



# Review of the Maine Pilotage Commission under the Government Evaluation Act

Title 3 MRS Chapter 35

October 4, 2017

## ABSTRACT

This report responds to the Joint Standing Committee on Transportation to review the Maine Pilotage Commission's roles, responsibilities, and operations pursuant to the Government Evaluation Act, Title 3 MRS Chapter 35.

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Commission



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Maine Pilotage Commission  
under the  
Government Evaluation Act**

**Introduction.**

This report is furnished in response to the letter from the Joint Standing Committee on Transportation to review the Maine Pilotage Commission pursuant to the Government Evaluation Act, contained in Title 3 MRS Chapter 35. The Government Evaluation Act (GEA) is a process that is specifically structured to assist the Legislature with its duty to serve as a check and balance on those who administer the laws of the State. The Act (3 MRS chapter 35) provides for regular, periodic legislative review of the efficacy and performance of state government agencies and applies to all agencies and governmental entities that receive General Fund money or that are established by statute.

**Program Evaluation Report.**

The report follows the content provisions of Title 3 MRS Chapter 35 § 956.

**A. Enabling or authorizing law or other relevant mandate, including federal mandate:**

The authorizing authority of the Maine Pilotage Commission comes from MRS Chapter 38 (Waters and Navigation), Chapter 1 (Operation of Vessels) Subchapter 3 (Pilots).

Administrative responsibility for the Maine Pilotage Commission was transferred from the Maine Department of Professional & Financial Regulation to the Department of Transportation in July 1998. Since that time, the MaineDOT Office of Freight and Business Services has served as the administrative arm of the Commission.

**B. Description of Each Program Administered:**

The Maine Pilotage Commission functions to provide maximum safety from the dangers of navigation of vessels entering or leaving certain bodies of water in the State of Maine. Under 38 MRS § 86, every foreign vessel and every American vessel under register, with a draft of 9 feet or more, entering or departing from any port or harbor within the waters described in 38 MRS § 86-A, must take a pilot licensed by the State of Maine.

A separate entity, the Board of Portland Harbor Commissioners, regulates pilotage in the Port of Portland and the adjacent waters of Casco Bay.

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. Specifically, 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 Maine Pilotage Commission. The Maine Pilotage Commission also approves the rates which pilots may charge for services.

The Maine Pilotage Commission licenses a total of 12 marine pilots.

The Maine Pilotage Commission's mission statement declares that the Commission:

- 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.

**(1) Established Priorities, including the goals and objectives in meeting each priority.**

Per 38 MRS § 90, the "Commission shall perform the duties set forth and such other duties as may be provided by law." Specifically, the lettered items below outline the Pilotage Commission's regulatory priorities along with their subsequent goals and objectives.

- A. Make, establish and enforce such rules and regulations not inconsistent with law that are binding upon all pilots licensed by the commission, and upon all parties employing such pilots.

Goals:

- As required, support needed legislation.
- As required, modify pilotage rules (DOT) (17) 387 Chapter 1).

Objectives:

- Proactively review emerging issues.
- Establish Sub-committees or Workshops to advise the Commission on emerging issues.

- B. Make and establish rates of pilotage for those vessels that are subject to pilotage.

Goal:

- Maintain fair and equitable rates consistent with similar regional ports.

Objectives:

- Periodically review rates against cost of living, as well as pilot boat and related infrastructure costs.
- Assure public notice of any rate changes including direct correspondence to known pilotage users.
- Convene public hearings as required for full transparency.

- C. Establish and determine the qualifications of any person applying for a pilot's license and conduct examinations.

Goal:

- Ensure all pilots meet the minimum standards for licensure per 38 MRS § 91.

Objectives:

- Maintain a robust examination bank of questions.
- Ensure pilots meet federal license pre-requisites.
- Ensure initial licensure requirements are met.
- Assure all existing pilots meet recency, medical, and continuing education requirements with annual review.

- D. Issue any pilot's license in accordance with 38 MRS § 90 and initiate proceedings to suspend or revoke these licenses.

Goals:

- Issue all licenses in accordance with Maine statute.
- Suspend or revoke licenses for pilots who have been duly found in violation of Maine statute or rules.

