

MAINE STATE LEGISLATURE

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MAINE PILOTAGE COMMISSION

Annual Report

August 1, 2023

Coverage: Fiscal Year 2023

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Report Completed by:

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Administrator,
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MAINE PILOTAGE COMMISSION

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CAPTAIN EARL B. WALKER

1935-2022

On July 19, 2022, we said good bye to Captain Earl B. Walker a beloved, respected and pioneering maritime pilot. A long-standing Maine Pilotage Commission member, Earl passed away, at his home on Southport Island after a battle with cancer. Captain Walker was 86 years old and was the longest serving pilot in the Maine Pilotage Commission's registry.

Born in Boston on August 31, 1935, Earl grew up, in the Malden, MA area, summering in Southport, ME from an early age. He eventually established his permanent residence on Molly's Point in Southport.

As a 1958 graduate of the U. S. Merchant Marine Academy, (King's Point, NY) he sailed through the Officer ranks on United Fruit Company ships from 1958 to 1967, hauling bananas from Central and South America and food and ammunition to Viet Nam during the war. From 1967 to 1970, he sailed as Master on a coastwise tanker delivering refined petroleum products along the East Coast.



Captain Earl Walker piloting a U.S. Navy destroyer along the Kennebec River

From 1970 to 2001, he was a state harbor pilot for the port of Portland, ME and partner with Portland Pilots Inc., serving at times as treasurer and president. By the time of his retirement, he had made well over 7,000 transits in and out of Portland Harbor.

In 1979 he took on sea trial work for Bath Iron Works and in 1984 became the Trials Captain - responsible for all maritime activities (launch, movement, sea trials and delivery) of new Navy combatant ships. In February 2001, he was responsible for piloting the new 750' x 180' dry dock up the Kennebec River to BIW; a two-day process and one of the highlights of his career, as it was the largest structure ever to transit the Kennebec.

Captain Walker was a past president of the Portland Marine Society and received the Portland Propeller Club, Man of the Year Award for 1998-99.

He continued to productively contribute to the Maine pilotage system even after his retirement, providing direct counsel and training to new pilots as well as offering assistance in developing written pilotage examination questions and answers for Boothbay Harbor and its adjacent waters.

The Maine Pilotage Commission recognizes and commends Captain Walker's lifetime achievements and contributions to the Maine pilotage system. Fair Winds and Following Seas – Captain Walker.

Annual Report

August 1, 2023



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 2023 (July 1, 2022 - June 30, 2023). As required by the aforementioned law, this report provides details on the Pilotage Commission's operations and financial position. The report also offers comments and recommendations that the Commission considers essential.

Background

Following MRSA 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 Passenger Services has served as the administrative arm of the Commission.

The Maine Pilotage Commission

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:

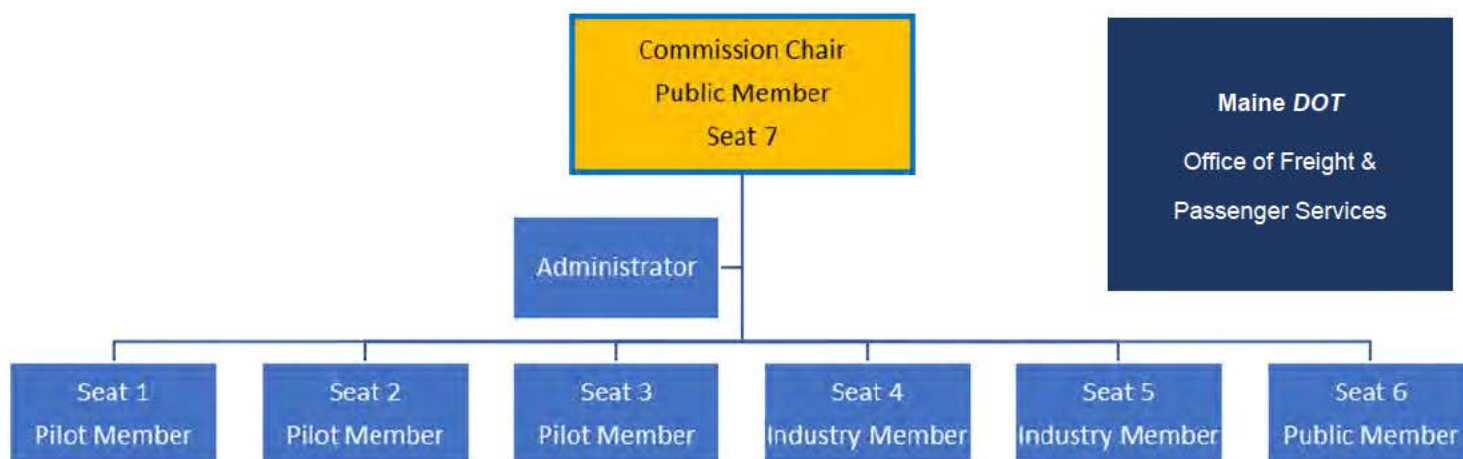
- Three licensed pilots who are active in pilotage representing each of the Commission's coastal zones;
- Two members who are not licensed pilots but are from a maritime industry that utilizes pilots; and
- Two members representing the public who are not licensed pilots but have a maritime background.

