

# MAINE STATE LEGISLATURE

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# MAINE PILOTAGE COMMISSION

Annual Report

August 1, 2015

**Coverage: Fiscal Year 2015**

**SOS Tracking: 387**

**Report Completed by:**

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Administrator,  
Maine Pilotage Commission**



## Mission Statement

It is declared to be the intent of the Maine Pilotage Commission to provide a system of state pilotage that,

- 1) offers maximum safety from the dangers of navigation for vessels entering or leaving the waters of the State of Maine,
- 2) is devoted to the safety of vessels, crew, and cargo, and the continuing protection of the environment, and vessels,
- 3) provides high standards for proficiency,
- 4) enhances commerce and navigation, and
- 5) educates the public about the role of pilotage.



Tanker under pilotage approaching Penobscot Narrows Bridge.

## Maine Pilotage Commission

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# **1. Preamble**

Pursuant to Maine Revised Statute, Annotated (MRSA) 38 § 90-A, this annual report of the Maine Pilotage Commission is provided to the Commissioner of Transportation covering Fiscal Year 2015 (July 1, 2014 - June 30, 2015). As required by the aforementioned law, this report provides details on the Pilot Commission's operations and financial position. The report also offers comments and recommendations that the Commission considers essential.

# **2. Background**

Following MSRA Chapter 38 (Waters and Navigation), the Maine Pilotage Commission oversees and maintains the state marine pilotage system devoted to the preservation and protection of lives, property, the environment and vessels entering or leaving state waters at the highest standard of efficiency. The Commission achieves this mission by ensuring the availability of well qualified pilots for the discharge of their duties in aid of commerce and navigation.

Additionally, the Commission establishes the rules, policies, and procedures that govern the licensing, training, and discipline of marine pilots in the state's waters under the jurisdiction of the Commission. The Commission also approves the rates which pilots may charge for services. Administrative responsibility for the Maine Pilotage Commission was transferred to the Department of Transportation in July 1998. Since that time the Office of Freight and Business Services has served as the administrative arm of the Commission.

# **3. What is a Marine Pilot?**

The maritime industry is critical to Maine's economy. Marine pilots ensure that vital cargo is delivered to consumers safely and efficiently. Most Mainers are not aware of how dependent they are on Maine State Pilots and that virtually every ship entering a Maine port is piloted by skilled local experts, many with decades of seagoing experience.

Ships serving the ports of Maine are becoming larger and more sophisticated requiring the highest level of professionalism. Often ships are staffed with foreign crews who are unfamiliar with the challenging Maine coast with its tricky tides and currents, further highlighting the need for skilled pilots.

State pilots serve virtually all types of vessels 24 hours a day, 365 days a year, ranging from cruise ships to oil tankers. Pilots board inbound and disembark outbound ships at sea using pilot boats and climbing a rope ladder on the side of the ship. Pilots make this challenging climb in all weather, regardless if the conditions are calm, stormy, or freezing.



Considering Maine's iconic lobster fishery and tourism industry, a major marine casualty in our waters could be catastrophic.

To ensure the safety of navigation and protection of our environment, the state licenses expert marine pilots to guide large ships in and out of Maine ports. Their expert guidance to ships' crews protect the waters and the environment of Maine.



Captain David Gelinas boarding a tanker in icy winter conditions.

## Maine State Pilotage Waters



## Pilotage Waters

The Maine Pilotage Commission oversees 10 pilotage routes throughout the state. The Portland Harbor Commission oversees pilotage in the Port of Portland under an independent system.

38 § 86 of the MSRA requires that every foreign vessel and every American vessel under registry with a draft of 9 feet or more are required to employ a state licensed pilot.

Captain David Smith boarding a ship off Penobscot Bay.

## 4. Maine Pilotage Commission Details

The MRSA 38 § 89 requires the Maine Pilotage Commission to be comprised of seven individuals who are citizens of the United States and Maine and appointed by the Governor as follows:

- Three licensed pilots who are active in pilotage representing each of the Commission's coastal zones;
- Two members who are not licensed pilots but are from a maritime industry that utilizes pilots; and
- Two members representing the public who are not licensed pilots but have a maritime background.

