

# MAINE STATE LEGISLATURE

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A. d. S.

L.D. 1639

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**TRANSPORTATION**

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 572, L.D. 1639, Bill, "An Act to Amend the Laws Governing the Maine State Pilotage Commission"

Amend the bill in section 2 in that part designated "**§85.**" in the 9th line (page 1, line 43 in L.D.) by striking out the following: "an adequate supply" and inserting in its place the following: 'an-adequate-supply the availability'

Further amend the bill in section 4 in that part designated "**§85-B.**" by inserting after the first paragraph and before subsection 1 the following:

'1. Actively piloting. "Actively piloting" means a person licensed as a pilot by the commission who is engaged in providing pilot services on a regular and ongoing basis within the area for which that person is licensed.'

Further amend the bill in section 4 by renumbering the subsections to read consecutively.

Further amend the bill in section 9 in that part designated "**§89.**" by striking out the first paragraph (page 4, lines 27 to 39 in L.D.) and inserting in its place the following:

'The Maine State Pilotage Commission, as established by Title 5, section 12004-A, subsection 40, consists of 5 7 members who are citizens of the United States and the State of Maine appointed by the Governor as follows: Three-must-be-licensed pilots-representing-the-Penobscot-Bay-and-the-Penobscot-River, Bar-Harbor-to-Eastport-and-Bath; one-must-represent-the-marine industry-interests; and-one,-with-a-marine-background,-must

**COMMITTEE AMENDMENT**

represent-the-public. Three licensed pilots who are actively piloting, one member from each of the coastal zones; 2 members who are not licensed pilots but are from a maritime industry that utilizes the services of pilots; and 2 members representing the public who are not licensed pilots but have a maritime background. Appointments are for 3-year terms. Appointments of members must comply with Title 32, section 60. The members of the commission are entitled to compensation according to Title 5, chapter 379.'

Further amend the bill in section 14 in that part designated "§91." by inserting at the end the following:

'An applicant must complete a training trip in the area for which that person is making application under the direction of a licensed pilot actively piloting in that area. These training trips must be on vessels of at least 1600 gross tons. The commission shall establish standards for proof of such training and the minimum number of trips required. Once those standards are established, they may be amended only upon a 2/3 vote of the commission.'

Further amend the bill by inserting after section 20 the following:

'Sec. 21. 38 MRSA §99-A is enacted to read:

**§99-A. Pilot liability**

**1. Acts or omissions of another pilot; no liability.** A pilot is not liable directly or as a member of an organization of pilots for a claim that arises from an act or omission of another pilot or organization of pilots or that relates directly or indirectly to pilot services.

**2. Limitation on liability.** A pilot providing pilot services is not liable for more than \$5,000 in damages or loss caused by any negligent act or omission in the performance of pilot services. A pilot providing piloting services is liable for:

**A. Damages or loss arising from the intentional, willful or reckless misconduct of the pilot; or**

**B. Liability for exemplary damages for intentional, willful or reckless conduct of the pilot for which no other person is jointly or severally liable.**

Nothing in this section may be construed to exempt an owner or operator of a vessel from liability for damage or loss caused by that vessel.'

R. G. S.

2 Further amend the bill by relettering or renumbering any  
nonconsecutive Part letter or section number to read  
consecutively.

4

6 Further amend the bill by inserting at the end before the  
summary the following:

8

**FISCAL NOTE**

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12 The increased licensing fees in this bill will generate  
sufficient additional revenue to replace the loss of revenue  
associated with the repeal of the fee for pilotage, such that the  
14 Maine Pilotage Commission within the Department of Transportation  
will receive approximately the same amount of dedicated revenue.

16

18 The Maine Pilotage Commission will incur some minor  
additional costs to adopt certain rules. These costs can be  
absorbed within the commission's existing budgeted resources.

20

22 This bill increases the penalties for certain violations and  
may increase the number of civil violations filed in the court  
system. The additional workload and administrative costs  
24 associated with the minimal number of new cases filed can be  
absorbed within the budgeted resources of the Judicial  
26 Department. The collection of additional fines may increase  
General Fund revenue by minor amounts.'

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**SUMMARY**

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34 This amendment adds a definition of the term "actively  
piloting," specifies that only 3 of the 7 members of the Maine  
Pilotage Commission may be licensed pilots and adds provisions  
limiting the personal liability of pilots for damages to not more  
36 than \$5,000, except for damages or loss arising from the  
intentional, willful or reckless misconduct of the pilot.