

# MAINE STATE LEGISLATURE

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January 2, 1910

To Honorable Bert M. Fernald, Governor of Maine  
Re: Pilotage

I have the honor to acknowledge receipt of your communication of Jan. 18th containing an inquiry from the British Consul General relative to the pilotage laws of Maine.

He seeks information through direct questions and I will answer in the order in which those questions are presented to me.

1. (a) The laws of Maine do not impose an obligation upon the owner or master of a ship to take on board a pilot when entering or leaving a port.

(b) No obligation being imposed as just explained, it necessarily follows that there are no exemptions from obligations.

2. Pilotage not being compulsory by the laws of Maine, it would not be necessary for the master or mate to pass an examination as to local navigation, for our statute provides that "any master may pilot his own vessel without being subject to pay therefor." You will note the distinction between master and mate at this point but inasmuch as no portion of our statute makes it obligatory to employ a pilot I am inclined to believe that a mate or even a seaman, if called to do so, may pilot a vessel to or from port.

3. (a) An owner not being compelled by law to employ the services of a pilot, the question of liability need not be answered.

(b) Our statute does not give the pilot sole charge of the navigation of the ship in explicit terms but it does provide that "if any vessel, while under charge of such (licensed) pilot, is lost, run aground, or cast away through his fault, he is liable to pay the owner or insurer a just compensation for any damage thereby sustained." From this provision there is a fair implication that the pilot should be in full charge, otherwise he should not be held liable under the provision just quoted.

4. The rates charged for the services of a pilot are fixed by the Governor and Council and if there is a record fixing the pilotage fees by your Excellency, or any of your predecessors, it will or should appear in the records of the doings of the Governor and Council.

In a general way it may be said to the British Consul that pilotage as affected by the laws of Maine is not compulsory. The provisions of the statute seems chiefly and solely to provide that there may be a licensing of pilots who shall have passed proper examinations and whose fees shall be determined by lawful authority. This is for the safety of those who approach port and desire assistance and also protects them against exorbitant charges. A person holding a pilot's license may be fairly presumed to be familiar with his duties, hence protection to the stranger. Such pilot is liable to lose his license if he charges unreasonable fees, hence the protection in that direction. . .

Warren C. Philbrook  
Attorney General