The Commission elects a Chairperson who liaises with the Commissioner of Transportation and the Governor as needed. Captain Weeks was the Chairperson for the period of this report and was re-elected at the March 2015 Commission meeting.

The table below depicts the current membership of the Maine Pilotage Commission.

Seat	Name	Date of Commission	Expiration	Status	Component
1	David Gelinas	October 10, 2013	October 10, 2016	Active	Pilot
2	Earl Walker <sup>1</sup>	August 18, 2012	August 18, 2015	Active	Pilot
3	Gerald Morrison	October 23, 2014	October 23, 2017	Active	Pilot
4	Shawn Moody	October 23, 2014	October 23, 2017	Active	Industry
5	Thomas Dobbins	August 18, 2013	August 18, 2016	Active	Industry
6	John Worth	October 10, 2013	October 10, 2016	Active	Public
7	Charles Weeks	October 23, 2014	October 23, 2017	Active	Public

<sup>1</sup> Commission member's term is due to expire renewal.

In 2014, Governor LePage renewed the Commissions of Captain Weeks, Captain Morrison, and Captain Moody for three year terms. On August 18, 2015, Captain Earl Walker will retire from the Pilotage Commission after 29 years of dedicated service. Captain Mark Klopp was nominated by the Pilotage Commission to fill Captain Walker's seat once it is vacated. Captain Klopp has submitted an application package to the Governor's Office which was endorsed by the Administrator of the Pilotage Commission in May of 2015.

## Meet the Maine Pilotage Commission

**Captain Charles Weeks** - *Commission Chairperson*; Professor Emeritus, Maine Maritime Academy with over 50 years of shipping & education experience. Master of vessels of unlimited tonnage. *Commission member since 1998.*

**Captain David Gelinas** - President, Penobscot Bay & River Pilots Association, Master of vessels of unlimited tonnage. Commission member since 1998.

**Captain Earl Walker** - Kennebec River, Sheepscot River and Boothbay Harbor Pilot with over 50 years of ship-handling experience. Master of vessels of unlimited tonnage. Commission member since 1986.

**Captain Gerald Morrison** - Eastport and Quoddy area Pilot, Master of vessels of unlimited tonnage. Over 35 years of seagoing and pilotage experience. Commission member since 2008.

**Captain Shawn Moody** - Operations Manager at Chase, Leavitt Ship Agents, Master of vessels of unlimited tonnage. Commission member since 1999.

**Mr. Thomas Dobbins** - Operations consultant to Sprague Energy with over 45 years of vessel, facility and marine logistics experience. Serves as Portland Harbor Commissioner. Master of near coastal vessels of 100 tons. Commission member since 2013.

**Captain John Worth** - Professor, Maine Maritime Academy, extensive experience in shipboard operations and prior tug boat company owner. Master of vessels of 1600 tons. Commission member since 2007.

**Mr. Brian Downey** - *Commission Administrator*, retired senior Coast Guard officer with over 25 years of experience in marine safety and regulatory enforcement. Licensed deck officer of vessels of unlimited tonnage. Administrator since 2013.

## Captain Earl Walker

After nearly 30 years of dedicated service, Captain Earl Walker is stepping down from the Pilotage Commission. Captain Walker is a 1958 graduate of the U.S. Merchant Marine Academy at Kings Point. After graduation, Captain Walker sailed as a navigation officer for 10 years with United Fruit Company where he quickly advanced through the ranks to Chief Mate. He later sailed for Poling Transportation serving in a variety of shipboard capacities including Master.

In 1970, he achieved the esteemed title of Maine State Pilot and has worked in various pilot roles throughout the Portland and the mid-coast regions of Maine. Captain Walker has proudly served the State of Maine as a member of the Maine Pilotage Commission since 1986. His contributions will be lasting. Thank you Captain Walker.



