

Maine Pilotage Commission



Maine DOT ~ Room 216 Conference Room
October 19, 2023

Minutes of Pilotage Commission Meeting

In compliance with MRSA 38 § 85 and in fulfillment of the Maine Pilotage Commission's duties addressed in MRSA 38 § 90, a meeting of the Maine Pilotage Commission was held on October 19, 2023.

Maine Pilotage Commission Members constituting a quorum were:

Carrie Norton	- Public Member (Chair)
David Gelinas	- Pilot Member
Adam Philbrook	- Pilot Member
Lindsey Pinkham	- Public Member
Levi Ross	- Industry Member
Brian Downey	- Pilotage Commission Administrator

Interested Parties present were:

Tom Dobbins	- Portland Board of Harbor Commissioners
Dan Haley	- Portland Board of Harbor Commissioners
Susan Klopp	- Portland Pilots Inc.
Michael Ames	- Independent Inactive Pilot
Alec Mottran	- Downeast Marine Towing

Maine DOT staff present were:

Chris Mayo	-Maine DOT
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Call to Order (Carrie Norton)

Carrie Norton opened the meeting at 1032 and acknowledged a quorum. She additionally offered opening remarks and facilitated introductions around the room. Among her opening remarks included the institution of a 20-minute cap on public comments. The cap is meant to assure ample time for any public comment, while maintaining a timeline to keep the meetings focused and productive.

There was one addition to the agenda by Brian Downey to add a Bar Harbor update that was inadvertently left off of the agenda. The item was added as agenda item 5.A. There were no carry over items from the June 29, 2023 meeting. Hearing no objections, it was thus:

RESOLVED to accept the agenda.

Review/Approval of the Minutes from June 29, 2023 (Carrie Norton)

After considering the content of the June 29, 2023, Lindsey Pinkham motioned to accept the minutes as drafted; David Gelinis seconded the motion. Hearing no objections or abstentions it was thus:

RESOLVED to accept the minutes of the June 29, 2023 Maine Pilotage Commission meeting.

Finance

Mr. Downey gave a synopsis of the current state of funding for both the Ports and Marine Account as well as the Pilot Training Fund. The *Ports and Marine Accounts* has a current balance of **\$5,241.04** which reflects both disbursements and income since June 2023. License income and insurance expenses flow through this account. In short, the Ports and Marine Account continues to lose money each year as the expenditures out paces the limited income from license fees. Mr.

The *Pilotage Training Account* currently has a balance of **\$78,641.81**, which has been generally stable with no major expenditures since the COVID-19 pandemic. The Memorandum of Understanding between the Commission and Maine DEP needs to be renewed in order to maintain a reliable funding source to continue world class pilot training. Maine DOT has engaged with Maine DEP but an MOU renewal remains outstanding.

Ports & Marine Account Cash			
Cash Balance			
29 Jun 2023	Beginning Cash Balance		\$5,570.54
Incoming Cash Receipts			
			00.00
	Total Cash		\$5,570.54
Cash Disbursements			
	Operating Expenses	Board Member Mileage	\$329.5
19 Oct 2023	Ending Cash Balance		\$5,241.04
Pilotage Training Fund			
Pilotage Training Fund Balance			
29 Jun 2023	Beginning Pilotage Training Fund Balance		\$78,641.81
Incoming Training Fund Receipts			
			\$00.00
	Total Fund		\$78,641.81
Training Disbursements			
	Training Reimbursement		\$00.00
19 Oct 2023	Current Pilotage Training Fund Balance		\$78,641.81

Marine Investigations (Brian Downey)

Mr. Downey reiterated the discussions from the June 29 meeting in that the current Commission Rules do not adequately address casualty or other safety related investigations. While such investigations have been conducted, they have been outside of the scope of the rules. It was suggested that an Investigation Sub-committee be created to review the current rules and policies regarding investigations and, if necessary, revise the rules and policies to better reflect the Commission's current safety goals. Based on suggestions from the last meeting, Mr. Downey has started a gap analysis of state [investigative] statute(s) and rules compared to federal requirements. The results of the assessment may aid in creating gap closing policy to improve the Commission's documented investigation role and duties. The Chair sought volunteers to create a temporary Investigation Sub-Committee which yielded:

- Lindsey Pinkham
- David Gelinis
- Brian Downey

The Investigation Sub-Committee will initiate a comprehensive policy review around mid-December and will report its findings and recommendations to the Commission at the next meeting.

