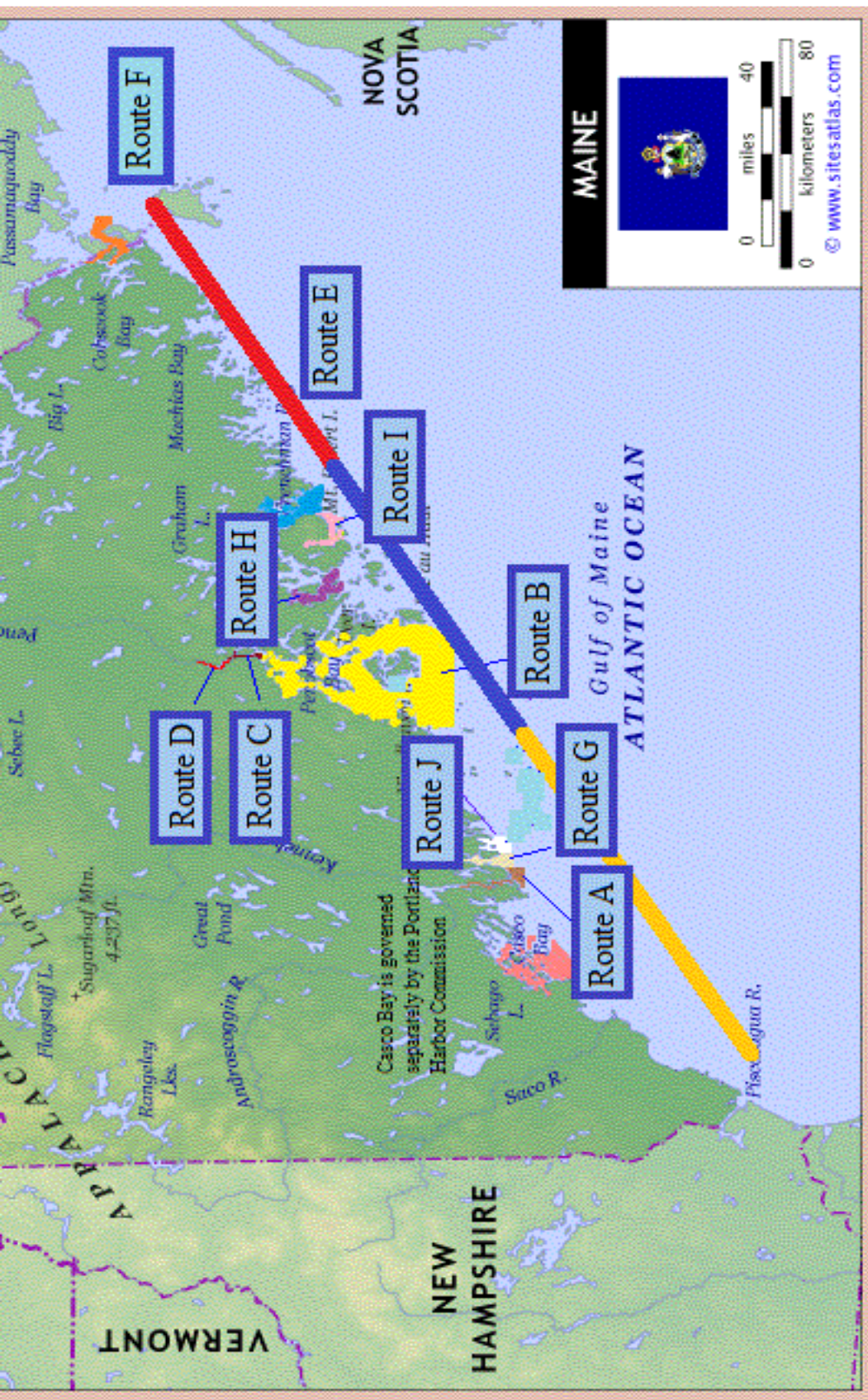
Location: State House - Augusta, ME

Purpose: The Maine Pilotage Commission Administrator attended the Work Session to avail aid to the Committee members in understanding the need of modification of licensing standards for Low Volume Areas.