## 5. Meetings and Hearings

The following paragraphs and graphics offer the specific details of Commission public forums during the period of July 1, 2014 – June 30, 2015. All meetings and hearings are open to the public.

Typically, routine and recurring Pilotage Commission business is managed with three or four meetings per year. Matters warranting public interaction require public hearings. There were two public hearings held by the Pilotage Commission during Fiscal Year 2015. Hearings are well advertised by placing public notices in state-wide newspapers including the Lewiston Sun Journal; Kennebec Journal; Morning Sentinel; Bangor Daily; Portland Press-Herald. When appropriate, specific letters of invitation are delivered to potential interested parties to encourage public participation.

### Commission Meetings

#### Meeting November 20, 2014

Location: Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 11

Length of Meeting: 2.5 hours

#### Meeting April 9, 2015

Location: Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 8

Length of Meeting: 2.0 hours

#### Meeting June 11, 2015

Location: Augusta, ME

Commission Quorum: 7

Parties in Interest/DOT Reps/Others: 4

Length of Meeting: 2.25 hours

### Commission Hearings

#### Rule Amendment Hearing

##### November 20, 2014

Location: Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 11

Public hearing to review and adopt the Pilotage Rule revisions contained in Proposed Rule 2104-P244

#### Pilotage Rate Adjustment Hearing

##### June 11, 2015

Location: Augusta, ME

Commission Quorum: 7

Parties in Interest/DOT Reps/Others: 4

The Pilotage Rate Adjustment Hearing was conducted under the Maine Pilotage Commission's authority to make and establish rates under MSRA 38 § 90-1B.

## Rule Amendment Hearing

A public hearing was held on November 20, 2014 at the MaineDOT offices to provide a public venue to address pending non-substantive Pilotage Rule updates proffered in proposed Rule **2014-P244**. The proposed changes to the Maine Pilotage Commission rules included:

- new language to require pilots to maintain Electronic Chart Display Information System (ECDIS) training to ensure competence with current navigation technology;
- eliminate obsolete language regarding ferry operations between Bar Harbor and Yarmouth Nova Scotia. The operation no longer exists which made the verbiage obsolete;
- align physical reporting standards with U.S. Coast Guard regulations;
- clarification of the requirements for pilot Automatic Radar Plotting Aids (ARPA) certification for initial licensure and renewals;
- clarification that post accident drug testing results should be made available from the marine employer to the Pilot Commission within five days of receiving lab notification;
- several inconsequential technical/grammatical edits to make the rule more technically/grammatically sound.

No negative comments were received via written or verbal submission and the Rule amendments were adopted by the Commission and became effective on November 30, 2015.

## Rate Adjustment Hearing

A second public hearing was held on June 11, 2015 at the MaineDOT offices to provide a public venue to address pilotage rate adjustments. The rates were proposed by the individual pilot organizations that serve Maine's pilotage waters. The Maine Pilotage Commission's authority to convene rate hearings falls under its power to make and establish rates of pilotage pursuant to 38 M.R.S.A. Section 90-1B and applies the process set forth in Maine's Administrative Procedure Act which is found at Section 8001.

The purpose of the Rate Adjustment hearing was to provide the public an opportunity to give input about the proposed adjustments in rates of pilotage for vessels that serve Penobscot Bay and River, (including Rockland Harbor and Camden Harbor), Frenchman Bay, (including Eastern Way), Somes Sound and Blue Hill Bay. Also covered were, the Kennebec River, the Sheepscot River, Boothbay Harbor, and the Head Harbor Passage/Eastport area. The Maine Pilotage Commission listened to public comments offered at the hearing, then reviewed documentary evidence regarding the proposed rates. Pending no negative comments, the new rates will become effective in July 2015.



## 6. Roster of Licensed State Pilots

### Examinations

A final step in the long journey to achieving the title and responsibility of *Maine State Pilot* is to complete comprehensive written examinations to test the candidates' knowledge of the pilotage waters and ship handling.

A significant project is underway to review, refresh and update an expansive bank of test questions and answers.

