

Maine Pilotage Commission

MaineDOT~ Main Conference Room

June 19, 2014

Minutes of Meeting

In compliance with MSRA 38 § 85 and in fulfillment of the Commission's duties addressed in MSRA 38 § 90, a meeting of the Maine Pilotage Commission was held on June 19, 2014 in Augusta Maine.

Call to Order:

The meeting was called to order at 1030 by the Chair of the Commission, Captain Charles Weeks.

Maine Pilotage Commission Members constituting a quorum were:

Captain Charles Weeks	– Chair of the Commission
Captain David Gelinis	– Pilot Member
Captain John Worth	– Maritime Industry Member
Captain Shawn Moody	– Maritime Industry Member
Captain Earl Walker	– Pilot Member
Mr. Brian Downey	– Pilot Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Mr. Robert Elder	– Director of Freight and Business Services (MaineDOT)
Captain Mark Klopp	– Kennebec River (and Portland) Pilot
Captain Skip Strong	– Penobscot Bay and River Pilot
Captain Doug Fournier	– Penobscot Bay and River Pilot Apprentice

MaineDOT Staff present were:

Ms. Kim King	– Office of Freight and Business Services (MaineDOT)
Ms. Victoria Morales	– MaineDOT Legal
Ms. Jean Stewart	– MaineDOT Recorder

Public/Guests present were:

Peter Blanchard	– Maine Department of Environmental Protection
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Agenda Item 1 – Call to Order

Captain Weeks opened the meeting at 1030, acknowledged a quorum and facilitated introductions around the room.

Captain Gelinas requested to add a discussion item to Agenda Item 7 “Other/Miscellaneous” to discuss the Pilot Commission web-page. No other amendments were noted.

Agenda Item 2 – Approval of March 17, 2014 Commission Meeting Minutes

Hearing no objections to the content of the March 17, 2014 minutes, Captain Walker motioned to approve the minutes. Captain Worth seconded the motion and it was thus:

RESOLVED to approve the minutes of the March 17, 2014 Maine Pilotage Commission meeting.

Agenda Item 3 – Review of New Policies

Mr. Downey reviewed two new policies drafted as a result of discussions at the March 17 meeting which will better define critical processes of the Commission; namely:

- Inactive Pilots and Alternate Recency Policy (1-14); and
- Route Endorsement Examination Policy (2-14).

Inactive Pilots and Alternate Recency Policy (1-14) Mr. Downey reviewed the contents of the Inactive Pilots and Alternate Recency policy which emphasizes the ability of pilots to retain their credentials in an inactive status if one or more elements are not met annually or at renewal (e.g., recency deficiency). Pilots may remain inactive for prolonged periods but may not perform pilotage duties until ALL of the deficient elements requiring a valid license are satisfied (physical, drug testing, continuing education, etc.). In the case of limited or deficient recency, an alternate recency plan must be prepared by the pilot and presented to the Commission for approval. It was discussed that in time sensitive cases, Alternate Recency Plans do not necessarily require a formal on-site presentation or vote but rather may be conducted remotely via telephone and/or e-mail provided a virtual quorum is established.

Route Endorsement Examination Policy (2-14) Mr. Downey reviewed the contents of the Pilot Examination Policy. This policy was created to guide both license/endorsement candidates, proctors, and the Commission in the basics of preparing and proctoring route endorsement examinations. The Route Endorsement Examination Policy establishes a passing score of 90% on a written examination and other system integrity elements such as ensuring closed book examinations and periodic examination accuracy reviews. Discussion of the Commission resulted in minor modifications to the draft policy to include a 5 year review of all examinations (or before a scheduled endorsement examination whichever occurs first). Further, it was directed that the policy include an option to re-take examinations after a 30 day waiting period. The

Commission also directed the provision to include a chart drawing requirement which may be effected at the discretion of the Commission.

It was discussed that Ryan read will be sitting for a new endorsement examination for Frenchman's Bay on July 7, 2014. Captain Walker will proctor the examination. The examination for Frenchman's Bay was reviewed and revised to reflect current navigational data on May 10, 2014. It was confirmed at the meeting that no other modifications are needed for the pending examination.

Additionally, Mr. Downey reviewed a Juror Excusal letter which was designed to assist in explaining a hardship caused to the pilotage service and in the event of a jury summons. If event a pilot is summoned for jury duty and wishes to request excusal from the court, the pilot may request the Administrator to issue a letter on behalf of the Commission to the court requesting excusal based on hardship.

Agenda Item 4 – Annual Pilotage Requirement Status

Mr. Downey reviewed all of the pilots' license statuses including:

- activity/inactivity of each endorsed route;
- annual physical status; and
- recency.

The review was conducted to verify the accuracy of pilot records, no significant discrepancies were noted.

