

# MAINE STATE LEGISLATURE

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# ANNUAL REPORT

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Report Completed by:

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MAINE PILOTAGE COMMISSION

16 State House Station

Augusta, ME 04333-0016

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Maine is also one of only two states with a separate ensign, which is rarely seen (the other is Massachusetts). It features symbols from the current flag and the older one, with a white field and green pine tree. The green pine tree has the seaman's anchor, and the words "MAINE" and "DIRIGO" around it.

1939, the legislature created the Maine Merchant Marine Flag and Ensign.

Donald MacMillan, who captained the BOWDOIN on its first trip to the Arctic in 1920-21, had been given the merchant marine flag to fly on his 1940 expedition.

In 1939 on the occasion of embarking on his 18th voyage to the Arctic, Governor Lewis Barrows presented MacMillan the Merchant Marine Ensign at a brief ceremony in Boothbay Harbor,

The flag was flown by famous Mainer and Arctic explorer Donald MacMillan aboard the schooner BOWDOIN, during his many arctic expeditions. The original flag, tattered from years of harsh service, was lost for decades but was recovered and preserved as an artifact now on display at Maine Maritime Academy.



# Annual Report

August 1, 2024



## 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 2024 (July 1, 2023 - June 30, 2024). 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:

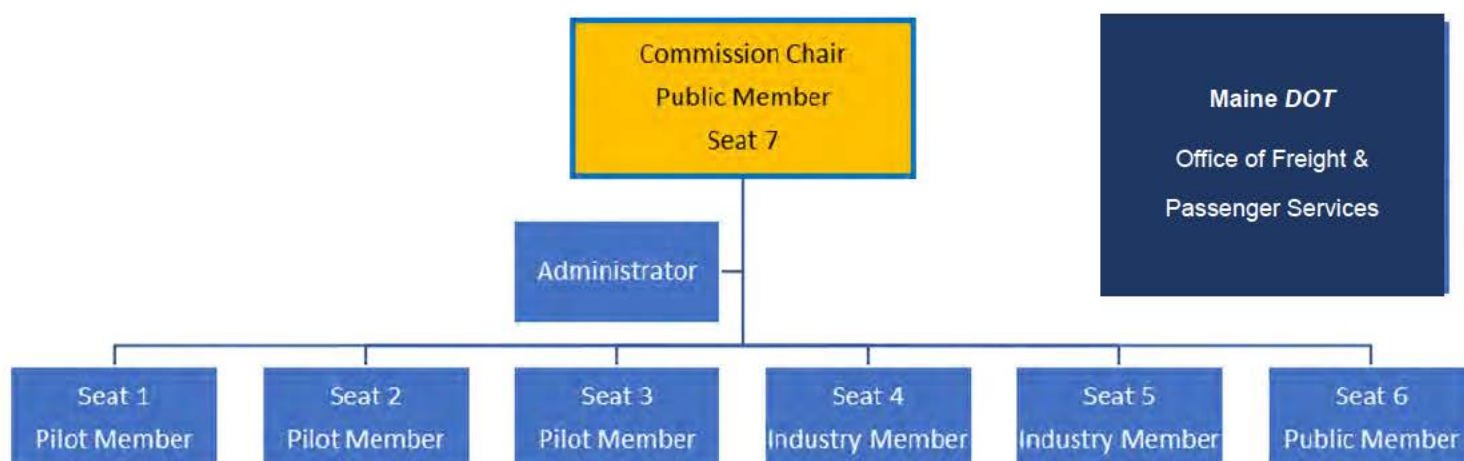
- Three licensed pilots who are active in pilotage representing each of the Commission's coastal zones;
- Two members who are not licensed pilots but are from a maritime industry that utilizes pilots; and
- Two members representing the public who are not licensed pilots but have a maritime background.

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 April 10, 2024 Pilotage Commission meeting, but wished to take some time to further research the demands before moving forward with a formal vote.

## Pilotage Commission Details

### Organization & Structure

David Gelinas, Lindsey Pinkham, and Carrie Norton were all reappointed by the Governor's Office of Boards and Commissions in 2023 with Governor appointments all expiring on August 18, 2025. Shawn Moody's appointment has expired but has applied for re-appointment and is awaiting a final Certificate of Appointment listing his final expiration date. Adam Philbrook's appointment will expire in August of 2024 and is in the reapplication process. Levi Ross' appointment also expires in August of 2024 but has initiated the re-appointment process.