The Commission elects a Chairperson who liaises with the Commissioner of Transportation and the Governor as needed. Carrie Norton was nominated as Chairperson at the March 15, 2023 Pilotage Commission meeting, but wished to take some time to further research the demands before moving forward with a formal vote. Therefore, the Commission chair election was postponed to the June 29, 2023 meeting, at which time the Commission unanimously elected her as the Commission Chairperson.

Pilotage Commission Details

Organization & Structure

David Gelinas, Gerald Morrison, and Shawn Moody were all reappointed by the Governor's Office of Boards and Commissions on May 17, 2023 and are awaiting final Certificates of Appointment listing their final expiration dates. Similarly, Lindsey Pinkham and Carrie Norton have renewed their Commissions on June 29, 2023 and are awaiting final Certificates of Appointment listing their final expiration dates. Adam Philbrook's appointment expired in 2022 and is in the reapplication process. The previously vacant seat (*required by Maine law to be filled by someone who is not a licensed pilot but is from a maritime industry that utilizes the services of pilots*) was filled with a formal appointment by the Governor by Mr. Levi Ross, meeting the statutory requirement.



Seat	Name	Date of Commission	Expiration	Status	Component
1	David Gelinas	May 17, 2023	Pending Certificate	Pending	Pilot
2	Adam Philbrook	September 29, 2021	August 18, 2022	Pending	Pilot
3	Gerald Morrison	May 17, 2023	August 18, 2024	Active	Pilot
4	Shawn Moody	May 17, 2023	Pending Certificate	Pending	Industry
5	Levi Ross	May 17, 2023	Pending Certificate	Pending	Industry
6	Lindsey Pinkham	July 6, 2023	Pending Certificate	Pending	Public
7	⊕ Carrie Plourde Norton	July 6, 2023	Pending Certificate	Pending	Public

⊕ Commission Chair

Meet the Maine Pilotage Commission

David Gelinas - President, Penobscot Bay & River Pilots Association, Master of vessels of unlimited tonnage, with extensive prior tank ship experience as a deck officer. **Commission member since 1998, filling an active pilot member seat.**

Gerald Morrison - Eastport and Quoddy area pilot, Master of vessels of unlimited tonnage. He has extensive tanker and pilotage experience. **Commission member since 1999, filling an active pilot member seat.**

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

Lindsey Pinkham - Manager of Downeast Maritime, Inc. She holds a license as Master of vessels up to 1600 gross tons with shipboard experience on various vessel types including bulk and oil spill response vessels. **Commission member since 2021, filling a public member (with maritime background) seat.**

Carrie Plourde Norton - Master of vessels of unlimited tonnage on any ocean. She has served principally in the offshore energy industry on various vessel types including offshore supply vessels, crew vessels, and drill ships. **Commission member since 2021, filling a public member (with maritime background) seat.**

