

# Maine Pilotage Commission



*MaineDOT* ~ Room 216 Conference Room  
November 29, 2022

## Minutes of Pilotage Rate Meeting

In compliance with MRSA 38 § 85 and in fulfillment of the Maine Pilotage Commission’s duties addressed in MRSA 38 § 90, a Public Rate Meeting of the Maine Pilotage Commission was held on November 29, 2022. The meeting was held to hear rate adjustment proposals from the Penobscot Bay and River Pilots, Klopp Marine Services, and Eastport Pilots, USA/Quoddy Pilots (collaboratively). The meeting also availed opportunities for public comment and open discussion.

Specifically, the following meeting was convened under the authority to make and establish rates of pilotage pursuant to 38 M.R.S. Section 90-1B.

Maine Pilotage Commission Members constituting a quorum were:

Charles Weeks	– Commission Chair
David Gelinas	– Pilot Member
Gerald Morrison	– Pilot Member
Adam Philbrook	– Pilot Member
Carrie Norton	– Public Member
Lindsey Pinkham	– Public Member (Remotely)
Brian Downey	– Pilotage Commission Administrator

Interested Parties present were:

David Smith	– Penobscot Bay and River Pilot
Captain Skip Strong	– Penobscot Bay and River Pilot
Mark Klopp	– Klopp Marine Services
Susan Klopp	– Klopp Marine Services
Mr. Mark Wilson	– Bay Ferries Ltd (Remotely)
Robert Peacock	– Quoddy Pilots
Matt Burns	– Maine Port Authority
Levi Ross	– Deadriver Company
Nathaniel Morrison	– Independent Public Observer

Maine DOT staff present were:

James Billings	– Maine DOT
Chris Mayo	– Maine DOT
Mary Lord	– Maine DOT

## **Background and Administration**

Captain Weeks opened the meeting at 1030 and acknowledged a quorum. Captain Weeks took called the roll of the Pilotage Commission to confirm a quorum was met; he then facilitated introductions of participants and all guests present or participating remotely. Captain Weeks then offered opening remarks which outlined the general process of making pilotage rates, including the guiding Commission's guiding statutory authority. He then covered public meeting rules and process. He further reviewed the process which the Commission will follow to effect any adjusted rates, if approved.

Striving for transparency, in addition to internal communication to the Commission members and licensed pilots, the Maine Pilotage Commission publicly announced this meeting during the Port Safety Forum on April 17, 2019. The Maine Pilotage Commission also announced this meeting through the MaineDOT Weekly Digest Bulletin System. The Commission also published Public Meeting Notices for this Public Meeting in the Kennebec Journal, Bangor Daily News, Portland Press Herald, and Lewiston Sun Journal. The Commission also directly mailed notices of the meeting to known pilotage users and those who may be interested in a pilotage rate discussion.

The meeting was a hybrid in that it was a normal Pilotage Commission meeting but only discussed proposed pilotage rates. The meeting did not take on any other Commission business until the rate portion of the meeting concluded. The meeting, while held live at MaineDOT, was also offered to guests and members through a remote meeting system as an alternative. The meeting was recorded using an automated system through a third-party video conferencing provider and will be transcribed.

This meeting followed a November 2, 2022 Workshop comprised of a portion of the Maine Pilotage Commission. The workshop was convened to analyze the proposals for parity with competing ports and comparison against current COLA rates. The Workshop Minutes are captured in a separate document.

## **Pilot Rate Discussions and Public Comment**

In order to organize discussion and deliberation of the two pilotage organizations' proposals, they were anecdotally split into four parts – namely:

## **Klopp Marine Services' Proposal for the Kennebec River and associated waters**

Susan Klopp spoke in favor of Klopp Marine Services' proposal.

- Change rate from 11.99 per Pilotage Unit each way to \$14.14 each way (17.8 % increase).

### INTERIM VOTE

Yea:	NORTON GELINAS PINKHAM PHILBROOK MORRISON
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## **Collective Eastport Pilots' Proposal for Eastport, Heard Harbour Passage and associated waters**

Robert Peacock spoke in favor of the collective Eastport Pilots' full proposal.

