

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1874

H.P. 1245

House of Representatives, May 5, 2025

An Act to Enable the Maine Pilotage Commission to Oversee Pilots Operating in Portland Harbor

Received by the Clerk of the House on May 1, 2025. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CROCKETT of Portland.
Cosponsored by Representatives: EATON of Deer Isle, MONTELL of Gardiner, PARRY of Arundel, Senator: DUSON of Cumberland.

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

2 **Sec. 1. 38 MRSA §85-B, sub-§3**, as enacted by PL 1999, c. 355, §4, is amended to
3 read:

4 **3. Coastal zones.** "Coastal zones" means the 3 areas of Maine coastal waters relevant
5 to the commission membership, Calais to Schoodic Point, Schoodic Point to ~~Port Clyde,~~
6 Southport Island and Port Clyde Southport Island to Kittery, ~~excepting the port of Portland~~
7 ~~and Caseo Bay.~~

8 **Sec. 2. 38 MRSA §86-A, sub-§3**, as repealed and replaced by PL 1987, c. 689, §1,
9 is amended to read:

10 **3. Portland harbor Harbor.** Those waters specifically governed by the Board of
11 Harbor Commissioners for ~~the Portland Harbor of Portland,~~ except that the commission
12 retains those duties set forth in section 90 as they relate to pilots operating in such waters.
13 This section is not intended to confer jurisdiction or duties upon the commission with
14 respect to the activities of docking masters overseen by the Board of Harbor
15 Commissioners for Portland Harbor.

16 **Sec. 3. 38 MRSA §87-A, sub-§1, ¶E**, as amended by PL 2011, c. 14, §2, is further
17 amended to read:

18 E. All military ships navigating the Kennebec River to and from the Bath Iron Works
19 Corporation for the purpose of accomplishing overhaul, repair, post shakedown
20 availability and sea trials; ~~and~~

21 **Sec. 4. 38 MRSA §87-A, sub-§1, ¶F**, as amended by PL 2015, c. 14, §1, is further
22 amended to read:

23 F. Noncommercial foreign vessels with overall length of under 253 feet, except in the
24 case of Portland Harbor; and

25 **Sec. 5. 38 MRSA §87-A, sub-§1, ¶G** is enacted to read:

26 G. In the case of Portland Harbor, noncommercial foreign vessels under 350 gross tons
27 for yacht or recreational purposes and noncommercial American vessels under 350
28 gross tons under registry for yacht or recreational purposes.

29 **Sec. 6. P&SL 1981, c. 98, §5, sub-§2**, as amended by PL 2011, c. 498, §2, is
30 repealed and the following is enacted in its place:

31 **2. Operation as pilot.** The rates, licensure, apprenticeship, continuing education,
32 fees, safety and other activities related to pilots operating upon the waters subject to the
33 jurisdiction of the Board of Harbor Commissioners for Portland Harbor must be overseen
34 and regulated by the Maine Pilotage Commission pursuant to the Maine Revised Statutes,
35 Title 38, chapter 1, subchapter 3. This section is not intended to limit any authority
36 otherwise maintained by the Board of Harbor Commissioners for Portland Harbor to
37 oversee and regulate the activities of docking masters operating on waters subject to the
38 jurisdiction of the Board of Harbor Commissioners for Portland Harbor, except that such
39 activities may not include the service of actively piloting under the jurisdiction of the Maine
40 Pilotage Commission.

Sec. 7. Rulemaking by Maine Pilotage Commission. Within 6 months of the effective date of this Act, the Maine Pilotage Commission shall commence rulemaking with regard to Chapter 1 of its rules to adopt in substantially the same form, for a period of time at least 24 months in duration, the provisions contained in Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor as of the effective date of this Act as they relate to the licensure, apprenticeship, continuing education, safety and other provisions in Section 17.0 of those rules as they relate to pilots operating in Portland Harbor as long as any fees assessed upon pilots operating in Portland Harbor are consistent with fees assessed upon pilots subject to the jurisdiction of the commission. In adopting these initial rules, this provision does not limit the ability of the commission to organize the foregoing provisions and standards into the commission's existing rules as long as the application of these rules to pilots operating in Portland Harbor are substantially similar to the provisions in Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor. Following the 24-month time period after initial adoption of the rules described in this section, the commission may further amend the rules governing pilots operating in Portland Harbor without regard to consistency with Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor. Rules adopted pursuant to this section are routine technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. Commencing on the effective date of this Act and pending final adoption of rules pursuant to this section, pilots operating in Portland Harbor are subject to the jurisdiction of the commission according to any terms or conditions in place during such time period as duly authorized by the Board of Harbor Commissioners for Portland Harbor, other than fee assessments upon pilots in Portland Harbor, if any, which must be consistent with any fees assessed by the commission upon other pilots subject to the commission's jurisdiction.

Sec. 8. Rulemaking by Board of Harbor Commissioners for Portland Harbor. Within 6 months of the effective date of this Act, the Board of Harbor Commissioners for Portland Harbor shall commence rulemaking to ensure that the board's rules are consistent with this Act.

SUMMARY

This bill transfers jurisdiction over pilots operating in Portland Harbor from the Board of Harbor Commissioners for Portland Harbor to the Maine Pilotage Commission.

It also changes the description of the coastal zones in the laws governing the Maine Pilotage Commission and, in the case of Portland Harbor, provides that certain vessels are exempt from the laws governing the Maine Pilotage Commission.