Training Plan Update (Brian Downey)

Chris Mayo updated the Commission regarding the outstanding Training Fund MOU with the Maine DEP. Mr. Mayo has engaged with Maine DEP and is pursuing renewal of the MOU between the Pilotage Commission and the Maine DEP.

Mr. Downey discussed the current training plan, specifically discussing the course selection process. Based on group discussion it was determined that a list of approved courses (or themes of courses) with an accompanying list of vendors should be maintained.

David Gelinis suggested that based on recent presentations at the American Pilots' Association Conference that training should also be offered to pilot boat crews. Chris Mayo suggested that he felt that pilot boat crew training is within the scope of the pending training MOU.

Frenchman Bay Pilotage Issues & Town Ordinance (David Gelinis)

In November of 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. The impact of the new ordinance will lead to passenger (and thus cruise ship) reductions of 90-95% in Frenchman Bay which will drastically reduce the servicing pilotage group's overall revenue, thereby impacting sustainability of the regional pilotage system.

The ordinance is being legally challenged by a group of local businesses under the banner Association to Preserve and Protect Local Livelihoods. The case was heard as a 3-day bench trial at the Federal District Court in Bangor starting July. There has been little movement on the case since the court-room phase, however, Final Post-Trial briefs are now due to the Judge the last week of October. It is unlikely the case will be decided before the holiday season but more likely around the beginning of the new year. In the interim, Bar Harbor has started to lose its market share of cruise ships with no cruise ship bookings for 2025, which is a strong indicator of a waning cruise ship trend; arguably caused by the Bar Harbor ordinance.

Opportunities for Improvement (Brian Downey)

Commission Manual - Mr. Downey outlined a plan to better capture some long standing unwritten best practices as well as revision of current written policy in a comprehensive Pilotage Commission Administrator's Manual.

Annual Policy Review - It was discussed that the Commission's library of policies should be annually reviewed and, if necessary, updated. It was further discussed that instead of a full round table review of the policies, that it would be more advantageous to create a matrix of assignments and distribute an equal portion of the policy review to each Commission member. A Matrix of current policies has been drafted and will be distributed to the entire Commission for a full review of existing policies.

Training Sub-Committee – Mr. Downey asked the Commission whether a Training Sub-Committee may be desired in the selection of courses. The consensus was that a pre-approved course and vendor list will suffice in maintaining a catalogue of valuable training courses and no sub-committee was needed.

Sailing Vessel Discussion (Brian Downey)

There was limited discussion of vessels powered predominantly by sail as discussed in §87-A. It was determined that no added policy or statute modification is required due to the very limited pool of vessels that pilotage may impact.

Commission/License Status (Brian Downey)

It was noted that (while not all but) many of the recent Commission renewals are all expiring on the same day (i.e., August 18, 2025). In the past, the commissions were staggered to avoid all expiring on the same day, which offers stronger membership continuity. Regardless, Mr. Downey will maintain a close watch on the Commissions to attempt to avoid any gaps in membership.

Commission Renewals

- Pinkham (August 18, 2025)
- Norton (August 18, 2025)
- Philbrook (TBD)
- Gelinas (August 18, 2025)
- Moody (TBD)
- Morrison (August 18, 2024)
- Ross (TBD)

License Renewals – None

Upcoming Renewals – None.

New Business/Old Business (Carrie Norton)

Mr. Downey distributed the Commission's Annual Report for 2023.

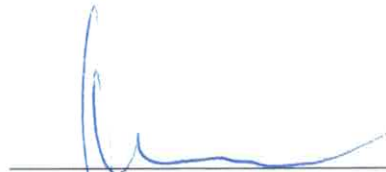
Mr. Downey also offered the Mr. Mayo has restored the ability for Maine DOT to produce Pilot Identification Cards. Pilots may be able to renew their cards at the next scheduled meeting of the Maine Pilotage Commission.

Adjourn (Carrie Norton)

Carrie Norton adjourned the meeting at approximately 12:17 p.m;

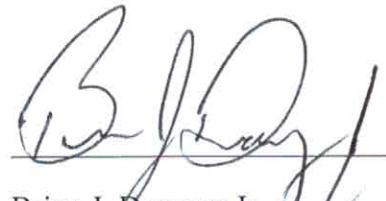
Next Meeting: To be announced.

Respectfully submitted:



Carrie Norton
Maine Pilotage Commission
Chairperson

Respectfully submitted:



Brian J. Downey Jr.
Maine Pilotage Commission
Administrator