Maine's Pilgrimage

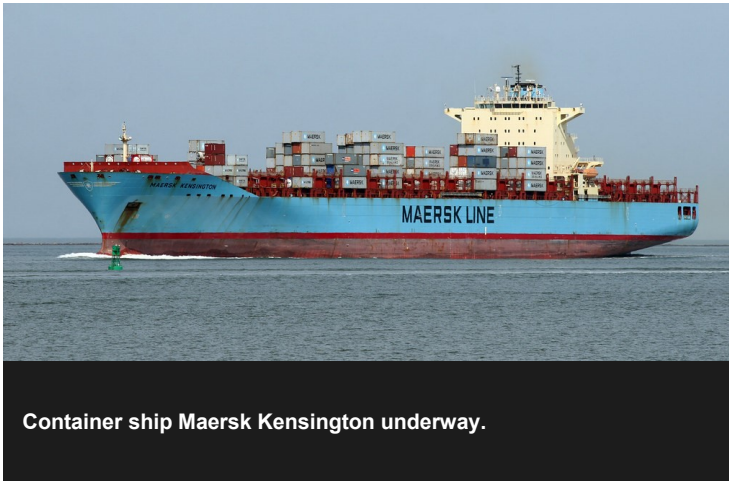


otage Ports



Pilot and Navigation Safety

Sandy Hook Pilot Fatality



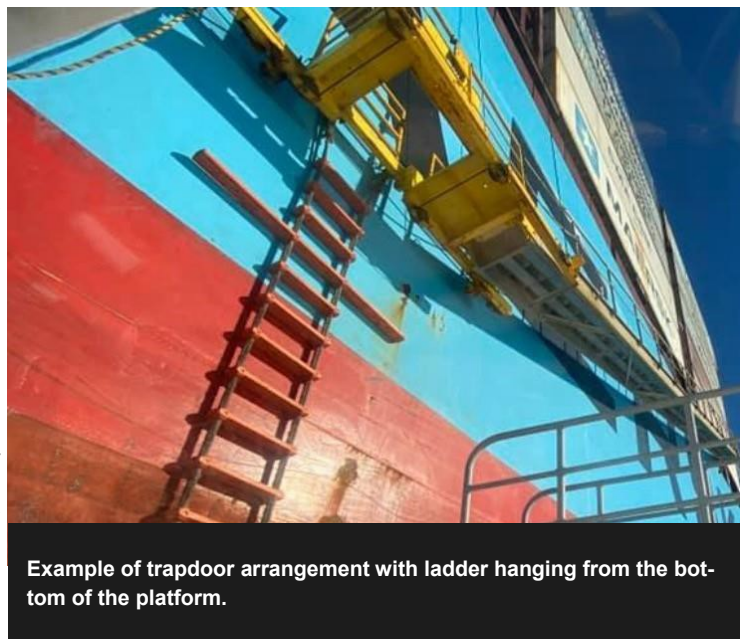
Container ship Maersk Kensington underway.

Pilot Boarding Accident - On December 30, 2019 at approximately 0430 a 35 year veteran Sandy Hook pilot fell from a pilot ladder while boarding the U.S. flagged container ship *Maersk Kensington* inbound to the Port of New York/New Jersey. Sadly the pilot sustained fatal injuries from the fall. While this incident occurred outside of Maine and did not involve any Maine pilots, the accident raises awareness of the daily hazards faced by pilots. The lessons learned from this tragedy will hopefully prevent future pilot falls.

Maersk Kensington, at 980' and 6,200 TEUs is much larger than most ships that visit Maine's ports. Regardless, the combination pilot ladder / accommodation ladder arrangement is similar to pilot boarding arrangements on other vessels entering Maine. In the case of *Maersk Kensington*, preliminary analysis indicated that a trap door arrangement in the accommodation ladder made the pilot ladder to accommodation ladder transition hazardous and possibly non-compliant with International Maritime Organization standards.

American Pilots' Association Letter

Pilot Ladder Awareness - On February 12, 2020 the American Pilots' Association released an open letter to all Pilot Commissions in the United States. The letter outlined the preliminary analysis of the accident that claimed the life of a Sandy Hook Pilot in December of 2019. The letter indicated that the trap door arrangement in the ship's accommodation ladder created a poor transition point during the pilot boarding evolution which likely led to the pilot falling. The letter urged Pilot Commissions to remind pilots that they may "refuse to use a transfer arrangement that he or she reasonably believes is unsafe." In particular, pilots should note the problems



Example of trapdoor arrangement with ladder hanging from the bottom of the platform.

with a trapdoor arrangement similar to the one from in the 2019 fatality, and provide a brief description of the current IMO standards for combination arrangements using a trap door.