Objectives:

- Ensure initial, annual, and renewal license requirements are met.
- Proctor written examinations for new pilots or new route endorsements.
- Partner with the Coast Guard to ensure license standard parity (as needed).
- Periodically audit each pilot record for accuracy.
- Maintain a team of qualified investigators.
- Convene public hearings to adjudicate misbehavior (as required).

- E. Cause the laws, rules and regulations concerning pilots and pilotage matters to be fully observed and executed.

Goal:

- Pursue all violators of the pilotage statutes or rules.

Objectives:

- Maintain a team of qualified investigators.
- Partner with the Coast Guard when appropriate.

- F. Hear and decide complaints made in writing or initiated on its own motion against any pilot for any misbehavior, neglect of, or breach of rules or regulations that it determines material to be investigated.

Goal:

- Resolve all violations of pilotage statute by a pilot.

Objectives:

- Maintain a team of qualified investigators.
- Dismiss cases that are found to be unsupported or unsubstantiated.
- Suspend, revoke, or otherwise discipline pilots proven to have misbehaved outside of the boundaries of Maine pilotage statutes or rules.

- G. Hear and decide complaints made in writing by any pilot against any charterer, owner, agent, master or seaman of a vessel for any misbehavior toward such pilot in the performance of his duty, or any breach of the rules and regulations.

Goal:

- Seek legal sanctions against violators of Maine pilotage statute or rules.

Objectives:

- Maintain a team of qualified investigators.
- Dismiss cases that are found to be unsupported or unsubstantiated.
- Seek legal action for proven violations through the Maine Attorney General or other appropriate agency.

H. Do all other things reasonable, necessary, and expedient to insure proper and safe pilotage and to facilitate the efficient administration of Subchapter 3.

Goals:

- zero pilot navigation safety incidents.
- 100% pilot availability.
- Promote safety through education and training.

Objectives:

- Recruit and advance pilot career opportunities within the scope of the Pilotage Commission.
- Organize relevant pilot training.
- Prepare and execute a Pilot Training Plan on a recurring 3-year cycle
- Obtain financial assistance from Maine DEP to deliver training to pilots to best protect the environment.

**(2) Performance Measures or other benchmarks to measure progress in achieving the goals and objectives.**

As a licensing authority with a focus on preventing accidents, the Maine Pilotage Commission's goals, objectives and benchmarks are not necessarily quantitative but rather qualitative. Anecdotally, the principal agenda of the Commission is to avoid a significant marine accident resulting in injury, death, property damage, or pollution. To that end, the Pilotage Commission has succeeded in meeting this agenda during this report period and beyond, thus indicating the Commission's value and efficacy. Specific benchmarks related to the Maine Pilotage Commission's priorities, goals, and objectives are listed in Table 1.

**(3) An assessment indicating the extent to which it has met the goals and objectives.**

Please refer to Table 1 for assessments and objective evidence of meeting the Maine Pilotage Commission's goals and objectives.