The project entails detailed review and re-search of navigation charts, Coast Pilot updates, survey data, and pilot feedback.

During Fiscal Year 2015 the following examinations were redrafted.

Zone A

Kennebec River

Zone B

Penobscot Bay

Zone C

Ft. Point to Bucksport

Zone J

Boothbay Harbor

Zone E

Frenchman Bay -

Bar Harbor

Active Pilots	Expiration
Doug Fournier	Apprentice
David Gelinis	2017
Mark Klopp	2016
Gerald Morrison	2017
Robert Peacock	2015
Adam Philbrook	2019
Ryan Read	2017
David Smith	2017
Prentice Strong	2019
Earl Walker	2017

Inactive Pilots	Expiration
Michael Ames	2020
Doug Lord	2019

### Active Pilots

Active pilots are licensed individuals who currently serve 1 or more routes and maintain currency by meeting annual recency mandates, annual eye & physical exams, continuing education & drug testing.

### Inactive Pilots

Inactive pilots may hold a State pilotage license but do not meet 1 or more of the currency requirements of an active pilot. Inactive pilots cannot pilot ships until all currency requirements are met.

### Pilot License Activity

The current roster of state licensed pilots includes 11 individuals. During Fiscal Year 2015 pilot license transactions were as follows:

- i. New Licenses Issued: None.
- ii. Current Licenses Renewed: 4.
- iii. Licenses Suspended (for cause): None.
- iv. Licenses Deactivated: None.
- v. New Route Endorsements Issued: 1.

One pilot submitted an application to test for an additional Route Endorsement (Zone C - Ft. Point to Bucksport) but did not test within the period of this report. It is expected that he will test in the Fall of 2015. Additionally, a new pilot is seeking initial licensure under the sponsorship of the Penobscot Bay and River Pilots Association. The candidate submitted an application on June 18, 2015 for an initial license for Zone B (Penobscot Bay) but will not test until July 2015.

## 7. Financial

The Commission maintains “Marine Accounts” which is the repository from which license income (fees) and insurance and miscellaneous expenses flow. The current Marine Account balance at the close of Fiscal Year 2015 is \$13,418.21.

Additionally, there is a remaining balance of training funds provided by the Maine Department of Environmental Protection (DEP). Through a Memorandum of Understanding (MOU), the Maine DEP had provided an annual allocation of \$20,000 to support the Marine Pilots Continuing Education Program. Specifically, the \$20,000 had been drawn from the Marine Oil Spill Advisory Committee (MOSAC) through the MOU. The fund is streamed from a per-barrel tax on petroleum imports to the State of Maine. Due to budget constraints, caused in large part to the significant reduction of oil imports and subsequent cut in tax revenue, the Pilot Training Fund went unsupported for several years. On April 9, 2015, a new one year MOU was signed between the Maine DEP and Maine Pilotage Commission which allocated \$20,000 to the fund. Renewal of the MOU will be examined on a year by year basis.

The current training fund balance is \$48,212.83.

### Protecting our Environment

Prevention is considered by emergency response experts as the most valuable measure to protect the marine habitat.

Through the MOSAC fund, managed by Maine Department of Environmental Protection, Maine Pilots receive valuable training to enhance skills to prevent accidents that could jeopardize the environment.

## 8. Pilot Training

The Commission developed a three year training plan to best manage and maximize the limited training funding available to improve navigation safety. The three year plan which was implemented in 2013 is now ready to be reassessed and re-implemented in 2016. Future training opportunities will begin to be hampered without leveraging the annual funding stream provided through the MOSAC Fund, making budget management a focus of the Commission.

All reimbursable pilot training must be approved by the Pilotage Commission to critically verify the value of the proposed training toward meeting the Commission’s navigation safety goals. In Fiscal Year 2015, the Pilot Commission supported the following training opportunities.

- Azipod Technical Training
- National Transportation Safety Board Investigator Course
- National Transportation Safety Board Marine Casualty Seminar

In Fiscal Year 2016, a Fatigue Management seminar is planned. To stretch the training dollar further, the Commission voted to open the training to Maine Maritime Academy faculty and students as well as tug boat crews and Portland Pilots.