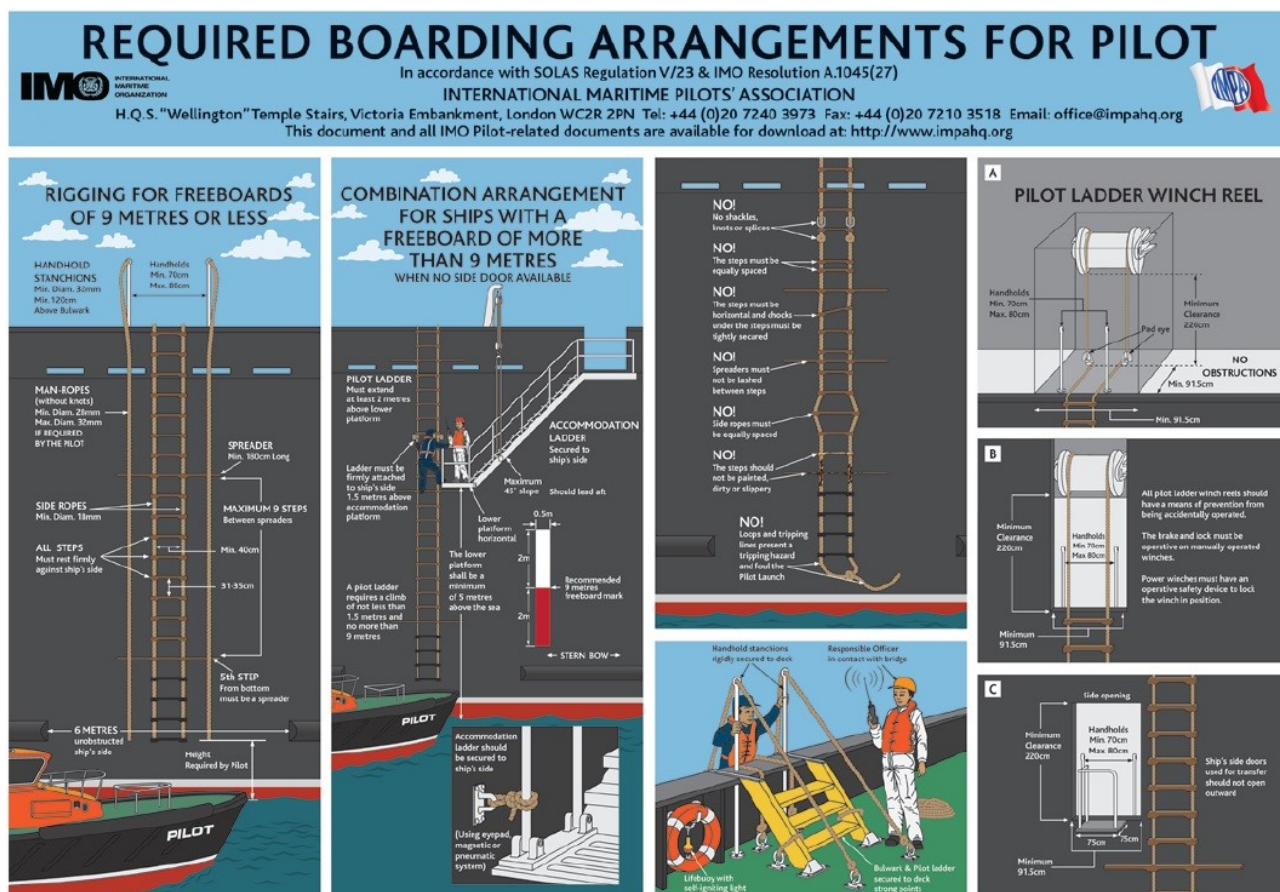
As requested by the American Pilots' Association, the Maine Pilotage Commission confirms it will support, and defer to the judgement of, a pilot who refuses to use a transfer arrangement that he or she believes is unsafe, unless that refusal is later shown to be clearly unreasonable or insincere.