**Table 4**  
**Full List of Priorities, Goals, Objectives & Assessment**

	Met?	Priority	Goals	Objectives	Benchmarks Towards Goals & Objectives	Assessment of Meeting Goals & Objectives
1	✓	Make, establish and enforce such rules and regulations not inconsistent with law that are binding upon all pilots licensed by the commission, and upon all parties employing such pilots.	<ul style="list-style-type: none"> <li>• As required, support needed legislation.</li> <li>• As required, modify pilotage rules (DOT (17) 387 Chapter 1).</li> </ul>	<ul style="list-style-type: none"> <li>• Proactively review emerging navigation and technology issues.</li> <li>• Establish sub-committees or Workshops to advise the commission on emerging issues (as needed).</li> </ul>	<ul style="list-style-type: none"> <li>• Through routine Commission meetings, identify navigation issues that require amendments to pilotage statutes and rules.</li> <li>• Document and disseminate Commission positions as developed through special focus Workshops.</li> <li>• Publicly lobby or testify in support of pilotage standards consistent with federal and state law and the advancement of safety.</li> </ul>	<ul style="list-style-type: none"> <li>• Delivered detailed Commission meeting minutes as well as Low Volume Area Workshop minutes.</li> <li>• Identified Electronic Chart Display and Information System (ECDIS) as a required certification for pilots in 2013.</li> <li>• Completed a draft Pilotage Rules update in 2014 to capture the ECDIS requirement and align other administrative requirements.</li> <li>• Conducted a Rules Update Hearing November 20, 2014.</li> <li>• Approved Rule updates in December 2014.</li> <li>• Testified to support LD 198 in 2015 to exempt certain non-commercial vessels.</li> </ul>
2	✓	Make and establish rates of pilotage for those vessels that are subject pilotage.	<ul style="list-style-type: none"> <li>• Maintain fair and equitable pilot rates consistent with similar regional ports.</li> </ul>	<ul style="list-style-type: none"> <li>• Periodically review rates against cost of living, as well as pilot boat and related infrastructure costs.</li> <li>• Assure public notice of any rate changes including direct correspondence to known pilotage users.</li> <li>• Convene public hearings as required for full transparency.</li> </ul>	<ul style="list-style-type: none"> <li>• Execute timely public Rate Hearings periodically at the request of Pilot Organizations.</li> <li>• Place notices in appropriate newspapers.</li> <li>• Send formal letters from the Commission to interested parties.</li> </ul>	<ul style="list-style-type: none"> <li>• Established a Rate Workshop to assess rates and advise the Commission in advance of a public hearing in 2015.</li> <li>• Advertised and provided public notice to interested parties (through newspaper campaign as well as direct letters to pilot users) of upcoming public hearings.</li> <li>• Conducted a Rate Adjustment Hearing June 11, 2015.</li> <li>• Approved and adjusted rates for all pilotage areas in November 2015.</li> </ul>

	Met?	Priority	Goals	Objectives	Benchmarks Towards Goals & Objectives	Assessment of Meeting Goals & Objectives
3	✓	Establish and determine the qualifications of any person applying for a pilot's license and conduct examinations.	<ul style="list-style-type: none"> <li>• Ensure all pilots meet the minimum standards for licensure per 38 MRS § 91.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain a robust examination bank of questions.</li> <li>• Ensure pilots meet federal license pre-requisites.</li> <li>• Ensure initial licensure requirements are met.</li> <li>• Assure all existing pilots meet recency, medical, and continuing education requirements with annual review.</li> </ul>	<ul style="list-style-type: none"> <li>• Through routine Commission meetings, identify emerging technology or navigation issues that require added pilot training or amendment to statutory qualifications.</li> <li>• 100% pilot license continuity with zero invalidity.</li> <li>• Review examinations for accuracy and currency.</li> </ul>	<ul style="list-style-type: none"> <li>• Identified Electronic Chart Display and Information System as a required certification for pilots in 2013.</li> <li>• Initiated a collaborative 3-year pilot training plan on June 29, 2016.</li> <li>• Verified all recency, medical certificates, and continuing education requirements in January of each year.</li> <li>• Approved alternate pilot recency plans in 2012 for Somes Sound, and 2017 for Boothbay Harbor to ensure pilot qualification.</li> <li>• Proctored a total of 4 route endorsement examinations since 2012.</li> <li>• Conducted comprehensive pilot examination review and update project 2013-14.</li> <li>• Promulgated Commission Policy Letter 1-14 in 2014 to outline qualification requirements to reinstate inactive pilot licenses.</li> <li>• Promulgated Commission Policy Letter 2-14 in 2014 to outline pilot written testing procedures for license candidates.</li> </ul>



