

# Maine Pilotage Commission

Maine DOT~ Room 227 (A/B)

November 7, 2013

## 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 November 7, 2013 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 Gelinas	– Pilot Member
Captain John Worth	– Maritime Industry Member
Captain Shawn Moody	– Maritime Industry Member
Captain Gerald Morrison	– Pilot Member
Mr. Brian Downey	– Pilot Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Mr. Robert Elder	– Director of Freight and Business Services (Maine DOT)
Mr. John Henshaw	– Executive Director of the Maine Port Authority
Captain Mark Klopp	– Portland Pilots
Captain Skip Strong	– Penobscot Bay and River Pilot
Captain Adam Philbrook	– Penobscot Bay and River Pilot
Captain David Smith	– Penobscot Bay and River Pilot
Captain Mike Ames	– Pilot (inactive)

Maine DOT Staff present were:

Ms. Kim King	– Office of Freight and Business Services (Maine DOT)
Ms. Victoria Morales	– Maine DOT Legal
Ms. Becky Pushard	– Executive Office (Maine DOT)

Public/Guests present were:

CWO Robert Albert	– U.S. Coast Guard
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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. There were no amendments requested to the agenda.

Captain Gelinis offered a carry-over item from the July 18<sup>th</sup> meeting in which he reiterated the roles and responsibilities of the National Transportation Safety Board (NTSB) in the context of the April 19, 2013 NTSB recommendation letter that was discussed at that meeting. It was concluded that under state law, the Maine Pilotage Commission is responsible to investigate and take action regarding pilot related accidents. The NTSB acts in a Federal advisory role.

## **Agenda Item 2 – Approval of July 18, 2013 Commission Meeting Minutes**

Hearing no objections to the content of the July 18, 2013 minutes, Captain Worth motioned to approve the minutes. Captain Gelinis seconded the motion and it was thus:

RESOLVED to approve the minutes of the July 18, 2013 Maine Pilot Commission meeting.

## **Agenda Item 3 – Pilot Training**

Mr. Downey reviewed the proposed three-year training plan (created since the July 18<sup>th</sup> meeting) designed to articulate a systematic means to use the pilot training funds. The plan identified course options suitable for pilots which can be used to fulfill pilots' continuing education requirements and advance the safety goals of the State and Commission.

In summary, the plan outlines priority courses to be taken by all active pilots over the course of three years. Year One is designated for assuring that all pilots minimally complete a two day Electronic Chart Display Information System (ECDIS) course. Year Two, recommends a one day Fatigue Mitigation seminar, and Year Three suggests an Emergency Ship Handling course. Mr. Downey outlined that the plan is meant to offer suggested training and during the execution of the three year plan, that priorities could change and thus proposed training options. Specifically, Mr. Downey discussed the three year plan as follows:

**Year 1** - Proposes a two day ECDIS course meeting the American Pilot Association (APA) criteria. Mr. Downey explained that Marine Safety Institute has a two day (APA ECDISp) course and is available to deliver the instruction. Captain Worth mentioned that Maine Maritime Academy recently gained approval for a five day (Standards in Training Certification and Watch-keeping (STCW)) ECDIS course, and suggested that they may be able to tailor that instruction to meet the APA criteria.

**Action Item:** Mr. Downey was requested by the Commission to contact the Maine Maritime Academy Office of Continuing Education to explore the creation of a two day "ECDIS for Pilots Course" that meets the APA guidelines.



**Post meeting: November 12, 2013** Mr. Downey contacted the Maine Maritime Academy Continuing Education Office to discuss tailoring their STCW ECDIS course to a two day ECDIS for Pilots course. The APA ECDIS course guidelines were e-mailed to the Academy. Dialogue will continue between Mr. Downey and Ms. Victoria Blackwood of MMA.

**Year 2** - Proposes a Fatigue Mitigation seminar. Mr. Downey discussed possible fatigue management training through Maritime Institute of Technology and Graduate Studies (MITAGS) which is able to provide the training at a Maine venue for approximately \$3,000 per session (plus travel and logistical expenses).

