**Maine Pilotage Commission**



*MaineDOT* ~ Room 227-A Conference Room

April 10, 2024

Minutes of Pilotage Commission Meeting

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n 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 April 10, 2024.

Maine Pilotage Commission Members constituting a quorum were:

Carrie Norton – Public Member (Chair)

David Gelinas – Pilot Member

Adam Philbrook – Pilot Member

Jerry Morrison – Pilot Member

Lindsey Pinkham – Public Member

Levi Ross – Industry Member

Brian Downey – Pilotage Commission Administrator

Interested Parties present were:

Dan Haley – Portland Board of Harbor Commissioners

Tom Dobbins – Public

Susan Klopp – Portland Pilots Inc.

Skip Strong – Penobscot Bay and River Pilots

Dave Smith – Penobscot Bay and River Pilots

James Wilgoos – Merchant Mariner/Public

Maine DOT staff present were:

Chris Mayo – Maine*DOT*

John Belisle – Maine Attorney General’s Office

**Call to Order (Carrie Norton)**

Carrie Norton opened the meeting at 1000 and acknowledged a quorum. She additionally offered opening remarks and facilitated introductions around the room. Among her opening remarks included the institution of a 10-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.

**Review/Approval of the Minutes from October 19, 2023 (Carrie Norton)**

After considering the content of the October 19, 2023 Pilotage Commission meeting minutes, David Gelinas moved to accept the minutes as drafted; Lindsey Pinkham seconded the motion. Hearing no objections or abstentions, it was thus:

RESOLVED to accept the minutes of the October 19, 2023 Maine Pilotage Commission meeting.

**Election of Commission Chair (Carrie Norton)**

Mr. Downey explained that being the first Commission meeting of the new calendar year, the Commission is required per the Maine State Pilotage Rules, to elect its Chair for the next year. Carrie Norton volunteered to continue serving as the Chair of the Commission. Mr. Downey outlined that he had previously announced that the election would occur during this convening of the Pilotage Commission and solicited nominations of any new candidates. Mr. Downey reiterated the solicitation for new candidates. No new candidates were nominated. Jerry Morrison moved to retain Carrie Norton as the Chair of the Commission. Levi Ross seconded the motion. With Carrie Norton abstaining, and hearing no objections or other abstentions, it was thus:

RESOLVED that Carrie Norton was duly re-elected as the Chair of the Maine Pilotage Commission for a term of one calendar year.

**Legal Support (John Belisle)**

## Chris Mayo introduced Mr. John Belisle who has been assigned as the Commission’s new legal counsel. Mr. Belisle is a lawyer with the Maine Attorney General’s Office (AG) Professional/Financial Regulation Division, which provides legal advice to the state’s professional licensing boards, commissions, and registration programs. This marks a shift from using Maine*DOT* legal support for official Commission business, to the AG’s office which is uniquely qualified to best serve the Pilotage Commission’s legal needs. Mr. Belisle also took a moment to introduce himself and provide a brief professional background to the members.

**Finance (Brian Downey)**

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 October 2023. License income and insurance expenses flow through this account. In short, the Ports and Marine Account had been incrementally losing money each year as the Commission’s operational expenditures out-paced the limited income from license fees. Chris Mayo advised the forum that the Commission will now be funded with a $40,000 annually recurring allocation in the form of a Maine*DOT* program fund which will assure long term financial stability for the Commission.

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 (MOU) 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.

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| --- | --- | --- | --- |
| **Ports & Marine Account Cash** | | | |
| Cash Balance | | | |
| 19 Oct 2023 | Beginning Cash Balance |  | **$5,241.04** |
| Incoming Cash Receipts | | | |
|  |  |  | 00.00 |
|  | Total Cash |  | **$5,241.04** |
| Cash Disbursements | | | |
|  | Operating Expenses | Board Member Mileage | $00.00 |
|  |  |  |  |
| 31 Dec 2023 | Ending Cash Balance |  | **$5,241.04** |
| **Pilotage Training Fund** | | | |
| Pilotage Training Fund Balance | | | |
| 19 Oct 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 |
| 31 Dec 2023 | Current Pilotage Training Fund Balance |  | **$78,641.81** |

**Frenchman Bay Pilotage Issues & Town Ordinance (David Gelinas)**

David Gelinas briefed the Pilotage Commission regarding a February 29, 2024 decision of U.S. District Court of the District Maine which upheld the Town of Bar Harbor’s “Land Use” ordinance creating a daily passenger landing cap of 1,000 passengers. The daily cap virtually eliminates the commercial appeal of large cruise ship traffic to Bar Harbor. The impact of the new ordinance will lead to passenger (and thus cruise ship) reductions of 90-95% in Frenchman Bay which will drastically and negatively impact the servicing pilotage group’s overall revenue, thereby potentially impacting the sustainability of the regional pilotage system.

The plaintiffs of the case (of which the Penobscot Bay and River Pilots are party), are appealing the decision. Regardless of the federal court appeal and although certain ships that were already scheduled for port calls are grandfathered, there is now a plea from certain Bar Harbor interests to accelerate the implementation of the daily passenger cap to make it effective immediately, based on the court’s initial decision.