	Met?	Priority	Goals	Objectives	Benchmarks Towards Goals & Objectives	Assessment of Meeting Goals & Objectives
4	✓	Issue any pilot's license in accordance with this 38 MRS § 90 and initiate proceedings to suspend or revoke these licenses.	<ul style="list-style-type: none"> <li>• Issue all licenses in accordance with Maine statute.</li> <li>• Suspend or revoke licenses for pilots who have been duly found in violation of Maine statute or rules.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure initial, annual and renewal license requirements are met.</li> <li>• Proctor written examinations for new pilots or new route endorsements.</li> <li>• Partner with the Coast Guard to ensure license standard parity (as needed).</li> <li>• Periodically audit each pilot record for accuracy.</li> <li>• Maintain a team of qualified investigators.</li> <li>• Convene public hearings to adjudicate misbehavior (as required).</li> </ul>	<ul style="list-style-type: none"> <li>• 100% Pilot license continuity with zero invalidity.</li> <li>• Ensure a team of designated Commission investigators are available to analyze complaints.</li> <li>• 100% initiation of formal proceedings of the Commission to hear cases related to potential suspension or revocation offenses.</li> </ul>	<ul style="list-style-type: none"> <li>• All active pilots' licenses have been renewed maintaining full continuity.</li> <li>• Issued one initial pilot license in 2012 and one initial pilot license in 2015.</li> <li>• Renewed 10 existing pilot licenses since 2012.</li> <li>• Promulgated Commission Policy Letter 1-15 in 2015 to outline investigation and analysis procedure and expectations.</li> <li>• Designated 4 Commission Investigators and issued appropriate investigative gear to all investigators.</li> <li>• Sent one investigator to the NTSB Academy for formal marine investigation training in 2014.</li> <li>• Initiated internal auditing program in 2015 to verify recordkeeping and qualification integrity.</li> <li>• No misconduct has been reported, investigated, or heard during this report period.</li> </ul>
5	✓	Cause the laws, rules and regulations concerning pilots and pilotage matters to be fully observed and executed.	<ul style="list-style-type: none"> <li>• Pursue all violators of the pilotage statutes or rules.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain a team of qualified investigators.</li> <li>• Partner with the Coast Guard when appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate directly with pilot users to answer queries or conflicts.</li> <li>• Ensure a team of designated Commission investigators are available to analyze complaints.</li> </ul>	<ul style="list-style-type: none"> <li>• Revised the Pilotage Commission Web-page to reflect the latest and most pertinent information in 2015.</li> <li>• Compiled a bound Pilotage Commission Regulatory Compendium containing to provide a simple pocket reference to Maine pilotage laws, rules, and policy.</li> <li>• Added a <i>Yacht Pilotage</i> tab to the Maine Pilotage Commission website to apprise yachts of pilotage requirements.</li> <li>• Communicated with yacht community regarding applicable pilotage laws in 2017 to align expectations.</li> <li>• Attended Maine Harbormasters annual meeting to raise awareness of Yacht Pilotage requirements in 2015.</li> </ul>

	Met?	Priority	Goals	Objectives	Benchmarks Towards Goals & Objectives	Assessment of Meeting Goals & Objectives
6	✓	Hear and decide complaints made in writing or initiated on its own motion against any pilot for any misbehavior.	<ul style="list-style-type: none"> <li>Resolve all violations of pilotage statute by a pilot.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain a team of qualified investigators.</li> <li>Dismiss cases that are found to be unsupported or unsubstantiated.</li> <li>Suspend, revoke, or otherwise discipline pilots proven to have misbehaved outside of the boundaries of Maine pilotage statutes or rules.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure a team of designated Commission investigators are available to analyze complaints.</li> <li>Follow-up on any verbal or written complaint or concern from the public, pilots, shipping companies, or interested parties.</li> <li>When appropriate, execute timely hearings within 30 days of the completion of any formal investigation.</li> </ul>	<ul style="list-style-type: none"> <li>No complaints were filed against any pilot during the report period.</li> </ul>
7	✓	Hear and decide complaints made in writing by any pilot against any charterer, owner, agent, master or seaman of a vessel for any misbehavior toward such pilot in the performance of his duty, or any breach of the rules and regulations.	<ul style="list-style-type: none"> <li>Seek legal sanctions against violators of Maine pilotage statute or rules.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain a team of qualified investigators.</li> <li>Dismiss cases that are found to be unsupported or unsubstantiated.</li> <li>Seek legal action for proven violations through the Maine Attorney General or other appropriate agency.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure a team of designated Commission investigators are available to analyze complaints.</li> <li>Follow-up on any verbal or written complaint or concern from the public, pilots, shipping companies, or interested parties.</li> <li>When appropriate, execute timely hearings within 30 days of the completion of any formal investigation.</li> <li>Pursue sanctions through the Maine Attorney General of any proven complaints against any charterer, owner, agent, master or seaman of a vessel</li> </ul>	<ul style="list-style-type: none"> <li>No complaints were filed against any charterer, owner, agent, master or seaman of a vessel during the report period.</li> </ul>

