

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 188**

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H. P. 133

House of Representatives, January 14, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Gill of South Portland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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### **AN ACT Exempting Certain Ferries from Pilot Fees for the Port of Portland.**

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

**P. & S. L., 1917, c. 192, § 10, amended.** The 2nd sentence of section 10 of chapter 192 of the private and special laws of 1917, as repealed and replaced by chapter 24 of the private and special laws of 1927, is amended to read as follows:

Every inward bound vessel, drawing nine feet of water and upwards, except **ferries entering or leaving on a regular schedule and** coasting and fishing vessels, shall be held to pay such pilots the regular fees for pilotage, whether their services are accepted or not, provided a pilot boat is on her station and prepared to furnish a pilot to such vessel; a pilot boat shall ~~be~~ **not** be obliged to remain on her station at all times; every outward bound vessel, except as above provided, shall, whether their services are accepted or not, be held to pay the regular fees to the pilot who brought her in, or if no such pilot, then to the pilot first offering his services; a pilot shall have a lien for his pilotage fees on all vessels liable therefor.

#### STATEMENT OF FACT

It is the intent of this amendment to seek exemption of a service required by law of 1917, which is no longer needed in the modern day type of ferry operation conducted by Lion Ferry AB.

On none of Lion Ferry's vessels operating in Europe is pilotage required, and when Lion Ferry was invited by the business community to use Portland

as its New England terminal, it was not fully apparent to Lion Ferry officials that pilotage in the case of such regular daily ferry service would be mandatory. A meeting with the Board of Harbor Commissioners in Portland revealed that there was no way of avoiding pilotage in spite of the general acknowledgement that the operators of M/S "Prince of Fundy" are highly capable sea-faring men and navigators. This position was later reiterated in a letter to Lion Ferry from the Harbor Commissioners.

The total cost for pilotage to Lion Ferry is \$120 per day, or approximately \$40,000 annually.

Lion Ferry feels that pilotage on the "Prince of Fundy" is unnecessary on the grounds of the company's experience overseas, that the "Prince of Fundy" is a brand new vessel equipped with all of the latest navigational aids, including bow thrusters and variable pitch propellers, thus having a far greater maneuverability than any vessel otherwise entering the harbor; that Portland is an extremely easy harbor to traverse; that the vessel has all types of radio communications readily available for continual conversation with Portland pilots and others regarding traffic in and out of the harbor; that the "Prince of Fundy's" only competitor, Canadian National Railways MV "Blue-nose" is not required to have a pilot on its trips to and from Bar Harbor, Maine; that the Port of Yarmouth, Nova Scotia does not require pilotage, in spite of the fact that Yarmouth is an extremely difficult harbor to negotiate with a very narrow channel and being enshrouded in fog close to 80% of the time during our summer time operations.

It should be pointed out that by entering and leaving Portland harbor on a daily basis, the Officers of M/S "Prince of Fundy" put in more trip time through Casco Bay than have, in fact, the Portland pilots over a period of years, and also that at least one prospective Portland pilot once served as an Officer aboard the "Prince of Fundy" and is now receiving his in-service training going aboard the "Prince of Fundy."

At present only the top officers of the "Prince of Fundy" are of Swedish nationality, but all have sailed extensively throughout the world including on U. S. Ports and are therefore fully familiar with the language necessary for unhindered radio communication. Under an arrangement with the Maine Maritime Academy, all other Deck Officers are now being hired locally, and the Company is currently considering a requirement common to many American merchant vessels that all Deck Officers sit for a pilot license after having made the required number of entries to and from Portland.

It should be noted that so far the Portland Pilots have requested on two occasions that the "Prince of Fundy" negotiate Casco Bay without pilots because weather conditions prevented the pilots from going aboard. It would appear that when weather conditions are adverse, the requirement for pilotage ought to be even greater than on days when there is no obstruction of sight and navigation, if, in fact, such service were needed.

Since the "Prince of Fundy" represents an entirely new approach to ferry service and the company intends to sail approximately 350 days annually, it would appear that the time has come to reconsider an ancient law in an

effort to reduce the general operating expenses and thus keeping down the overall cost to the passengers. With unanticipated expenses such as the high pilotage fee, it will be difficult for Lion Ferry to maintain its current rate structure, and it is the feeling of the company that any increase would seriously damage our development of this ferry service for the benefit of the entire State of Maine and the Province of Nova Scotia.