Moreover, in concert with the American Pilots' Association, the Maine Pilotage Commission urges ships with a trapdoor arrangement to bring their arrangements into compliance with the current IMO standards by either:

(1) switching to the more traditional system of a pilot ladder hung from the ship's deck, positioned adjacent to the accommodation ladder platform, and secured to the ship's hull at a point nominally 1.5m above the platform; or

(2) ensuring that the trapdoor arrangement meets the following IMO standards:

- Rig the pilot ladder through the trapdoor extending above the platform to the height of the handrail;
- Lower the platform of the accommodation ladder secured to the ship's side, so as to ensure that the lower end of the accommodation and the lower platform are held firmly against the ship's side; and
- Ensure the pilot ladder remains against the ship's side.



Roster of Licensed State Pilots

Active Pilots	Expiration
Doug Fournier	2025
David Gelinas	2022
Mark Klopp	2021
Gerald Morrison	2022
Robert Peacock	2020
Adam Philbrook	2024
David Smith	2022
Prentice Strong	2024

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	2024
Earl Walker	2022

Pilot License Activity

The current roster of state licensed pilots includes 11 individuals. During Fiscal Year 2020, pilot license transactions were as follows:

- New Licenses Issued: 0
- Current Licenses Renewed: 3
- Licenses Suspended (for cause): 0
- Licenses Deactivated: 0
- New Route Endorsements Issued: 0

Pilot Training

Coronavirus Training Impacts

The Maine Pilotage Commission was attempting to send one of its designated investigators to a Marine Casualty Investigator course through the American Bureau of Shipping or Det Norske Veritas in the Spring of 2020 but all courses were suspended due to the Coronavirus. Moreover, one pilot was approved to attend a one week manned model course in FY 2020 which has also been deferred until the Coronavirus pandemic has stabilized.

High Speed Craft Bridge Resource Management - USMRC

Two pilots attended a two day High Speed Craft Bridge Resource Management Bridge Resource Management (BRM) course held at USMRC in Middletown, RI in March 2020. BRM is a system of performing bridge tasks in which crews behave in an efficient and team-oriented manner, maintaining awareness of the situation and its potential outcomes at all times. The course is a hybrid of the standard BRM offering to better reflect the operating characteristics and nuances of vessels that are designed to run at higher speeds, such as ALAKAI (The CAT), which will operate between Bar Harbor and Yarmouth, Nova Scotia. The course focused the



Simulator view as observed by pilots during training.

pilots to:

- confirm who is exactly involved in the bridge team;
- understand the roles of the bridge team; and
- appreciate why BRM practices and behaviors must be applied at all times, especially in pilotage waters.

The course also explored human factors, leadership qualities, communication abilities, stress & fatigue liabilities, and basic terminology required for proper bridge team management on a high speed craft.

ECDIS for Pilots - Maine Maritime Academy

The Commission approved a refresher Electronic Chart Display and Information System (ECDIS) for pilots course for its pilots. ECDIS is a sophisticated electronic navigation charting system, used on ships. The Commission has engaged with the Maine Maritime Academy Continuing Education Department to deliver the course. The two-day course covers the basic elements of ECDIS as required by international and national regulations, and the recommendations of The American Pilot Association. The course will include classroom instruction and demonstrations utilizing desktop ECDIS simulation. The candidates will demonstrate proficiency in selected ECDIS tasks including RADAR integration and resource management procedures. The course is currently in the planning process with October or November as the targeted convening window but may be postponed due to the dynamic Coronavirus situation.

Pilot Issues in Brief

New Pilot Boat

In January 2020, the Penobscot Bay and River Pilots acquired an additional pilot boat from the Virginia Pilots Association in Norfolk, VA. The 52' aluminum hulled vessel was built in 1996 by Gladding Hearn Shipbuilding in Somerset, MA (well known for building top quality pilot and work boats). The vessel is well equipped for coastal work with higher freeboard for better seakeeping and is complete with heated decks to reduce dangerous icing conditions in the winter. The addition of the new boat to the Pilot's Rockland location will free the existing pilot boat for other assignments including future summer cruise ship seasons in Bar Harbor. Appropriately named *Dirigo*, Maine's Latin state motto "to lead" also well represents the pilots' role in assuring safe and efficient navigation of visiting ships to our shores. Welcome Dirigo!