	Met?	Priority	Goals	Objectives	Benchmarks Towards Goals & Objectives	Assessment of Meeting Goals & Objectives
8	✓	Do all other things reasonable, necessary and expedient to insure proper and safe pilotage and to facilitate the efficient administration of Subchapter 3.	<ul style="list-style-type: none"> <li>• zero pilot navigation safety incidents.</li> <li>• 100% pilot availability.</li> <li>• Promote safety through education and training.</li> </ul>	<ul style="list-style-type: none"> <li>• Recruit and advance pilot career opportunities within the scope of the Pilotage Commission.</li> <li>• Organize relevant pilot training.</li> <li>• Prepare and execute a Pilot Training Plan on a recurring 3-year cycle</li> <li>• Obtain financial assistance from Maine DEP to deliver training to pilots to best protect the environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Vigorously investigate and disseminate analysis findings within 6 months of an incident.</li> <li>• Identify adequate new pilots for low volume areas.</li> <li>• Issue an Annual Pilotage Commission Report to the Commissioner of MaineDOT.</li> <li>• Maintain MOU with Maine DEP for Maine Ground &amp; Surface Waters Clean-up &amp; Response Fund sharing</li> </ul>	<ul style="list-style-type: none"> <li>• Through routine Commission meetings, identified navigation issues that require amendments pilotage statutes and rules.</li> <li>• Documented and disseminated Commission positions as developed through special focus Workshops.</li> <li>• Renewed DEP MOU October 4, 2016.</li> <li>• Aailed at least one relevant course per year to pilots.</li> <li>• Initiated a Low Volume Area Workshop in 2017 to create a Commission strategy to ensure adequate pilot coverage for areas with limited vessel arrivals.</li> <li>• Identified 2 pilots to train for Low Volume Pilotage Areas.</li> <li>• Initiated internal auditing program in 2015 to verify recordkeeping and qualification integrity.</li> <li>• Issued Annual Reports to the Commissioner of Transportation in accordance with MRS 38 § 90-A</li> </ul>

### C. Organizational Structure:

The 38 MRS § 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.

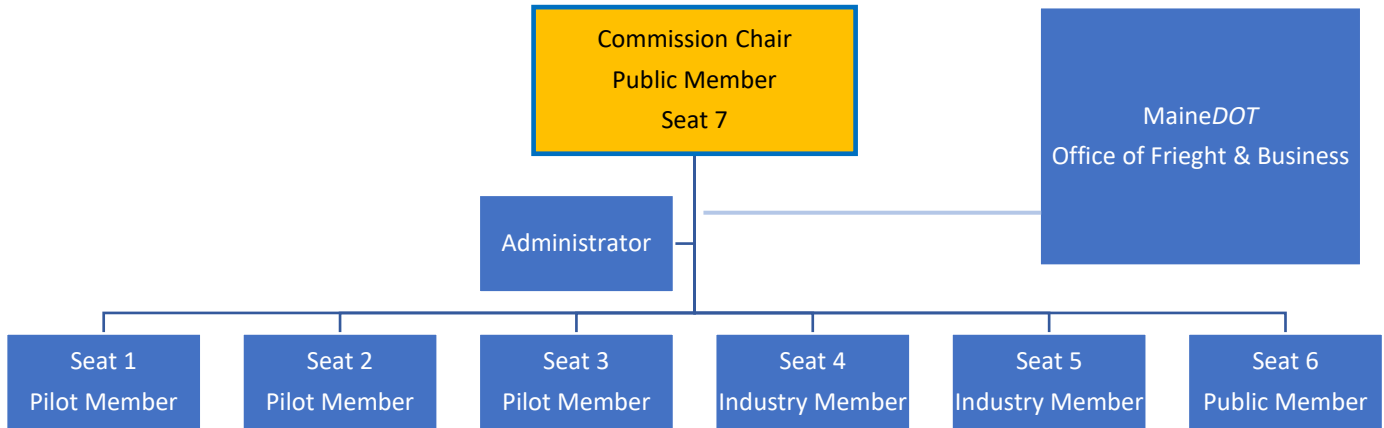
The Commission elects a Chairperson annually who liaises with the Commissioner of Transportation and the Governor as needed. Captain Weeks is the current Chairperson and was re-elected at the March 2017 Commission meeting.