Agenda Item 5 - Financial

Ms. Kim King reported on *Marine Accounts* which has a current balance of \$15,469.89. License income and insurance expenses flow through this account. Total cash received since March 17, 2014 include:

- Total Cash Receipts: \$50.00

Cash disbursements since March 17, 2013 include:

- Board Travel: \$462.68; and
- Statewide Cost Allocation Plan (STACAP): \$4.92

The *Pilotage Training Account* currently has a balance of \$34,897.69. Training fund disbursements since March 17, 2014 include:

- Electronic Chart Display Information System for Pilots (\$17,499.93)
- Azipod Training: (\$2,962.91)

Agenda Item 6 – Update on Proposed Rule Changes

Mr. Downey reviewed the status of the Pilotage Rules changes that were approved by the Pilotage Commission at the November 7, 2013 meeting. The Rules have been revised with appropriate documentation prepared for submission to the Secretary of State's Office. Mr. Downey outlined the need to conduct a public meeting at the next convening of the Commission in November to facilitate a public discussion of the Pilotage Rules administrative updates. Ms. King will facilitate a suitable room to manage any additional public attendees. In the interim, Mr. Downey will team with Ms. Morales to make final submissions of the Pilotage Rule changes to the Secretary of State's office and complete all appropriate administration to finalize the Rule changes and conduct a public meeting on November 20, 2014.

One final edit to the Pilotage Rules was discussed in that Paragraph 3 of Section A was modified to provide flexibility to accept the new federal physical cards as proof of meeting physical requirements.

Agenda Item 7 – Other/Miscellaneous

Expiring Commissions: Captain Weeks reviewed the status of Expiring Commissions. Three commissions are set to expire on August 18, 2014 for Captain Weeks, Captain Moody, and Captain Morrison. All Commission members have properly submitted their application for commission renewals. The next commission to expire is for Captain Walker in 2015, and no action is required at this time.

Pilot Physicals: Additionally, the new Coast Guard Pilot Physical Certificates were discussed. Under 46 CFR §10.301, 2 year physical certificates are issued to licensed mariners with STCW endorsements. Non-STCW mariners are issued 5 year certificates.

Pilots, however, are still required under 46 CFR §11.709 to meet the annual physical examination requirements as follows:

- (a) The section applies only to an individual who pilots a vessel of 1,600 GRT or more.
- (b) Every person holding a license or MMC endorsement as first-class pilot must have a thorough physical examination each year, to be completed by the first day of the month following the anniversary of the individual's most recently completed Coast Guard-required physical examination. Every other year, in accordance with the medical certificate requirements in §10.301(b) of this subchapter, the results of the physical examination must be recorded on a CG-719K form and submitted to the Coast Guard no later than 30 calendar days after completion of the physical examination.
- (c) Each annual physical examination must meet the requirements specified in 46 CFR, part 10, subpart C and be recorded on a CG-719-K.

As a matter of policy, the Pilot Commission will accept the new Coast Guard issued physical certificate, the current CG-719 form, or other formal Coast Guard documentation that the annual physical requirement has been satisfied.

While pilots may continue to submit a CG-719, they may opt to satisfy the requirement by submitting a copy of their valid Coast Guard Physical Certificate. Regardless of the form, all documents should be submitted to Ms. King at the MaineDOT mailing address.

Pilot Apprentice Introduction: Captain Gelinias introduced Doug Fournier who has commenced a pilot training program with the Penobscot Bay and River Pilots. Captain Gelinias moved for the Commission to accept Mr. Fournier's training trips (20 for Penobscot Bay and 11 for the Penobscot River) required for Federal pilotage toward the state training requirements. Captain Worth seconded the motion; hearing no objections or abstentions, it was thus:

RESOLVED: that Doug Fournier be accepted as a recognized pilot apprentice for the Penobscot Bay and River; and was further

RESOLVED: that Doug Fournier's Federal training trips may be counted toward the state training requirements.

Web-site: Captain Gelinias also discussed the need to revise the Pilot Commission web-site as it contains some outdated material. Mr. Downey explained that he had been in contact with MaineDOT's web developer (Image Works) who indicated that renewal of the web-site may be required as the web-software is antiquated. Ms. King offered that there may be an avenue within the DOT infrastructure and that she would investigate how minor updates may be effected.

Memorial: Captain Gelinias invited everyone to a memorial event that would be held on July 10, 2014 from 7:00 p.m. to 9:00 p.m. at the Searsport Maritime Museum, where Captain Bill Abbott and Captain Gill Hall and their contributions to the Maine Pilotage and maritime community will be remembered.

Verified Tasks: Mr. Downey reviewed tasking that was initiated during the meeting which included:

- To determine if/how the web-site may be updated (Kim King, Brian Downey, Captain Gelinias)
- Make final edit to the Draft Pilotage Rule revisions and distribute to the Commission (Brian Downey)
- Make submissions of all administration for the Pilotage Rule revisions and advertise a Public forum at the November 20, 2014 Commission meeting.

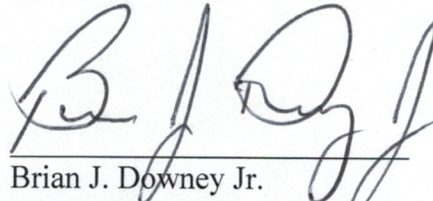
Agenda Item 8 – Adjourn

The meeting was adjourned by the Chair of the Commission, Captain Charles Weeks at 1215.

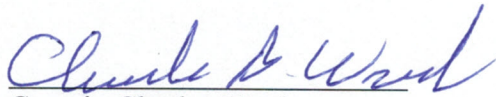
Next Meeting:

November 20, 2014, 1030 MaineDOT building (**Room 317**).

Respectfully submitted:



Brian J. Downey Jr.
Maine Pilotage Commission Administrator



Captain Charles Weeks
Chair, Maine Pilotage Commission