David Gelinas formally requested that the Pilotage Commission facilitate a joint discussion with the Director of the Maine Port Authority, the Commissioner of the Maine Department of Transportation, and the Commissioner of the Maine Department of Community & Economic Development to investigate ways in which the State of Maine can assist in supporting the system of pilotage.

Jerry Morrison opined that it is outside of the scope of the Pilotage Commission’s legal mandates to advocate for a single pilotage group. David Gelinas and Adam Philbrook collectively detailed

that the “Bar Harbor Decision” could have deleterious effects on pilotage as a whole and that the precedent of local municipalities influencing interstate trade will be set if the decision is not overturned.

There was also some anecdotal discussion of municipal management of the pilotage system between David Gelinas and Chris Mayo but the discussion was very hypothetical and ended without any particular concurrence or resolution.

Levi Ross moved to direct the Administrator of the Pilotage Commission to draft a brief letter to the Director of the Maine Port Authority, the Commissioner of the Maine Department of Transportation, and the Commissioner of the Maine Department of Community & Economic Development to educate the agencies on Maine Pilotage and the potential negative impacts of the “Bar Harbor Decision.” Lindsey Pinkham seconded the motion. With Adam Philbrook and David Gelinas abstaining, and hearing no objections or other abstentions, it was thus:

RESOLVED that the Pilotage Commission to draft a brief letter to the Director of the Maine Port Authority, the Commissioner of the Maine Department of Transportation, and the Commissioner of the Maine Department of Community & Economic Development to educate the agencies on Maine pilotage and the potential negative impacts of the “Bar Harbor Decision.”

**Rate Discussion (David Gelinas)**

David Gelinas led a discussion regarding the need to revise pilotage rates. There was some follow-up discussion including an invitation for all pilotage groups to submit rate revisions. Additionally, John Belisle offered that he would lend assistance in shepherding the rate revision through the Administrative Procedures Act requirements and that a reasonable target date for completion of the process would be September or October 2024. In the interim, an open solicitation for notional pilot rate adjustments remains active.

**Training Plan Update (Brian Downey)**

Mr. Downey discussed the current training plan, specifically emphasizing the upcoming course offerings through MITAGS on May 8-9. The courses (Legal Aspects of Piloting and Electronic Navigation/AIS) will be offered starting at 0930 on May 8 at the International Marine Terminal:

460 Commercial Street

Portland, ME 04101

Mr. Downey also briefed the group that Doug Fournier is planning to take a Manned Model Course at Maritime Pilot Institute in the Fall. The forum was also apprised that Mr. Mayo has engaged with Maine DEP and is continuing to pursue renewal of the MOU between the Pilotage Commission and the Maine DEP.

**Penobscot River Navigation (Levi Ross)**

Mr. Ross raised the vessel access to Dead River’s Bucksport terminal as a discussion point. Specifically, he sought more details regarding the potential navigational enhancements that could improve night-time access at varied tidal levels. David Gelinas offered several past letters as examples of previous/systematic communication to pilotage customers that the Bucksport Terminal was limited to day-light high tide transits for vessels of 28’ draft and greater (by Penobscot Bay and River Pilots’ internal policy). The letters offered robust forecasts of black-out dates for 28’ (+) draft ships to help customers best plan port arrivals and Penobscot Bay and River transits. Through discussion, it was highlighted that while the dock depth is a consideration, the greater risk is the transit between Fort Point and Bucksport with Odom Ledge being a critical navigation factor.

**Opportunities for Improvement (Carrie Norton)**

No opportunities for improvement were offered and none had been received via the web-link.

**Commission/License Status (Brian Downey)**

Mr. Downey reiterated to the pilots that the Commission has adopted a Medical Attestation Form which is the preferred method of documenting compliance with the annual medical fitness requirement. He also reviewed the current status of commissions and licenses as noted below.

**Commission Renewals**

* Pinkham (August 18, 2025)
* Norton (August 18, 2025)
* Philbrook (August 18, 2024)
* Gelinas (August 18, 2025)
* Moody (May 17, 2023) – Re-filed March 22, 2024
* Morrison (August 18, 2024)
* Ross (August 18, 2024) – Re-filed March 12, 2024

**License Renewals** – None.

**Upcoming Renewals**

* Lord June 19, 2024 (State) July 1, 2024 (Federal)
* Smith, G. August 14, 2024 (Federal only)
* Philbrook September 3, 2024 (State only)
* Strong October 10, 2024 (Federal) December 1, 2024 (State)

**Marine Investigation Workgroup (Brian Downey)**

Item deferred.

**Annual Policy Review** **(Brian Downey)**

Item deferred.

**New Business/Old Business (Carrie Norton)**

No new or old business was raised.

**Adjourn (Carrie Norton)**

Lindsey Pinkham moved to adjourn, Levi Ross, seconded the motion. Hearing no objections or abstentions, it was thus:

RESOLVED to adjourn the Maine Pilotage Commission meeting.

Carrie Norton adjourned the meeting at approximately 1:15 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