Table 2 below depicts the current membership of the Maine Pilotage Commission. Table 3 depicts the current organization structure of the Maine Pilotage Commission.

**Table 2**  
**Members of the Maine Pilotage Commission**

Seat	Name	Date of Commission	Expiration	Status	Component
1	David Gelinias	October 7, 2016	October 7, 2019	Active	Pilot
2	Mark Klopp	August 19, 2015	August 18, 2018	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	October 7, 2016	October 7, 2019	Active	Industry
6	John Worth	October 7, 2016	October 7, 2019	Active	Public
7	Charles Weeks	October 23, 2014	October 23, 2017	Active	Public

**Table 3**  
**Maine Pilotage Commission Organization Chart**



**D. N/A repealed.**

**E. Financial Summary, including sources of funding by the Program and the amounts allocated or appropriated and expended over the past 10 years.**

The Maine Pilotage Commission is self-funding and independent of State allocations or appropriations. The Commission maintains a “Ports and Marine Account” which is the repository from which income and expenses (insurance, hearings, and miscellaneous costs) flow. Finances have been self-sustaining through license renewal and application fees as outlined by controlling statute (38 MRS § 93). The only income is provided through pilot licensing and renewal fees. Table 4 reflects the Maine Pilotage Commission’s annual Ports and Marine Account Balance.

**Table 4**  
**Maine Pilotage Commission Financial Summary**

	Year	Ports & Marine Account Balance
1	2017	\$11,773
2	2016	\$11,770
3	2015	\$14,969
4	2014	\$13,418
5	2013	\$15,877
6	2012	\$15,699
7	2011	\$14,820
8	2010	\$14,363
9	2009	\$14,702
10	2008	\$16,993

**F. N/A repealed.**

**G. Identification of areas where the Maine Pilotage Commission has coordinated its efforts with other State and Federal agencies in achieving program objectives and other areas in which the Maine Pilotage Commission could establish cooperative agreements, including but not limited to, cooperative agreements to coordinate services and eliminate redundant requirements.**

The Maine Pilotage Commission effectively coordinates with other state agencies, particularly the Maine Department of Environmental Protection (DEP). The Commission also collaborates with Maine Maritime Academy.

The Maine Pilotage Commission engages in a Memorandum of Understanding with Maine DEP to share funds from the Maine Ground & Surface Waters Clean-up & Response Fund. The fund is legislated through 38 MRS § 551. The transferred portion of the fund is used to train pilots as a proactive environmental protection measure. 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.

A renewal of a Memorandum of Understanding between the Maine Pilotage Commission and the Maine DEP was approved and signed by Commissioner Mercer on October 4, 2016. The MOU streamed \$20,000 from the Maine Ground & Surface Waters Clean-up & Response Fund into the Pilot Training Fund for 2017-18 training.

The Maine Pilotage Commission also strives to utilize the Maine Maritime Academy for relevant training. In 2015 the Pilotage Commission contracted with Maine Maritime Academy to design and deliver specialized Electronic Chart Display and Information System (ECDIS) training to the full pool of pilots. Other collaborative efforts included an NTSB marine casualty seminar hosted at the Academy as well as Fatigue Management training delivered by a private contractor (but held at Maine Maritime Academy). In such cases, training is availed to maritime academy faculty and staff to best share safety concepts and knowledge and to maximize the benefit of limited training funds.

Federally, the Commission routinely teams with federal partners such as National Oceanic and Atmospheric Administration (NOAA), the National Transportation Safety Board (NTSB), and most notably the U.S. Coast Guard. The Pilotage Commission routinely partners with the Coast Guard on an array of operational and administrative issues ranging from pilot licenses to aids to navigation, ice breaking, and anchorage area regulations. The Commission also teams with NOAA with matters related to navigation and charting and partners periodically with NTSB within the realm of training.

**H. Identification of the constituencies served by the Maine Pilotage Commission, noting any changes or projected changes.**

The Maine Pilotage Commission serves multiple constituencies including harbor pilots, shippers, terminal operators, steamship agents, mega-yachts (greater than 253') and various other port

stakeholders. The MRS-mandated makeup of the Maine Pilotage Commission ensures that these various stakeholders are represented on the Commission. Outreach to a broader number of constituents is done with notification of meetings and proposed rule changes. There are no foreseeable changes to the constituencies served by the Maine Pilotage Commission.