Penobscot Bay and River Pilots Association's *Dirigo* improving pilot boarding safety off Penobscot Bay.

Recommended Route Extension

The Cruise Lines International Association (CLIA), collaborated with the Penobscot Bay and River Pilots, Maine fishermen, the Maine Department of Marine Resources and NOAA, to extend existing recommended routes for deep draft vessels (accessing Frenchman Bay) on NOAA Chart 13312 as follows:

- Eastern Route: Extended the existing route approximately 3 additional miles. The North-east corner of the route is 44°13.5' N, 067°52.6' W and the Southwest corner of the route is 44° 13.50' N, 067°52.74' W. This extension is 400 yards wide and corresponds with the existing route.
- Southern Route: Extended the existing route 12.04 nautical miles so as to remain just outside of the 3-mile limit of Mount Desert Rock. The terminal coordinates of the extension is: 43° 52.77 N 068°17.00 W (Southeast corner) and 43° 52.86 N 068°17.20' W (Northwest corner).

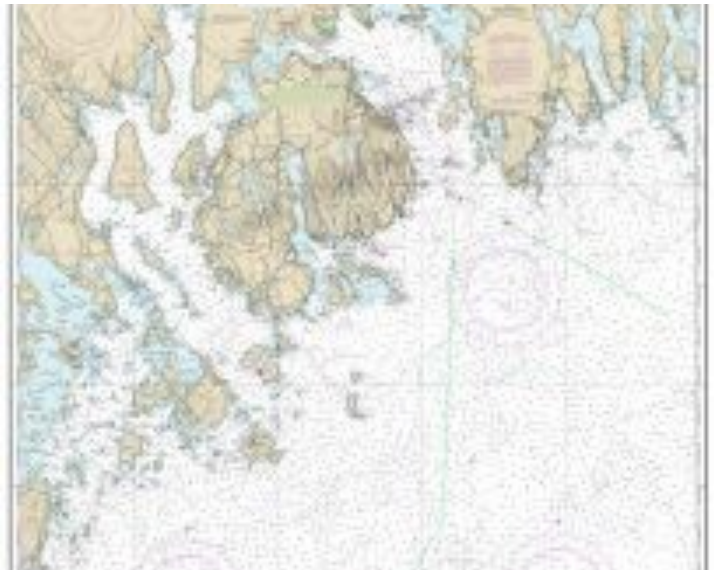


Chart 13312 depicting the extended Recommended Routes.

A longer recommended route will help keep more deep draft traffic further to the East and away from popular lobster fishing grounds. The extensions will lower the risk of entangling propellers, rudders, stabilizers and other hull appurtenances by cruise ships in lobster and other fishing gear.

International Ferry

Bay Ferries Limited shifted their international ferry “ALAKAI” (better known as *The CAT*) high speed Ro/Pax ferry from Portland to Bar Harbor. 2020 was supposed to have been its first full inaugural Bar Harbor season but the season was cancelled due to the Corona-virus.

In preparation for *The CAT*’s return to Bar Harbor, the Maine Pilotage Commission organized High Speed Craft Bridge Resource Management training for the pilots charged with guiding the ship in and out of port. The training conducted at the United States

Maritime Resource Center in Middletown, RI combined both classroom and state-of-the art simulator training to prepare the pilots. The training will best assure the safety of navigation in this seasonally high vessel traffic area of Maine when international ferry service resumes.



ALAKAI (The CAT) underway at full sea speed.

Voluntary Audit Scheme

In order to ensure quality and accuracy of pilotage licensing records, the Maine Pilotage Commission initiated a voluntary internal auditing system in 2015. Striving to audit each pilot record every five years, a full examination of all of the pilot records was performed in 2019. The internal audit is in addition to routine monthly pilot status checks conducted by the Administrator which ensures compliance with State and Federal licensing standards. The voluntary audit digs deeper to ensure that all permanent records are properly retained in a MaineDOT electronic database. The system follows a standardized record verification format to assure consistency. The Administrator examines each pilot’s record periodically to verify that all legal requirements are satisfied and that records properly reflect the pilot’s current licensing status, recency, physical wellness, continuing education requirements, as well as other routine administrative items. The program has been successful in assuring that certain external relevant documents (such as letters and other pertinent correspondence) are included in DOT files. Overall the internal auditing system has enhanced record keeping detail and accuracy.