Adam Philbrook - Active pilot with the Penobscot Bay and River Pilots. He holds a license as Master of vessels up to 1600 gross tons, and is licensed as a Master of Towing Vessels and has prior deep sea tank ship experience. **Commission member since 2021, filling an active pilot member seat.**

Levi Ross - Manager of Wholesale Operations at Dead River Company. He has extensive experience as a navigation officer aboard tank ships. He holds a license as Chief Officer and Master of vessels up to 1600 gross tons. He also served with distinction in the U.S. Navy in the Persian Gulf War. **Commission member since 2023, filling an industry member seat.**

Brian Downey - Commission Administrator, retired senior Coast Guard officer with 30+ years of experience in marine safety and regulatory enforcement. Licensed deck officer of vessels of unlimited tonnage. **Commission Administrator since 2013.**

Chris Mayo - Director of Ports and Marine Transportation with the MaineDOT Office of Freight and Passenger Services. Liaises and coordinates administration and financial transactions for the Commission. **Commission Liaison since 2022.**

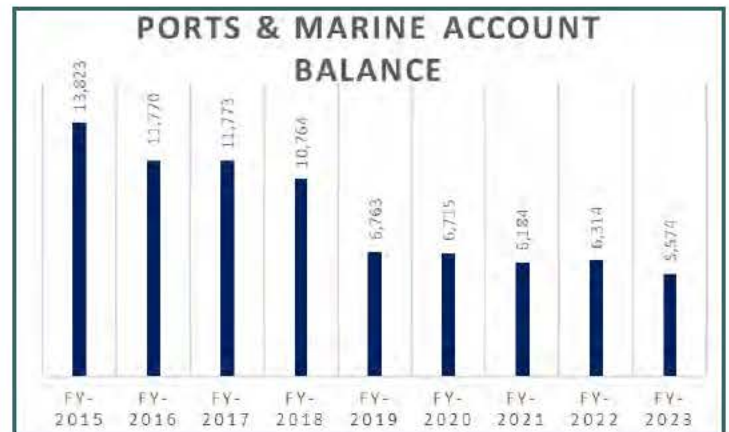
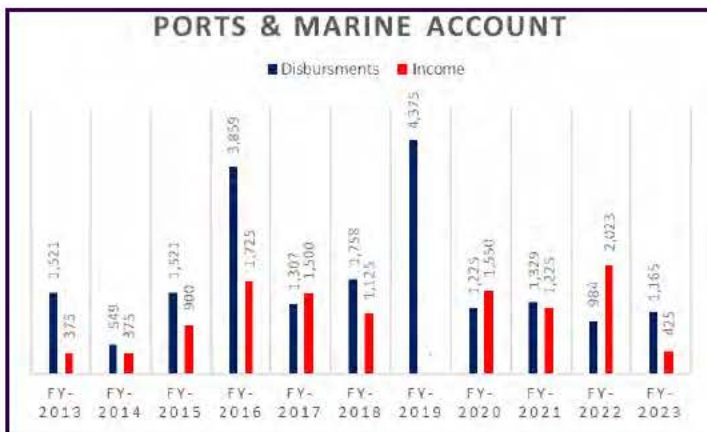


A tanker safely transiting the Coast off Mid-coast Maine.

Financial Summary & Budget

Financial Summary - Ports and Marine Account

The Commission maintains a "Ports and Marine Account" which is the repository from which income and expenses (insurance, hearings, and miscellaneous costs) flow. There was one license renewed and one new route endorsement issued in Fiscal Year 2023. License renewals along with license upgrades and examination administration constitute the only source of income for the fund. The current Marine Account balance at the close of Fiscal Year 2023 was \$5,574.



Financial Summary - Pilot Training Fund

Limited training funds for pilots are available separately through the Maine Ground & Surface Waters Clean-up & Response Fund through 38 MRS § 551. The fund is sourced through a per-barrel fee on oil imports entering the State of Maine. The fund is managed by the Maine Department of Environmental Protection (DEP) and the Maine Ground & Surface Waters Clean-up & Response Oversight Board.

Budget Proposal - Fiscal Year 2024

Per 38 MRS § 90-B, the following annual budget is offered to the Commissioner.