- Change rate from 6.30 per Pilotage Unit each way to \$9.50 each way (50% increase).
- Change Pilot Boat fee from \$600 each way to \$750 each way (25% increase).

### INTERIM VOTE

Yea:	NORTON PINKHAM PHILBROOK
Abstentions:	MORRISON

## **Penobscot Bay and River Pilots Association Proposal for Boothbay Harbor, Rockland, Camden Harbor, Blue Hill Bay, Eastern Way and Somes Sound**

David Gelinas spoke in favor of the Penobscot Bay and River Pilots Association's full proposal.

- Change from \$1,800 for first 100 Pilotage Units and \$5.96 Per Pilotage Unit above 100 to \$2,070 for first 100 Pilotage Units and \$6.85 Per Pilotage Unit above 100 units (15% increase)

### INTERIM VOTE

Yea:	NORTON PINKHAM MORRISON
Abstentions:	GELINAS PHILBROOK

### **Penobscot Bay and River Pilots Association Proposal for Penobscot Bay**

David Gelinas spoke in favor of the Penobscot Bay and River Pilots Association’s full proposal.

- Change current rates of \$2589 for first 100 Pilotage Units and \$5.96 above 100 Pilotage Units to \$2,977 and \$6.85 per Pilotage Unit (15% increase).

#### INTERIM VOTE

Yea:	NORTON PINKHAM MORRISON
Abstentions:	GELINAS PHILBROOK

### **Penobscot Bay and River Pilots Association’s Proposal for Penobscot River**

David Gelinas spoke in favor of the Penobscot Bay and River Pilots Association’s full proposal.

- Change current rate of \$3,884/ first 100 Pilotage Units and \$8.91 above to \$4,467 and \$10.25 per Pilotage Unit (15% increase).

#### INTERIM VOTE

Yea:	NORTON PINKHAM MORRISON
Abstentions:	GELINAS PHILBROOK

### **Penobscot Bay and River Pilots Association’s Proposal for Frenchman Bay**

David Gelinas spoke in favor of the Penobscot Bay and River Pilots Association’s full proposal.

- Change current rate of \$7.79 per Pilotage Unit to \$13.00 Per Pilotage Unit (67% increase).

#### INTERIM VOTE

Yea:	NORTON PINKHAM MORRISON
Abstentions:	GELINAS PHILBROOK

### **Penobscot Bay and River Pilots Association’s Proposal for International Ferry**

David Gelinas spoke in favor of the Penobscot Bay and River Pilots Association’s full proposal.

Similarly, Mr. Wilson, of Bay Ferries spoke in response to the Penobscot Bay and River Pilots Association’s proposal to adjust the ferry rate suggesting a lower rate increase of 4% citing his

letter submitted to the Commission on November 28, 2022. Mr. Wilson recognized the effort of the Commission to build in a graduated rate system which incrementally staggered modest rate increases from 2020-2022, but also cited that the Ferry Service was unable to take advantage of the lower ferry rates in 2020 and 2021 as the ferry service did not operate during the pandemic.

Mr. Downey submitted the Bay Ferry letter (provided to all Commission Members) as an Exhibit.

There were no other public comments in favor or in opposition of the Penobscot Bay and River Pilots Association's proposal.

- Changes from \$7.79 per pilot unit to \$8.49; minimum Pilotage Unit for an international ferry to remain the same at 141 pilot units (9% increase).

INTERIM VOTE

Yea:	NORTON PINKHAM MORRISON
Abstentions:	GELINAS PHILBROOK

**Penobscot Bay and River Pilots Association's Proposal for Miscellaneous Fee Adjustments for all service areas**

David Gelinas spoke in favor of the Penobscot Bay and River Pilots Association's full proposal.

He also clarified that all of the below proposals are for all waters serviced by Penobscot Bay and River Pilots.

He additionally, remarked that the rate proposals for all service areas are offered in consideration of the elimination of the Fuel Surcharge on 01 January 2023.