COVID-19

Crisis in Brief

Nothing will define 2020 more than the COVID-19 pandemic which swept the globe. COVID-19 proved to be an extremely contagious, highly debilitating, and potentially deadly virus, particularly for people over 60 years old and those with pre-existing health conditions. Most of America remained in an optimistically cautious posture while we watched the pandemic unfold in China and Italy until March 11, when the U.S. initiated an aggressive response including travel restrictions for the world's most impacted countries. In order to slow the spread and combat the virus, unprecedented and sweeping quarantine orders were established across the country, including Maine.

Among the most damaging impacts to the local maritime economy was the suspension of all cruise ship traffic in the United States and Canada. Canada suspended cruise ship operations until October 31, 2020. Considering most ships visiting Maine also build the Canadian Maritimes into their itineraries, the loss of the Canadian component essentially ended the 2020 cruise ship season in Maine which hosts hundreds of cruise ship arrivals annually.

Thanks to the selfless commitment of Maine's Maritime infrastructure, including our pilots, cargo that was important to our economic stability and response to the pandemic crisis, was able to be delivered with virtually no delays. The State of Maine owes its gratitude to the pilots who placed themselves at personal risk for the betterment of the state.

Maritime COVID-19 Response

During the COVID crisis, the Maine Pilotage Commission recognized that shipping would need to continue in order to stabilize the economy, which was derailed by the pandemic, while moving critical supplies to support the state's daily needs. Considering the health risks, especially early in the response, the Maine Pilotage Commission issued Policy Letter 01-2020 which offered emergency measures to help reduce the risk to pilots boarding ships. The policy was developed based on existing CDC guidance as well as an innovative directive from the Boston Pilots Association. The guidance recommended aggressive disinfection of all bridge surfaces including navigation and communication equipment in addition to social distancing and other precautions. The Commission also coordinated with the Coast Guard in the sharing of information and participated in coordinated planning conference calls.

The Coast Guard took a strong leadership role in the regional maritime response. The Coast Guard's single most effective action was the application of a 14 day quarantine of any ship arriving from a high risk country, which proved effective. Later that policy was broadened to domestic vessels as many tugs and barges were arriving from New York which, in the months of March and early April, accounted for half of the country's cases and thus presented the same risk as a foreign vessel, if not higher. The Coast Guard further screened all incoming vessels and crew to ascertain countries of origin to apply the critical 14 day active virus window.

The Coast Guard also streamlined non-critical tasks to only the most mission critical assignments. The Coast Guard additionally extended all expiring Federal mariner (Pilot) licenses until December 2020, which potentially impacted 3 Maine state pilots.

Legislative and Rule Revisions

Low Volume Areas

Background

Lacking pilot coverage for Low Volume Ports was first raised as an issue in 2017 when a mega-yacht had difficulty accessing a port (Boothbay Harbor) due to insufficient pilot coverage due to a pilot retirement.

38 MRSA, Section 91 requires vessels of at least 1,600 gross tons to be used to train replacement pilots. Unfortunately, vessels of that size simply no longer access ports like Boothbay Harbor and other low volume areas. On a positive note, there is growing interest in large yachts visiting low volume areas such as Boothbay Harbor. Faced with growing, albeit limited, interest in vessels requiring pilotage in smaller ports, the Maine Pilotage Commission had to maintain port access through ample licensed pilots but was handcuffed to statutory language that prevented the creation of new pilots to fill the need.

The Commission established a workshop to analyze the issues and provide a recommended course of action in 2017. In an effort to best serve the State of Maine, the Commission, based on the recommendations of its Workshop, sought a solution to properly train pilots to the best of its ability instead of expanding exceptions or creating waivers. Unfortunately, there are so few opportunities to gain pilot training in low volume waters on vessels of at least 1,600 gross tons, that it required alternative measures to gain pilotage competence. The situation was a chicken and egg scenario, in that large yachts and vessels couldn't access our smaller ports without a pilot but the Commission couldn't create new pilots without allowing these vessels to access those same ports. LD 2066 solved this dilemma by allowing pilots to train on smaller, more accessible vessels.