**I. Summary of efforts by the Maine Pilotage Commission regarding the use of alternative delivery systems including privatization, in meeting its goals and objectives.**

As previously discussed in Paragraph G, the Maine Pilotage Commission is engaged in a recurring Memorandum of Understanding (MOU) with Maine DEP, which shares up to \$20,000 from the Maine Ground & Surface Waters Clean-up & Response Fund (periodically). The funds are used solely for pilot training as a preventative measure against oil spills from a ship accident. The MOU was initially conceived as an annual \$30,000 transfer but due to the sharp decline in oil imports to the state of Maine over the past several years, the allocation has been reduced to \$20,000 and is only occasionally distributed every two or three years via MOU renewals. Through this cooperation, pilots and Maine Pilotage Commission members have had access to training in full bridge simulations, cold water survival, Bridge Resource Management, casualty investigation, pilotage law and liability, emergency ship handling classes, etc. This training directly reduces risk of accidents that can lead to oil spills and environmental damage.

The Commission continues to strongly support continuation of the MOU with the DEP for pilot training on an annual basis. Training is the most cost effective and reliable tool in the transportation system's arsenal to avoid an accident and the environmental damage caused by an oil spill. As training and travel costs continue to rise with inflation, the training funds must keep pace. The Maine Pilotage Commission has pursued tireless efforts to stretch funds sourced through the MOU on an irregular renewal cycle but training opportunities have waned as a result. Further, without a predictable source of training funds it is difficult to select the highest quality programs and avail top flight training to all pilots to avoid accidents and oil spills. Delivering a sustained annual funding source will improve pilot training to ensure the safest and most efficient marine pilotage systems in the United States. Better training will protect our vital transport links, the safety of our lobster fishery brand, and our iconic coastal tourism industry.

**J. Identification of emerging issues for the Maine Pilotage Commission in the coming years.**

The largest emerging issue over the coming years is the need to maintain eligible pilots in areas where there is minimal pilot coverage or sparse vessel traffic. Given the necessarily stringent initial licensing requirements, the apprenticeship and development of pilot candidates is a long process that in many ways is the culmination of a successful maritime career. The process can sometimes take years to become a licensed pilot. Boothbay Harbor has seen a sharp decline in commercial vessel traffic in recent memory, with virtually no vessel arrivals requiring pilotage in the past five years. The issue becomes a challenge in that yachts of 253' in length or greater (ineligible for exception under State law) requiring pilotage are increasingly interested in visiting Boothbay Harbor. Additionally, cruise ship companies are also looking at Boothbay Harbor as a potential cruise destination. The last active licensed pilot for the region essentially retired in 2015 but is maintaining his license as a contingency. Replacement pilots are discouraged in that

they can't justify the cost and challenges of professional licensure against the speculative potential earning capacity.

The Maine Pilotage Commission has created a Workshop to examine options and to develop a strategy to close this coverage gap to ensure reliable port access to Boothbay Harbor and other Low Volume Areas.

**K. Other information specifically requested by the Joint Standing Committee on Transportation.**

No other specific information was requested by the Joint Standing Committee on Transportation. The Administrator of the Maine Pilotage Commission would be pleased to submit more detail either in writing or in person if the Committee desires more information.

**L. A comparison of any related federal laws and regulations to the state laws governing the Joint Maine Pilotage Commission or its program, and the rules implemented by the Maine Pilotage Commission or its program.**

While Maine pilots are licensed by the State through the Maine Pilotage Commission, pilots may also be federally licensed by the U.S. Coast Guard. Pilotage laws are complex and were originally solely governed by States or local municipalities.

Pilotage of international trade vessels in the United States is regulated by the individual states, each of which maintains a pilotage system that is suited to the particular needs and circumstances of its own waters. In 1789, the first Congress of the United States enacted a law giving the states the right to regulate pilotage in their waters. That created the state pilotage system, which remains in effect today. Every foreign-flag vessel and every United States-flag vessel engaged in international trade moving in the waters of a state is required by the state to take a pilot licensed by the state.