- Change the hourly rate/ maximum rate for vessel delayed at arrival from \$150/\$600 to \$300/\$900
- Change fee if vessel does not sail within 2 hours of posted time, from \$150 per hour to \$300 per hour
- Change fee for a pilot carried to Sea from \$600 per day plus expenses to \$900 per day plus expenses.
- Change the Capital Construction and Training fund from \$200 to \$250 per inbound transit.
- Remove the Fuel Surcharge with the adoption of the proposed rates.

INTERIM VOTE

Yea:	NORTON PINKHAM MORRISON
Abstentions:	GELINAS PHILBROOK

## **Final Vote**

A general comprehensive vote was taken to accept the entire Rate Adjustment Package as briefed and proposed with all members voting to accept the proposed rates. Hearing no objections or abstentions it was thus:

RESOLVED to accept and tentatively approve the proposed rates which may be implemented on January 1, 2023 (pending no additional opposition comments are received during the 30-day comment period ending December 29, 2022).

## **Written Comments**

Charles Weeks explained that written comments may be received for consideration any of the proposals but must be received by December 29, 2022. Written comments should be mailed to:

Brian J. Downey

Administrator  
Maine Pilotage Commission  
16 State House Station  
Augusta, Maine, 04333-0016

## **Adjourn Public Rate Meeting**

The Chair of the Maine Pilotage Commission closed the public rate portion of the meeting and adjourned.

## **Eastport Update**

Jerry Morrison and Robert Peacock discussed the current state of the Port of Eastport highlighting that ship arrivals are at an all time low with only 7 arrivals in 2022. Although the current Port Director has taken employment with another firm, he has agreed to remain on a month-to-month basis until a suitable replacement is identified and hired. There is some anecdotal discussion that some cruise ships that may be displaced from the Bar Harbor trade may have some interest in modifying their itineraries to include Eastport. Attraction of new pilots to the Eastport area remains a challenge due to the low ship volume.

## **Frenchman Bay Update**

David Gelinas briefed the group regarding the recent Citizen's Initiative vote in the Town of Bar Harbor which passed. The new town ordinance will now cap cruise ship passengers at 1,000 per day. This could/likely will alter the number of cruise ships visiting Bar Harbor. In short the ordinance may deeply impact local pilotage by virtually eliminating nearly 50% of ship volume served by the Penobscot Bay and River Pilots Association.

## Finance

Mr. Downey reported on *Ports and Marine Accounts* which has a current balance of \$5,574.54.54 which reflects both disbursements and income since November 2021. License income and insurance expenses flow through this account. The *Pilotage Training Account* currently has a balance of \$78,641.81.

<b>Ports &amp; Marine Account Cash</b>			
<b>Cash Balance</b>			
30 June 2022	Beginning Cash Balance		<b>\$6,314.54</b>
<b>Incoming Cash Receipts</b>			
	Cash Receipts	N/A	\$50.00
	Total Cash		<b>\$6,364.54</b>
<b>Cash Disbursements</b>			
	Operating Expenses	Milage	\$333.50
	Operating Expenses	Milage	402.5
	Insurance		54.00
30 June 2022	Ending Cash Balance		<b>\$5,574.54</b>
<b>Pilotage Training Fund</b>			
<b>Pilotage Training Fund Balance</b>			
31 October 2021	Beginning Pilotage Training Fund Balance		<b>\$78,641.81</b>
<b>Incoming Training Fund Receipts</b>			
	DEP Receipt		<b>\$78,641.81</b>
			\$00.00
	Total Fund		<b>\$78,641.81</b>
<b>Training Disbursements</b>			
	Training Reimbursement		\$00.00
16 March 2022	Current Pilotage Training Fund Balance		<b>\$78,641.81</b>

## Next Meeting

A final vote at the Maine Pilotage Commission meeting on March 22, 2023 at 10:30 a.m. at the Maine DOT Building:

Room 227  
24 Child Street  
Augusta, ME 04330

Respectfully submitted:

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Brian J. Downey Jr.  
Maine Pilotage Commission Administrator