A Minke Whale breaks the surface of Friar Roads Anchorage between Lubec and Campobello Island, NB.

## 9. Commission Comments

### Exemption Modification

The Pilotage Commission supported LD-198 sponsored by Senator Ron Collins (R) of District 34. The Bill modified Section 1. 38 MRSA §87-A, which exempts lower risk non-commercial foreign vessels from State pilotage laws. In practical terms, the exemption applies to yachts. The amendment broadened the exemption of noncommercial vessels (yachts) from 200 feet to 253 feet (77 meters). The amendment was discussed in detail during the November 20, 2014 meeting of the Maine Pilot Commission. The recommended modification of 38 MRSA §87-A gained full Commission consensus. LD-198 was signed by Governor LePage on April 3, 2015.



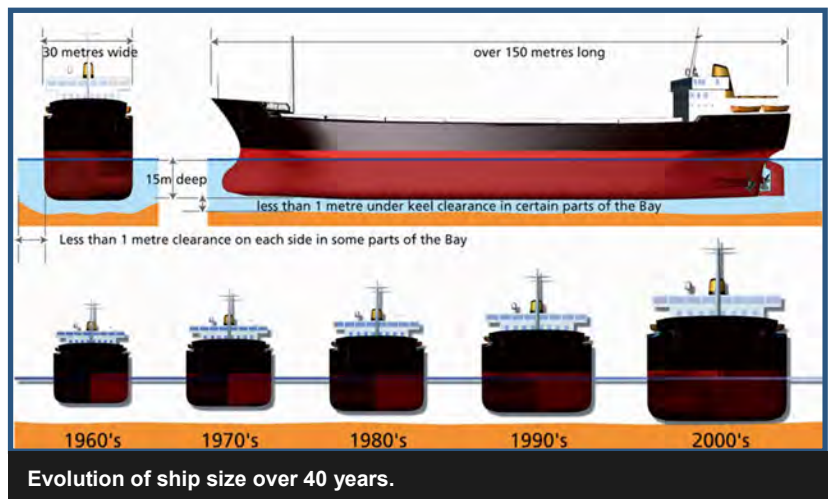
Doubling Point Light, Kennebec River.

### Eastport Breakwater

On December 4, 2014 the Eastport Breakwater collapsed, damaging several boats including the sinking of the Eastport Pilot Boat *Medric 2*. Close coordination between the Commission, the US Coast Guard, and the Quoddy Pilots ensured that local pilots were supported during the unexpected loss. A temporary boat is being employed until a new boat can be delivered.

### Dredging

Dredging projects, governed and managed by the Army Corps of Engineers are vital to ensuring safe water depths to facilitate marine commerce. The marine environment, by its nature, is continuously changing, requiring close scrutiny of water depths and underwater obstructions. Dredging of federal channels, as well as private berths, requires the same consideration as bridge repairs or highway improvements in order for marine infrastructure to remain safe and viable. The Pilotage Commission supports sensible dredging projects to assure safe access to ever growing ships sizes and enhance under-keel clearances.



## Ice Conditions



**Captain Robert Peacock piloting a ship to Eastport.**

During the Winter of 2014-15, coastal Maine experienced the most severe and prolonged port and harbor icing conditions in decades. In some cases, pilots requested the assistance of Coast Guard ice breaking resources to ensure navigation safety. The Coast Guard helped assure the navigational accessibility of critical Maine ports through over 861 mission hours representing in excess of 1,597 ice breaking miles. During the most extreme winter conditions, the Coast Guard responded to 60 commercial ice breaking re-

quests for tank ships, cargo vessels, barges and ferries as well as marine facilities. The Coast Guard's ice breaking efforts ensured the safe and efficient delivery of over 2 million barrels of oil meeting critical energy needs as well as an estimated 2.4 million tons of dry cargo which was essential to Maine's economy.