Item	Tort & Civil Rights Insurance	Board Vehicle Liability Insurance	Bond Fidelity Insurance	Board Travel	StaCap	Steno-graphy	Hearings	Legal	Other	Total
\$	675	60	18	1,200	8.55	0	0	0	0	\$ 1,961.55

Anticipated Income - Fiscal Year 2024

Fee	Initial License Fees	Renewal Fees	Successive Area Fees	Total
\$	0	00	00	\$ 00.00

Regular Commission and Public Meetings

The following offers specific details of Commission public forums during the period of July 1, 2022 – June 30, 2023 in which the Maine Pilotage Commission participated. All meetings are open to the public.

Commission Meetings

Meeting November 2, 2022

Location: Maine DOT Augusta, ME

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 7

Length of Meeting: 1.8 hours

Meeting March 15, 2023

Location: Virtual Teleconference

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 8

Length of Meeting: 3 hours

Meeting June 29, 2023

Location: Maine DOT Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 7

Length of Meeting: 1 hour

Pilotage Public Rate Meeting

Members of the Maine Pilotage Commission convened a public meeting to discuss and vote on the proposed pilot rate adjustments.

Meeting November 29, 2022

Location: Maine DOT Augusta, ME & Virtual

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 13

Length of Meeting: 2 hours

Purpose: Commission members met to discuss and vote on the proposed pilot rate adjustments. The meeting continued with routine commission business.

Maine's Pilotage Ports





Roster of Licensed State Pilots

Active Pilots	Expiration
Doug Fournier	2025
David Gelinas	2026
Mark Klopp	2026
Gerald Morrison	2027
Robert Peacock	2025
Adam Philbrook	2024
David Smith	2027
Gregory Smith	2027
Prentice Strong	2024

Active Pilots

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

Inactive Pilots

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

Inactive Pilots	Expiration
Michael Ames	2025
Doug Lord	2024

Pilot License Activity

The current roster of state licensed pilots includes 11 individuals. During Fiscal Year 2023, pilot license transactions were as follows:

- New Licenses Issued: 0
- Current Licenses Renewed: 1
- Licenses Suspended (for cause): 0
- Licenses Deactivated: 1
- New Route Endorsements Issued: 1

Pilot Credentialing

Revised Coast Guard Medical Certificate Validity

The Coast Guard issued a Final Rule on November 4, 2022 amending 46 CFR 11.709(b) to extend the maximum validity period of merchant mariner medical certificates issued to first-class pilots, and masters or mates serving as pilot, from 2 years to 5 years. The rule was issued in response to federal advisory committee recommendations and a petition for rulemaking. The rule reduces the frequency of medical certificate application submissions to the Coast Guard. The rule maintains the requirement for pilots to complete annual physicals and provides the Coast Guard an opportunity to review the medical examinations of pilots who may become medically unqualified between medical certificate applications; therefore, the rule does not compromise safety.

Licensing Delays at NMC

Due to an increase in application volume and ongoing technical difficulties with the credential production equipment at the National Maritime Center (NMC), there are delays with the issuance of merchant mariner credentials (MMC). These technical issues do not affect the processing of mariner medical certificates or endorsements, only applications for MMCs.

This is a critical issue for Maine pilots as a valid Federal First-Class Pilot endorsement (listed on the Coast Guard issued Federal MMC) is a pre-requisite for most Maine pilotage waters.

The Coast Guard is working as quickly as possible to resolve these issues and they do not want these delays to burden the mariner's ability to use their MMC. As such, the NMC issued Marine Safety Information Bulletin (MSIB) 06-2023 on April 25, 2023 which offers some relief to mariners who have properly applied for their credential and are awaiting final issuance. The MSIB permits uninterrupted domestic operation under the below policy conditions.

Mariner Responsibilities to Facilitate Operation Under MMC:

The Coast Guard considers the below documentation as adequate proof that the mariner has a valid MMC until it is received by the mariner.