Seat	Name	Date of Commission	Expiration	Status	Component
1	David Gelinas	May 17, 2023	August 18, 2025	Active	Pilot
2	Adam Philbrook	October 6, 2021	August 18, 2024	Active	Pilot
3	Gerald Morrison	May 17, 2023	August 18, 2024	Active	Pilot
4	Shawn Moody	Overdue—Re-applied	Pending Certificate	Pending	Industry
5	Levi Ross	May 17, 2023	August 18, 2024	Active	Industry
6	Lindsey Pinkham	July 6, 2023	August 18, 2025	Active	Public
7	Carrie Plourde Norton	July 6, 2023	August 18, 2025	Active	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.**



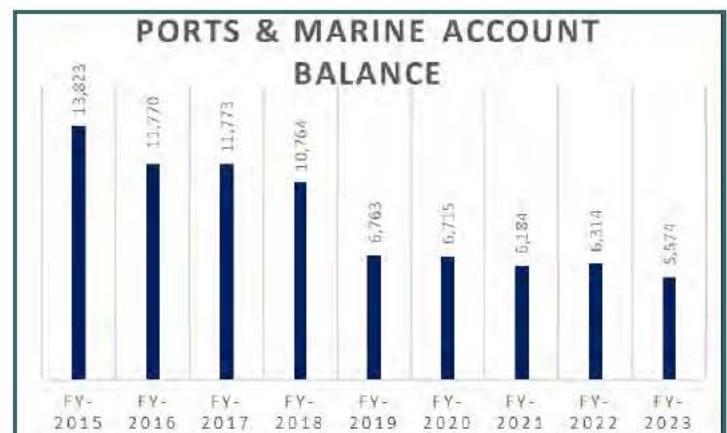
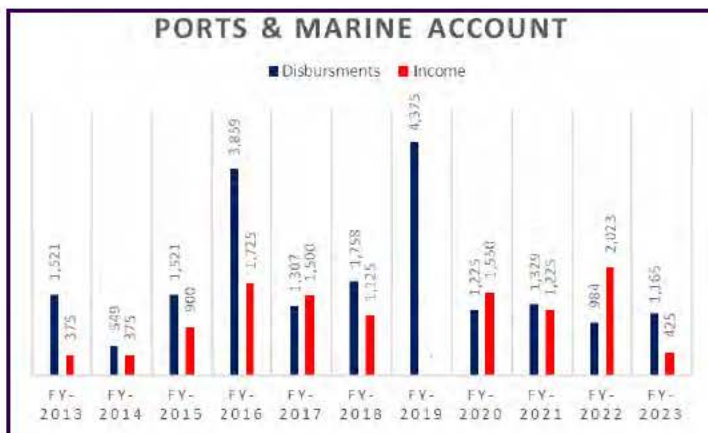
A tanker safely transiting the Coast off Mid-coast Maine.



## 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 2024. 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 2024 was \$5,574. The Commission will now be funded with a \$40,000 annually recurring allocation in the form of a DOT program fund.



### 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 Public Meetings & Hearings

The following offers specific details of Commission public forums during the period of July 1, 2023 – June 30, 2024 in which the Maine Pilotage Commission participated. All meetings and hearings are open to the public.

### Commission Meetings

#### Meeting October 19, 2023

Location: Maine DOT Augusta, ME

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 7

Length of Meeting: 1 1/4 hours

#### Meeting April 10, 2024

Location: Maine DOT Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 6

Length of Meeting: 3 1/2 hours

#### Meeting June 18, 2024

Location: Maine DOT Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others:  
10

Length of Meeting: 1 1/2 hours

### Pilotage Public Rate Hearing

Members of the Maine Pilotage Commission convened a public hearing to discuss and hear public comments on a proposed pilot rate rule and associated rate adjustments.