Representative McLean sponsored a Bill to the 129th Maine Legislature to resolve the issue.

Legislative Modification Process

On February 11, 2020 the Joint Standing Transportation Committee held a hearing to discuss LD 2066 "An Act To Authorize the Maine Pilotage Commission To Establish Alternative Initial License Criteria for Existing Pilots Seeking Endorsements for Low Traffic Volume Routes." Commission Chair, Captain Weeks and active pilot Captain Adam Philbrook joined Meghan Russo of Maine DOT to testify in support of the legislative change.

On February 13, 2020 the Joint Standing Transportation Committee held a Work Session to further discuss LD 2066. During the Work Session the Committee voted unanimously that LD 2066 "Ought to Pass" without any additional discussion.

On March 17, 2020, LD 2066 was presented and passed by the State Legislature.

On March 18, 2020 Governor Mills signed the Act into law, revising 38 MRSA, Section 91.

Rule Modification Process

On June 17, 2020, the Maine Pilotage Commission published for public comment, draft rule changes to implement the revision of 38 MRSA, Section 91. The rule changes to Maine Pilotage Rules 17 – 37 Chapter 1 Part A.1. Pending no adverse comments, the rule will be approved and promulgated on July 17, 2020.

Under the rule change:

- Only pilots with proven skills who are already licensed by the State for other waters under the jurisdiction of the commission will be considered for licensure in low volume waterways.*
- Initial licenses will be issued only after the requisite number of familiarization round trips as currently required under Maine Statute (12 round trips in most cases) are completed.*
- Pilot candidates will also be required pass a rigorous written examination.*
- Once endorsed, pilots will need to continue to meet their normal continuing education requirements, as well as annual recency to ensure route familiarization to maintain the active endorsement.*

Moving Forward

Captains Douglas Fournier and Adam Philbrook volunteered to train for Low Volume Area pilotage in Boothbay Harbor which is the pilotage route with the most pressing need.

Conclusion

LD 2066 and modifications to the rule will only serve to improve safety. Without LD 2066, and the accompanying rule change to Maine Pilotage Rules 17 – 37 Chapter 1 Part A.1, the State ran the risk of a vessel operator avoiding a port, impacting commerce; or worse, entering a port without a pilot and risking an accident which could result in environmental harm, and subsequent consequences to the fishery and tourism industries. These proactive changes will best assure the economic vitality of our coastal communities while protecting lives, property, and our marine habitat.

Recommendations per 38 MRS § 90-B

Commission Recommendations

Enforcement -

The Maine Pilotage Commission seeks the Department of Transportation's support in a partnership with an appropriate marine enforcement agency to aid in the enforcement of pilotage laws. While not typical, periodically, vessels may either intentionally or unintentionally violate Maine pilotage requirements putting, lives, property and the environment at risk.

While the Maine Pilotage Commission prefers to compel compliance through education, this more passive method is sometimes insufficient as some violators require stronger enforcement options.

Although the Maine Pilotage Commission is not authorized any enforcement powers, Maine Revised Statute provides numerous monetary penalties designed to compel compliance with Maine pilotage requirements. The Commission needs support to ensure monetary penalties are effectively enforced.

- **Title 38 Maine Revised Statute 86** - "Vessels Required to take a Pilot" Civil Penalty of \$15,000 per day for failing to take a pilot as required by Maine pilotage laws.
- **Title 38 Maine Revised Statute 88** - "Piloting without a License" Fine of \$5,000 as a Class E Crime per each instance of piloting or offering to pilot without a license. Civil Penalty for failing to take a pilot as required by Maine pilotage laws.
- **Title 38 Maine Revised Statute 98** - "Commissions Prohibited" Civil Violation of \$5,000 for each violation of charging or receiving a commission in connection with piloting services.
- **Title 38 Maine Revised Statute 101** - "Surrender of Revoked or Surrendered License" Civil Violation of \$5,000 for each week of refusal to surrender a revoked or suspended license.

We will continue to seek the support of an appropriate marine enforcement agency and Attorney General's Office to establish an effective system to hold violators accountable.

Mission Statement

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

Maine Pilotage Commission

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www.maineportage.com