**Year 3** - Proposes an Emergency Ship Handling course. Marine Safety Institute can offer a two day course. It was acknowledged that forecasting three years in advance may not be fully possible and that the Commission should be able to re-prioritize courses as needed.

Captain Gelinas, offered that the training plan was the correct direction but pilot organizations should still maintain flexibility to take courses outside the scope of the plan, to which, the forum concurred.

Mr. Henshaw explained that the purpose of the plan is to articulate a strategy of mindful and meaningful expenditure of the Pilot Training Fund. Mr. Downey clarified that Pilot Training Fund is sourced by the Maine Coastal and Inland Surface Oil Clean-up Fund (managed by the Department of Environmental Protection (DEP)). The fund is in decline due to low petroleum imports and while both Maine DEP and DOT agree that using the "Surface Oil Clean-up Fund" optimizes prevention, that those funds *may* become scarce in the future.

Mr. Downey outlined that MITAGS has a menu of various courses that are specifically designed for pilots that may be exported to venues within Maine to reduce cost and maximize pilot attendance. The estimated cost is \$3,000 per session (plus travel and logistical expenses).

Mr. Downey led a discussion regarding two five day Manned Model training options (Mass. Maritime Academy and Warash Maritime Academy (UK)). Captain Strong voiced that Maritime Pilot Institute of Louisiana was another good option that should be investigated. Captain Morrison offered Port Revel (France) as another option and cited an instance where training received at Port Revel helped him in an actual pilot emergency.

**Action Item:** Mr. Downey will continue to research appropriate Manned Model courses.

Standing approval was requested for Mr. Dobbins and Mr. Downey to attend a Marine Casualty Investigation Course (when offerings become available) to fulfil their Commission roles. Captain Worth motioned to approve Mr. Dobbins' and Mr. Downey's attendance of a Marine Casualty Investigation Course. Captain Morrison seconded the motion and it was thus:

RESOLVED to provide standing approval for Mr. Dobbins and Mr. Downey to attend an appropriate Marine Casualty Investigation Course as relevant offerings become available.



#### Agenda Item 4 - Financial

Ms. Kim King reported on *Marine Accounts* which has a current balance of \$15,327.21. License income and insurance expenses flow through this account. Cash disbursements since July 18, 2013 include:

- Board Insurance: \$273.27;
- Board Travel: \$270.27; and
- Statewide Cost Allocation Plan (STACAP): \$5.78

The *Pilotage Training Account* currently has a balance of \$55,360.53. Disbursements since July 18, 2013 of the Pilotage Training Account include:

- \$3,532.84 reimbursed to Captain David Smith for training received.

Mr. Downey will continue to work with Maine DEP to re-issue a Memorandum of Understanding to continue funding the Maine Pilotage Commission Training Account, however, the Maine Coastal and Inland Surface Oil Clean-up Fund is becoming strained causing some concern over continued funding levels in the future.

#### Agenda Item 5 – Proposed Rule Changes

Mr. Downey reviewed proposed Pilotage Rules changes. Except for minor edits, the focus of the Rule changes discussed were as follows:

- Both current and prospective pilots should prove completion of an ECDIS for Pilots Course (two days) meeting the APA guidelines. Captain Strong suggested that the language of any new ECDIS rules should offer flexibility to accept five day STCW compliant courses, to which the Commission agreed. The addition of “Submit proof of Electronic Chart Display and Information System for Pilots certification” will be placed appropriately in Part A, {**Requirements for Initial Licensing**} Paragraph 1 and {**Requirements for Maintaining a License and License Renewals**} Paragraph 4. It was also noted that Coast Guard approved five day ECDIS courses meeting the STCW standard exceed the requirement and should be accepted.
- Revise Automatic RADAR Plotting Aids (ARPA) language to reflect a one-time ARPA certification without a need for re-certification. This edit is consistent with industry practice. The revision will be included in Part A, Paragraph 4 b. (5) {**Requirements for Maintaining a License and License Renewals**}.
- Removal of language regarding the Bar Harbor to Yarmouth Ferry was discussed and analyzed contained in Part A, Paragraph 2.k {**Training Trips**}. The discussion essentially concluded that Maine State law affirms that there are no exemption provisions for international ferries making the paragraph inconsistent with the law.