#### Meeting June 18, 2024

Location: Maine DOT Augusta, ME & Virtual

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 11

Length of Meeting: 1 hour

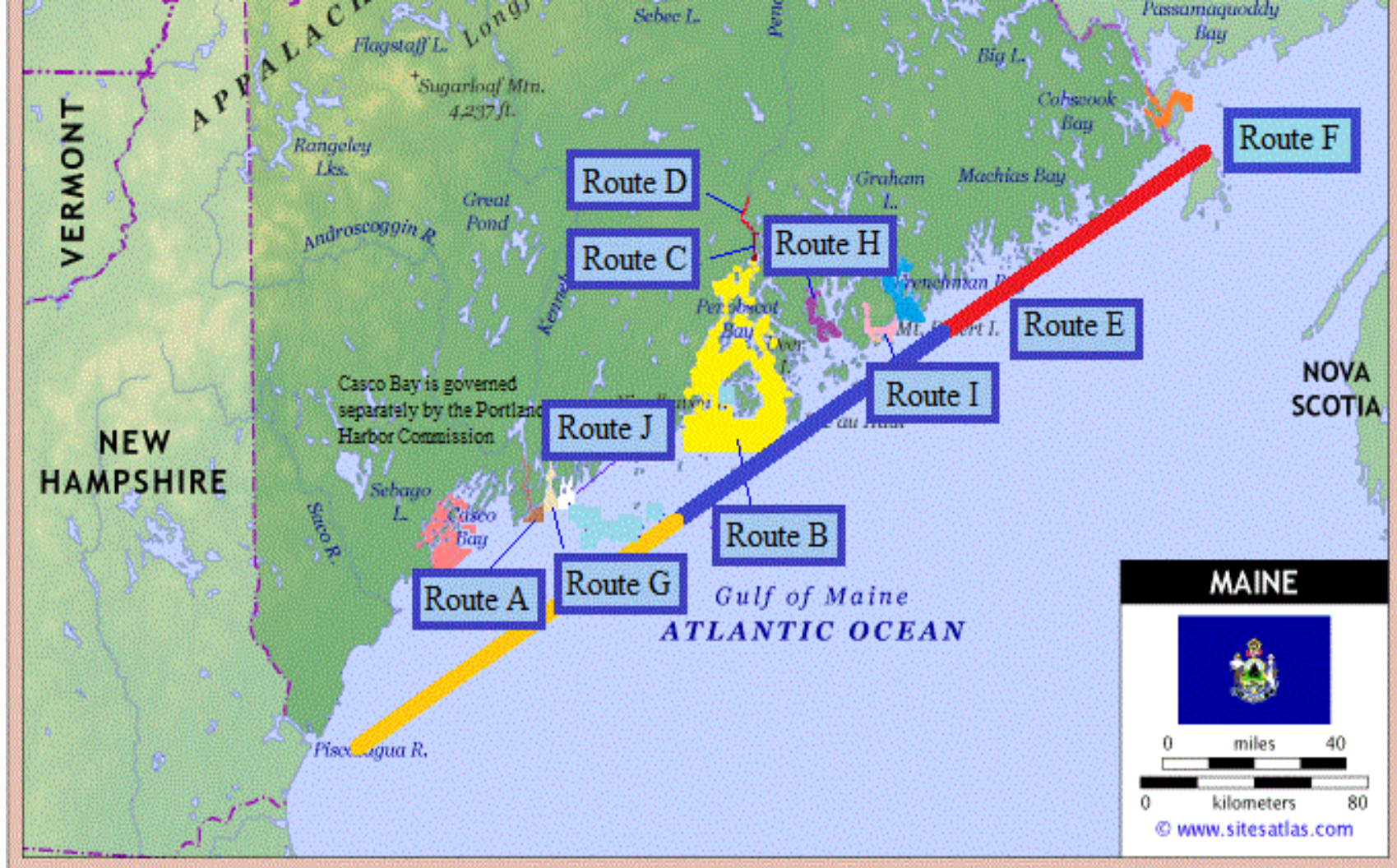
Purpose: Commission members met to discuss and vote on the proposed pilot rate adjustments. The meeting continued with routine commission business.