Original or Raise of Grade:

- MMC Application Status with an Approved to Print, Printed, or Issued status.
- MMC Credential Verification displaying MMC Issued and Expiration dates (if applicable) OR email verification from NMC.
- MMC Credential Verification displaying Credential Details with appropriate endorsements OR email verification from NMC.
- Previous MMC (if not original issuance).

Renewal ONLY:

- MMC Application Status with an Approved to Print, Printed, or Issued status.
- Previous MMC (if not original issuance).

Pilot and Navigation Safety

Port Access Study

The below is paraphrased from the Coast Guard's Draft Port Access Route Study of December 21, 2022.



On June 28, 2022, the First Coast Guard District initiated a Port Access Route Study (PARS). The PARS examined port-specific navigation safety questions based on analysis of historical traffic data. In large part, the PARS was driven by the promotion of offshore wind projects and their compatibility with current and future waterway uses.

Through the study, multiple sources of data were considered including a detailed Automated Identification System (AIS) and Vessel Monitoring System (VMS) traffic analysis, commercial fishing statistics,

public comments, and partner agency submissions.

The First Coast Guard District concluded that port expansion projects, changes in fishery management and species distributions, and offshore renewable energy infrastructure, may result in the introduction of larger vessel classes, greater traffic densities, and displacement of some traditional transit routes within the study area.

The Coast Guard concluded that implementation of shipping safety fairways that will preserve unobstructed transit of densely trafficked routes and port approaches would best mitigate a heightened risk of marine casualties. The PARS resulted in the following specific recommendations impacting the Maine Coastline:

- A coastal zone fairway (CZF) is proposed to meet the needs of cargo, tanker, as well as tug and barge traffic transiting along coastal routes between primary commercial ports including Boston, MA; Portsmouth, NH; Portland, Searsport, and Eastport, ME, and Canadian ports through the Bay of Fundy. This fairway would also preserve unobstructed access for all vessel types to several densely trafficked port approaches and non-regulatory recommended routes.
- A Portland Southern Approach fairway is proposed that will meet the needs of vessel traffic entering and exiting the port of Portland via the Southern Approach Traffic Separation Scheme (TSS). This fairway will ensure sufficient maneuvering space is provided for vessels to manage complex meeting situations and crossing traffic as they depart or converge on the regulated traffic lanes.

- A Portland Eastern Approach Fairway is proposed that will meet the needs of vessel traffic entering and exiting the port of Portland via the Eastern Approach TSS. This fairway will ensure sufficient maneuvering space is provided for vessels to manage complex meeting situations and crossing traffic as they depart or converge on the regulated traffic lanes.



A DDG safely making its way past Doubling Point Light on the Kennebec River.

- A Gulf of Maine Fairway is proposed that will meet the needs of vessel traffic, primarily cargo and tank vessels, proceeding across the Gulf of Maine between Boston and the Bay of Fundy. This fairway extends from the Boston Approach TSS precautionary area in Massachusetts Bay to the international boundary outside of the Bay of the Fundy.

Regarding offshore wind energy projects, the Coast Guard recommends that the Bureau of Ocean Energy Management (BOEM) define wind energy areas in the Gulf of Maine that will allow for consistent layouts and cable routes. Cable routes should not interfere with established Aids to Navigation. The Coast Guard insists that all mooring systems and ancillary equipment not impede the safe navigation of vessel traffic in the wind energy area and be contained inside any approved lease area as a requirement under the terms and conditions of a specific lease.

While outside the scope of the PARS, the First Coast Guard District concurs with the National Academies' assessment that there exists a need to collect more data and develop physics-based models for developing strategies to mitigate potential negative effects of wind turbine

Pilot Boarding Focus

Pilot boarding safety remains front of mind for Maine Pilotage Commission members. In 2022 the International Chamber of Shipping in coordination with the International of Maritime Pilots' Association (IMPA), published "*Shipping Industry Guidance on Pilot Transfer Arrangements*." The document outlines critical provisions of SOLAS Regulation V/23 regarding pilot ladders. The document details responsibilities of all of those involved in pilot safety including shipping company

Pilot Safety

Pilot Boarding Focus Cont.

management in furnishing proper ladders to their vessels, ships' Masters and officers to oversee the proper maintenance of the equipment and crew to properly rig safe boarding arrangements.