## Honoring Marine Pilots

The Maine Maritime Museum is honoring all current and prior pilots and their Commissions, with the Mariner's Award. The award will be presented at an event to be held at their Bath location on August 26, 2015 and will be attended by Rear Admiral Linda Fagan, Commander, First Coast Guard District as well as Senator Angus King. The Mariner's Award is presented annually to an individual or organization that has made extraordinary contributions to Maine's maritime heritage and significantly impacted the state's culture and economy.



**Captain Earl Walker guiding the Navy's most sophisticated ship at BIW.**



## 9. Maine Shipping Data

In an average year, Maine moves about 13.5 million short tons of cargo using marine resources. Additionally, over 250 thousand passengers are moved through Maine's ports aboard ships annually according to Cruise Maine data. A record 143 cruise ships are expected to call in Bar Harbor in 2015. The most recent statistics offered by the Army Corps of Engineers' 2013 "*U.S. Waterborne Traffic Report*," rates Maine at number 32 (of the 44 states and territories covered) in marine traffic volume.

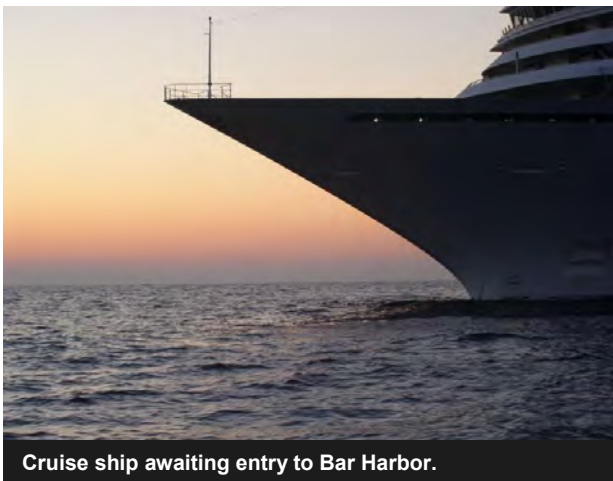
### Common Maine Cargoes

- Petroleum
- Chemicals
- Wood products
- Bulk Cargoes - Sand, Gravel, Salt, Coal
- Food Products
- General/Miscellaneous cargoes

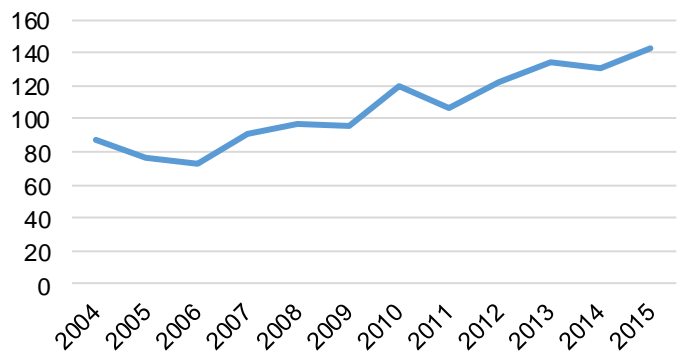
### Maine Shipping at a Glance

Maine ranks **Number 2** of the New England states for marine traffic volume behind Massachusetts.

Contributing to national defense, Maine State Pilots ensure the safe passage of the world's newest and most sophisticated Navy ships including the DDG-1000 *Zumwalt* Class Navy ships from Bath Iron Works.



### Bar Harbor Cruise Ship Arrivals



## 10. Commission Recommendations

The Commission strongly supports continuation of the MOU with the Department of Environmental Protection for pilot training. It is well agreed that preventative measures, particularly training, are the best means to avoid environmental damage caused by an oil spill. Pilot training, in pertinent disciplines, is a highly cost effective use of the Marine Oil Spill Advisory Committee (MOSAC) funds managed by the Maine DEP. Through the Pilotage Commission's planning and rigorous vetting process, world class training can continue to help pilots preserve Maine's natural resources.





# **Maine Pilotage Commission**

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