# 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
Calvin Klopp	2029

### 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 12 individuals. During Fiscal Year 2024, pilot license transactions were as follows:

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

## Pilot Credentialing

### ***New Medical Attestation Form***

Each pilot must submit a State Pilot License Annual Medical Fitness Attestation Form (in lieu of a full CG Form 719 K), which attests to the pilot's compliance to receive a physical examination to include a hearing and vision test within 1 year of the previous examination. The attestation must include the date of the examination and the name of the licensed Medical Doctor performing the required examinations. The attestation shall be delivered annually to the Commission by January 15 with the annual recency report.

Alternatively, the pilot may submit a CG Form 4610A provided it indicates a physical examination, including a hearing and vision test within 1 year of the previous examination.

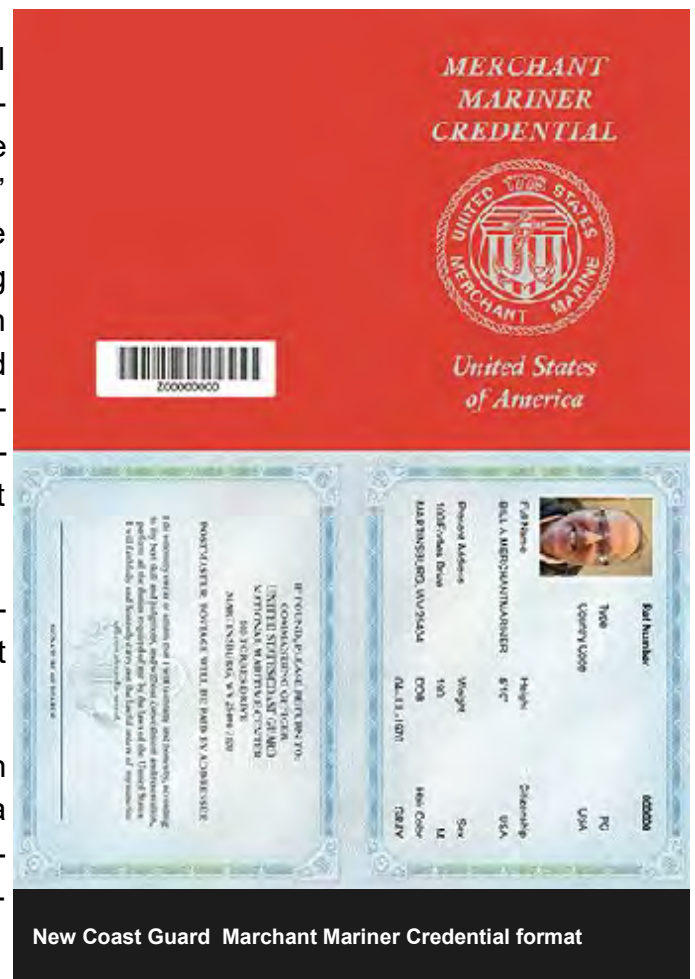
### ***Licensing Delays at NMC***

In recent years the the Coast Guard's National Maritime Center has experienced significant federal license issue delays, largely caused by the equipment used to create the "passport style" Merchant Mariner Credential. The passport style license books required a complicated printing system which was prone to breakdowns which created major back ups in license printing and issuance. This was of some concern to Maine Pilots since valid Federal (Coast Guard issued) pilot licenses are a pre-requisite to most Maine pilot age waters.

The Coast Guard National Maritime Center issued the below [para-phrased] announcement regarding their new system:

On March 1, 2024, the U.S. Coast Guard began issuing Merchant Mariner Credentials (MMCs) in a new format. This new mariner credential will replace the legacy passport-style red book and associated endorsement.

The complexity and degraded reliability of the custom printers used to print the MMC books necessitated a change to the credential printing process. The new mariner credential is formatted on 8.5" x 11" waterproof and tear-resistant synthetic paper. It contains numerous security features including micro-printing, foiling, and intricate patterns. The new credential is printed on readily available commercial desktop laser jet printers and will vastly improve print services and availability. To learn more about the new MMC, please visit the National Maritime Center (NMC) website.