The IMPA notes persistent non-compliance globally, and although compliance in U.S. ports is better, improvement is still needed.

Pilot ladders are safety critical consumable items with a finite service life. When ladders are reaching the end of their life, replacement is the most effective form of maintenance. IMPA urges shipowners to implement time-based replacement of pilot ladders and associated equipment and the Maine Pilotage Commission supports this approach.

Several pilot boarding issues were raised at the March 15, 2023 Commission meeting justifying closer monitoring by the Commission. The Maine Pilotage Commission urges reporting of pilot ladder discrepancies to the Administrator of the Pilotage Commission for tracking and the Coast Guard for potential enforcement action.

Local Pilot Ladder Issues

In an ongoing effort to improve pilot safety, the Penobscot Bay and River Pilots engaged with a customer to help reconcile pilot boarding discrepancies aboard two of their vessels. In April of 2022, a coastal cruise ship called at Bar Harbor and took aboard the compulsory state pilot for both the inbound and outbound transits. During the vessel's visit it was noted that the vessel fell short of international pilot boarding safety requirements. Although the vessel's crew attempted to make the best arrangement possible, it still violated three sections of SOLAS V/23 and IMO Resolution A.1045(27) in that:

- The ladder was not laying flat on the hull;
- Stanchions were not within easy reach of the top of the ladder; and
- less than 6 meters of unobstructed space for the pilot boat to land alongside was provided.

These violations put the servicing pilots directly at risk.

The vessels were built in 2001 and were designed for domestic operation under the U.S. flag using the Master and mates as pilots, as permitted by regulation. Therefore, pilot boarding safety was never considered in the design and construction of the vessels. The vessels later re-flagged and now require pilots in U.S. ports when sailing on Register, which raised the pilot boarding discrepancies.

While boarding in calm seas is possible, if not ideal, boarding in rough weather could make safe boarding impossible which could impact the vessel's port call itinerary.

Through the initiative of the Penobscot Bay and River Pilots Association, and their action to raise these important issues and practical suggested solutions, the company is now taking positive steps to improve the boarding arrangement for pilots.

Pilot Issues in Brief

Town Ordinance Impact on Navigation Safety



A cruise ship ready for departure from Frenchman Bay.

A new town ordinance may have unintended consequences on pilotage and protection of Maine's coast. On November 8, 2022, the Town of Bar Harbor voted to adopt a "Land Use" ordinance capping the number of persons allowed to come ashore from cruise ships to 1,000 persons per day. A total of 95% of passengers arrive in Bar Harbor on ships with a capacity larger than 1,000, according to *CruiseMaine*. As a result, most larger cruise lines may no longer sail to Bar Harbor. The impact of the new ordinance will lead to passenger (and thus cruise ship) reductions of 90-95%.

Considering the potential of a major reduction of ships calling on Bar Harbor and subsequent revenue impact, the servicing pilotage group is likely to weigh drastic changes in their business strategy which could effect overall pilotage capacity for the region. The ordinance is being legally challenged by the Association to Preserve and Protect Local Livelihoods (APPLL) citing the Commerce Clause and the Supremacy Clause of the U.S. Constitution. The regional pilotage group (overseen by the Maine Pilotage Commission) has joined the law suit as interveners.

If the ordinance is upheld, the pilotage group, which is the largest governed by the Maine State Pilotage Commission, will be faced with difficult decisions including:

- Pilot boat lay-up or full divestiture;
- Staff/crew lay-offs;
- Changes in pilot stations; and
- Pilot lay-offs.

The results of any of the above could have a cascading effect on pilot boat readiness and availability, pilot availability, reduced transportation efficiency and degraded safety.

The pilotage commission is charged under 38 MRS 85 to provide for a "*system of state pilotage in order to provide maximum safety from the dangers of navigation for vessels entering or leaving the waters described in this subchapter, to maintain a state pilotage system devoted to the preservation and protection of lives, property, the environment.*"

The operational challenge of Maine pilots from overcoming the impact of the ordinance will have a deleterious effect on the pilotage system. The result of that effect could significantly degrade the efficiency and safety of commercial navigation putting Maine's coastline at risk.