Captain Worth motioned to remove the Bar Harbor to Yarmouth Ferry language. Captain Gelinas seconded the motion; Captain Morrison abstained. With no dissent and the motion being passed it was:

RESOLVED that Paragraph 2.k of Part A of the Pilotage Commission Rules be removed.

Other noteworthy Rules edits include:

- Part B, Paragraph 12.c {**Reporting Requirements**} - change the word “employ” to “directing the navigation of a vessel.”
- Part B, Paragraph 12.c (1) {**Drug and Alcohol Testing Requirement**} - change the text to clarify that post casualty drug test results “will be made available to the Commission within five days of receiving results.”

Except for the previously resolved motion regarding the specific language of the Bar Harbor to Yarmouth Ferry language, Captain Worth motioned to accept the proposed edits as modified through discussion and deliberation of the Commission. Captain Morrison seconded the motion and it was thus:

RESOLVED that the proposed edits to the Pilotage Commission Rules would be modified as deliberated during the Commission meeting. Mr. Downey will work with Ms. King and Ms. Morales to finalize and publish the revised edits.

#### **Agenda Item 6 - U.S. Coast Guard Presentation**

Chief Warrant Officer Robert Albert of Sector Northern New England Waterways Management Division, provided an overview of the Coast Guard’s icebreaking mission and procedures. The Coast Guard’s icebreaking mission has three basic priorities:

- Search and rescue;
- Exigent community service (e.g., flood relief); and
- Facilitate navigation.

Sector Northern New England has four dedicated ice breaking resources; three 65’ harbor tugs, and one 140’ ice breaking tug. The Coast Guard uses Auxiliary air craft to fly regular ice reconnaissance missions to track ice formations.

The Coast Guard’s navigation facilitation focuses on petroleum facilities on:

- Piscataqua River;
- Portland Harbor/Fore River; and
- Penobscot River/Bucksport/Searsport.



The Coast Guard may also be dispatched to break ice where "Reasonable Demand of Commerce" is justified, such as breaking out an iced facility. Requests may be made 24 hours a day by contacting the Coast Guard Command Center at (207) 767-0303.

**Agenda Item 7 – Other / Miscellaneous**

Captain Weeks, Captain Moody, and Captain Morrison were reminded that their commissions will expire within the next year. Hard copy renewal packages were delivered to the members. Commission renewals are required to additionally contain a resume.

The *Action Items* previously discussed within these Minutes were reviewed to ensure alignment of Commission expectations.

*New proposal* – Mr. Downey is in initial dialogue with Maine DOT web-design contractors *Image Works* to update the Pilot Commission's website. Specifically, the proposal is to create an online database for state licensed pilots to track various licensing components (e.g., training, recency, and physical prerequisites). It is envisioned that the database would provide on-line "dashboard" verification of license data and deliver automated notifications to pilots and administrators when license components are due or pending. The unofficial cost estimate is four to five thousand dollars from the Pilotage Commission Marine Account. Captain Weeks directed that he continue with the project with no objection from the Commission.

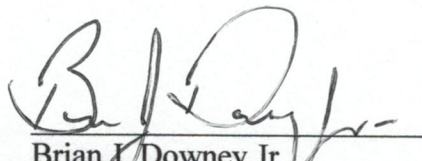
**Adjourned:**

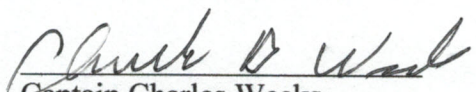
The meeting was adjourned by the Chair of the Commission, Captain Charles Weeks at 1208.

**Next Meeting:**

February 13, 2014, 1030 Maine DOT building.

Respectfully submitted:

  
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Brian J. Downey Jr.  
Maine Pilotage Commission Administrator

  
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Captain Charles Weeks  
Chair, Maine Pilotage Commission