By comparison, federal pilotage laws apply to all U.S. flag vessels engaged in coastwise voyages or trade routes exclusively between U.S. ports. Therefore, each U.S. flag coastwise vessel is required by federal law to use a pilot with a federal license issued by the U.S. Coast Guard. Due to the economics of the shipping industry, virtually zero vessels calling on Maine ports fall into a coastwise trade category making state pilotage the only practical pilot option.

Pilots in the State of Maine are both state and federally licensed pilots. The federal Coast Guard license is a condition of licensure to become a state licensed pilot.



**M. The Maine Pilotage Commission’s policies for collecting, managing and using personal information over the internet and nonelectronically, information on the Maine Pilotage Commission’s implementation of information technologies and an evaluation of the Maine Pilotage Commission’s adherence to the fair information practice principles of notice, choice, access, integrity and enforcement.**

The collection of personal information (of the 12 pilots licensed by the Maine Pilotage Commission) that is necessary for the delivery of the Maine Pilotage Commission's mission is maintained at the Maine Department of Transportation under the policies, security and surveillance of the state's information technology system. Information contained in license applications and supporting documentation is scanned into the “E-Docs” electronic file system for long term file retention. The E-Docs system is a password protected MaineDOT intranet database. Each pilot file is assigned a unique file number which links to a limited group of “need to know” Trustees that may manage and view the documents.

All privacy data is safeguarded and retained for official use only. No privacy data is disseminated to external users.

Paper records that are used to scan the documents are either returned to the owner or destroyed.

**N. A list of reports, applications and other similar paperwork required to be filed with the Maine Pilotage Commission by the public. Including:**

The Pilotage Commission does not have any filing requirements by the public but has certain applications and reports required for licensed or prospective pilots. The below numbered queries are captured in Table 5.

- (1) The statutory authority for each filing requirement
- (2) the date each filing requirement was adopted or last amended by the Maine Pilotage Commission.
- (3) The frequency that filing is required.
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually over the next 2 years.

**Table 5**  
**Maine Pilotage Commission Reports and Applications**

#	Filing	Authority	Date the filing requirement was adopted or last amended	Frequency	Filings received in the last 2 years	Filings expected in the next 2 years
1	Recency Report	Maine Pilotage Rules Department 17 Section 387 Chapter I, Part A.2	December 16, 2000	Annual	9	10
2	Medical Certificate	Maine Pilotage Rules Department 17 Section 387 Chapter I, Part A.3	December 20, 2014	5 Years	5	3
3	Continuing Education	Maine Pilotage Rules Department 17 Section 387 Chapter I, Part A.4.c	January 1, 2003	5 Years	5	3
4	Renewal Application	Maine Pilotage Rules Department 17 Section 387 Chapter I, Part A.4	December 20, 2014	5 Years	5	3

(5) A description of the actions taken or contemplated by the Maine Pilotage Commission to reduce filing requirements and paperwork duplication.

The Pilotage Commission reduced the medical record requirement in 2014 to be met with an existing Medical Certificate issued by the U.S. Coast Guard to reduce duplicity and better protect medical privacy. This relieves the applicant from providing a more detailed full medical history while assuring medical fitness through a U.S. Coast Guard issued Medical Certificate.

**O. A list of reports required by the Legislature to be prepared or submitted by the Maine Pilotage Commission.**

Pursuant to 38 MRS § 90-A, an annual report of the Maine Pilotage Commission is provided to the Commissioner of Transportation on or before August 1, each year. The report covers the preceding fiscal year ending June 30th outlining its operations and financial position, together with those comments and recommendations that the commission considers essential. No other reports are required.

**P. A copy of a single page list of organizational units and programs within each organizational unit required pursuant to section 955, subsection 1 (placed at the front of the report).**

The Maine Pilotage Commission is comprised only of the seven volunteer Commission members and does not have organizational units beyond the core membership.

**Q. Identification of provisions contained in the Maine Pilotage Commission's enabling or authorizing statutes that may require legislative review to determine the necessity if amendment to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.**

The Maine Pilotage Commission has no additional required legislative review(s) other than this evaluation and the Annual Report detailed in paragraph O.