New Coast Guard Merchant Mariner Credential format



## Pilot and Navigation Safety

### Francis Scott Key Bridge

In the early hours of March 26, 2024, the container ship DALI allided with the Francis Scott Key Bridge spanning the main ship channel of the Port of Baltimore, MD. Upon impact, the main spans of the bridge collapsed, destroying the bridge, and killing six maintenance workers on the bridge. The incident resulted in a major response to rescue workers who fell in the water, recovering the bodies of those killed, removing the ship from the entangled wreckage and opening a major east coast port to commerce. While the formal investigation is not yet complete, the Maine Pilotage Commission remains engaged to learn from the accident and apply any lessons learned within the jurisdiction of the Maine Pilotage commission to assure a similar event is not repeated in Maine Waters.



A mega-yacht underway near Fort Knox on the Penobscot River.

Anecdotally, the only major bridge within the Maine Pilotage Commission's jurisdiction is the Penobscot Narrows Bridge which spans the Penobscot River

downstream of Bucksport. The Penobscot Narrows Bridge is much different than the Francis Scott Key Bridge in that the main structural abutments are on the river banks of the Penobscot River, making a ship strike impossible. While abutments from the old bridge remain in place, they are not connected to the new bridge and are situated well outside of the marked channel making a ship strike a low risk.

### Opportunities for Improvement & Best Practices

As a matter of unofficial policy, there are certain areas and situations, where navigational risk is lowered through the employment of tug boats.

#### Penobscot River

Tethered assist tugs are employed from Fort Point to Bucksport for all laden tank ships transiting the Penobscot River to or from Bucksport. This policy has been in place under the proactive direction of the Penobscot Bay and River Pilots Association for decades. The policy requires two tugs of at least 3,000 horsepower to be tethered to the ship to lower the risk of grounding in narrow sections of the river. Odom Ledge, is one of the more critical hazards on the transit route due its confined channel and outlying rocky obstacles.. The tethered tug system greatly lowers the risk in this area improving environmental protection.

#### Kennebec River



### Pilot Issues in Brief

#### Town Ordinance Impact on Navigation Safety



A cruise ship ready for departure from Frenchman Bay.

A February 29, 2024 decision of the U.S. District Court of the District Maine upheld the Town of Bar Harbor's "Land Use" ordinance creating a daily passenger landing cap of 1,000 passengers. The daily cap virtually eliminates the commercial appeal of large cruise ship traffic to Bar Harbor. The impact of the new ordinance will lead to passenger (and thus cruise ship) reductions of 90-95% in Frenchman Bay which will drastically and negatively impact the servicing pilotage group's overall revenue, thereby potentially impacting the sustainability of the regional pilotage system.

Only months following the Court's decision, the regional pilotage group is already seeing unintended consequences emerge. Losing significant cruise ship revenue has now impacted the pilot's work force in that the Penobscot Bay and River Pilots Association has suspended its transition to the next generation of pilots as new pilots are reassessing whether they wish to take the business risk of entering an association dealing with an emerging (and possibly slowing) work volume. Moreover, the pilotage group has reduced its permanent pilot roster from four full time pilots to three while continuing to employ other pilots on a part time basis to cover surge operations. The reduction in pilot work force will likely cause the pilots to prioritize ship arrivals on days where there may be multiple simultaneous ship transits. Prioritization will favor ships choosing to call on Maine ports, such as cruise ships and mega yachts, while ships that are on dedicated voyages to Maine due to commercial necessity, may rate lower prioritization. Such prioritization is unfortunate but now a necessity which may cause commercial delays in moving cargo and fuel in and out of Maine ports.

The impact of the Bar Harbor Land Use Ordinance may cause the largest pilot association governed by the Maine State Pilotage Commission, to make difficult decisions including:

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

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 de-*



## 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

#### ***Pilotage System support -***

In February 2024 the U.S. District Court upheld a Bar Harbor Land Use ordinance which caps cruise ship passenger landings. The ordinance discourages cruise ships from calling on Bar harbor and is likely to have negative impacts on the pilotage system which has been built around the revenue created by decades of cruise ship traffic to Bar Harbor.

In light of the negative impacts of the ordinance, the Pilotage Commission, through a June 7, 2024 letter, invited a joint discussion with the Director of the Maine Port Authority, the Commissioner of the Maine Department of Transportation, and the Commissioner of the Maine Department of Community & Economic Development to investigate ways in which the State of Maine can assist in supporting the system of pilotage.

# 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.*

## Maine Pilotage Commission

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