Emergency Action

On February 13, 2023, a Maine pilot refused pilotage to a ship with malfunctioning propulsion until the engine fault was resolved. A 600' Panamanian flagged, bulk ship arrived in the Eastern Approach to Penobscot Bay enroute to Searsport to deliver cargo to the terminal. After boarding, the pilot began the transit to eventually anchor near Searsport to await an open berth. The pilot requested an engine order of half ahead (from slow ahead) to bring the vessel up to normal transit speed, when the engine failed to maintain the proper speed. The pilot requested twice to increase speed, but the engine would only increase speed shortly before resuming slow ahead.

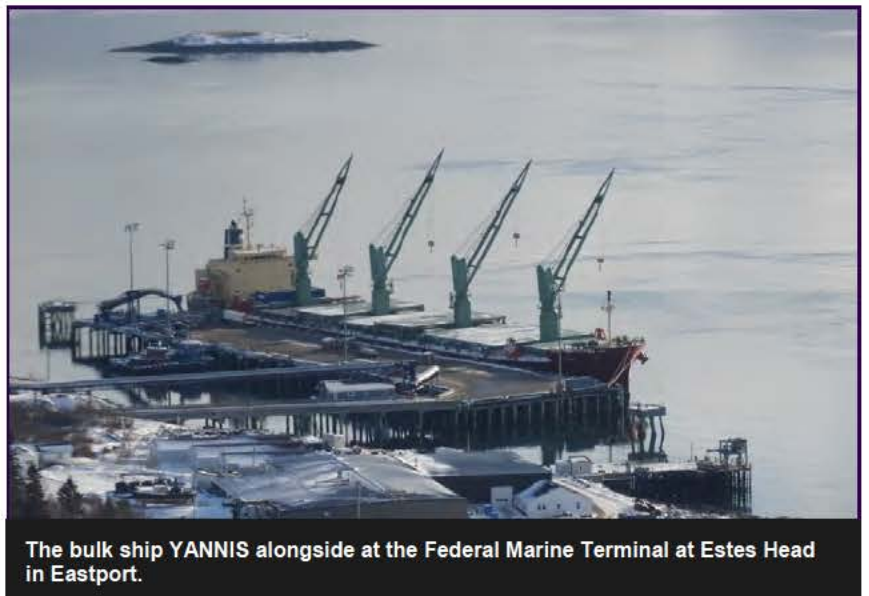
Uncomfortable with the engine's performance, the pilot contacted the Coast Guard to report the propulsion limitation. Although the vessel was authorized to enter port with the reduced engine capacity, the pilot directed the vessel back to sea to allow the crew to repair a faulty cylinder, to best protect the waterway.

After trouble shooting, it was determined by the ship's crew that the engine was returning to slow ahead due to an engineered safeguard to protect the engine from unwanted damage. Further trouble shooting indicated an air problem in the engine's number one cylinder as the root cause of the throttle failure which was subsequently corrected.

Unwilling to risk a maneuvering incident due to limited propulsion, the pilot protected Maine's coastline from potential damage of an accident.

Port of Eastport Update

The Port of Eastport reports a challenging decline in activity. Eastport ship arrivals are at an all-time low with only 7 arrivals in 2022 and 6 arrivals from January to June of 2023. There is anecdotal discussion that some cruise ships that may be displaced from the Bar Harbor trade (due to a town ordinance capping passenger landings) may have interest in modifying their itineraries to include Eastport. The sluggish ship activity makes attraction of new pilots to the Eastport area a challenge.



The bulk ship YANNIS alongside at the Federal Marine Terminal at Estes Head in Eastport.

Recommendations per 38 MRS § 90-B

Commission Recommendations

Marine Casualty Analysis -

The Maine Pilotage Commission is currently re-examining its investigation roles. It was recommended at the June 2023 convening of the Maine Pilotage Commission to amend certain Pilotage Rules to better include marine casualty investigation as a role of commission investigators.

Mission Statement

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

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

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