

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 498

H.P. 367

House of Representatives, March 1, 1989

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TOWNSEND of Eastport.

Cosponsored by Representative CROWLEY of Stockton Springs and Representative RAND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Regarding the Liability of Marine Pilots.



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

3 **Sec. 1. 38 MRSA §85**, as amended by PL 1985, c. 389, §32, is
5 further amended to read:

7 **§85. Declaration of policy**

9 It is declared to be the policy and intent of the
11 Legislature and the purpose of this section ~~and sections 86 to~~
13 ~~106~~ subchapter to provide for a system of state pilotage in order
15 to provide maximum safety from the dangers of navigation for
17 vessels entering or leaving the waters described in this
19 subchapter, to maintain a state pilotage system devoted to the
21 preservation and protection of lives, property and vessels
entering or leaving these waters at the highest standard of
efficiency and to insure an adequate supply of pilots well
qualified for the discharge of their duties in aid of commerce
and navigation. A limitation on the liability of pilots licensed
by the State is necessary for the preservation of life and
property associated with maritime commerce and is deemed to be in
the public interest.

23 **Sec. 2. 38 MRSA §107** is enacted to read:

25 **§107. Limitation of liability**

27 1. Limitation. No pilot licensed under this subchapter may
29 be liable for damages or loss in excess of \$5,000 arising out of
31 any act or omission occasioned by the pilot's error, fault or
negligence in the performance of pilotage services.

33 2. Exception. The limitation in subsection 1 shall not
35 apply when the act or omission was caused by the willful
misconduct or gross negligence of the pilot.

37 3. Servant of vessel. Upon entering a vessel for the
39 purpose of piloting that vessel, a pilot is deemed to be the
servant of the vessel and its owner or operator.

41 4. Liability of vessel not limited. Nothing in this section
43 exempts a vessel or its owner or operator from liability for
damage or loss sustained by that vessel on the grounds that:

45 A. The ship was piloted by a pilot licensed under this
subchapter; or

47 B. The damage or loss was occasioned by the error, fault or
49 negligence of a pilot licensed under this subchapter.

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STATEMENT OF FACT

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This bill limits the liability of a licensed marine pilot to \$5,000 for damages or loss arising out of the acts or omissions occasioned by the pilot's error, fault or negligence in the performance of pilotage services. This limitation does not apply in cases of willful misconduct or gross negligence.

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