

# MAINE PILOTAGE COMMISSION

Annual Report

August 1, 2019

Coverage: Fiscal Year 2019

SOS Tracking: 387



Report Completed by:

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MAINE PILOTAGE COMMISSION

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## Mission Statement

It is declared to be the intent of the Maine Pilotage Commission to provide a system of state pilotage that:

- 1) offers maximum safety from the dangers of navigation for vessels entering or leaving the waters of the State of Maine,
- 2) is devoted to the safety of vessels, crew, and cargo, and the continuing protection of the environment, and vessels,
- 3) provides high standards for proficiency,
- 4) enhances commerce and navigation, and
- 5) educates the public about the role of pilotage.

# Annual Report

August 1, 2019



## Preamble

Pursuant to Maine Revised Statute, Annotated (MRSA) 38 § 90-A, this annual report of the Maine Pilotage Commission is provided to the Commissioner of Transportation covering Fiscal Year 2019 (July 1, 2018 - June 30, 2019). As required by the aforementioned law, this report provides details on the Pilotage Commission's operations and financial position. The report also offers comments and recommendations that the Commission considers essential.

## Background

Following MRSA Chapter 38 (Waters and Navigation), 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. The Commission achieves this mission by ensuring the availability of well qualified pilots for the discharge of their duties in aid of commerce and navigation.

Additionally, 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 Commission. The Commission also approves the rates which pilots may charge for services. Administrative responsibility for the Maine Pilotage Commission was transferred to the Department of Transportation in July 1998. Since that time, the Office of Freight and Business Services has served as the administrative arm of the Commission.

## The Maine Pilotage Commission

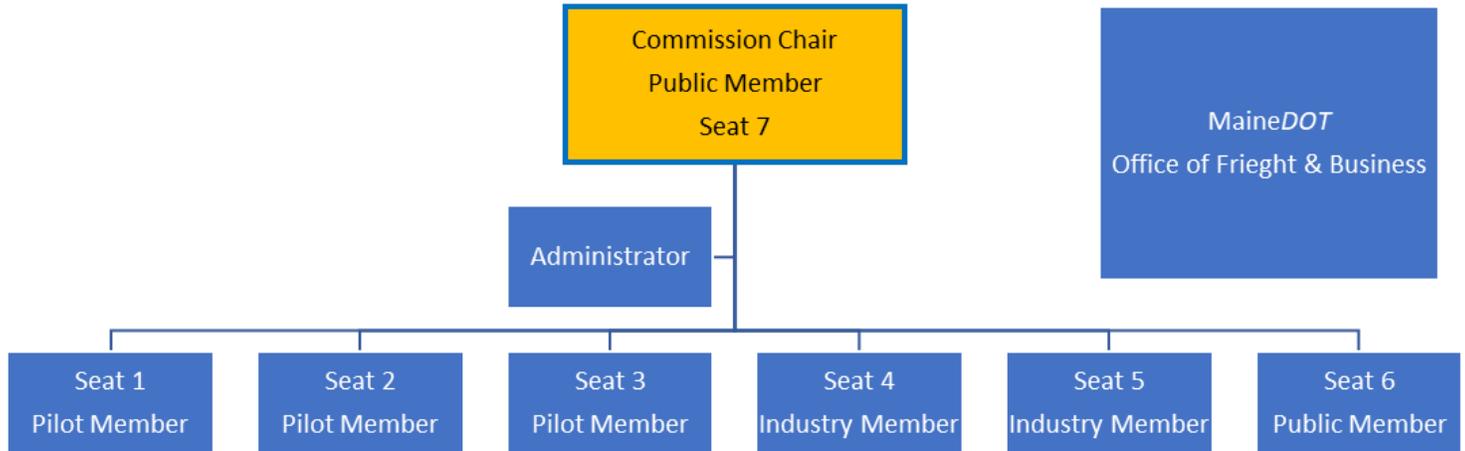
The MRSA 38 § 89 requires the Maine Pilotage Commission to be comprised of seven individuals who are citizens of the United States and Maine and appointed by the Governor as follows:

- 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 who liaises with the Commissioner of Transportation and the Governor as needed. Captain Weeks was the Chairperson for the period of this report and was re-elected at the March 2019 Commission meeting.

# Pilotage Commission Details

## Organization & Structure



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	Pending	Pilot
3	Gerald Morrison	October 23, 2017	October 23, 2020	Active	Pilot
4	Shawn Moody	October 23, 2017	October 23, 2020	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, 2017	October 23, 2020	Active	Public

⊖ Commission Chair.

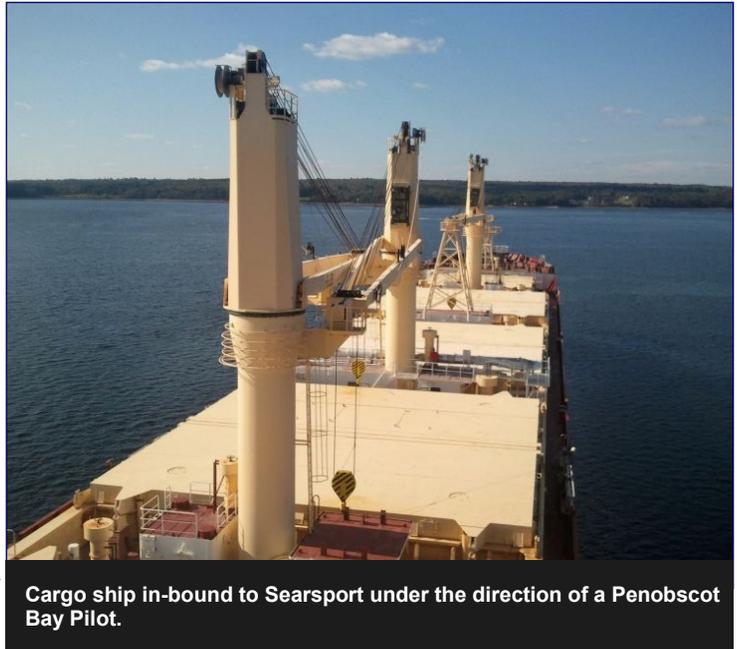
Captain Klopp's Commission renewal was initiated in May of 2018 but due to the changing administrations, the action on that commission was deferred to the incoming governor. Captain Klopp has remained active on the Commission in the interim while waiting for the reappointment. Captains Worth and Gelinias as well as Mr. Dobbins are due for a renewal of their respective Commissions in October 2019.

## Meet the Maine Pilotage Commission

**Captain Charles Weeks** - *Commission Chairperson*; Professor Emeritus, Maine Maritime Academy with over 50 years of shipping & education experience. Master of vessels of unlimited tonnage. **Commission member since 1998.**

**Captain David Gelinas** - President, Penobscot Bay & River Pilots Association, Master of vessels of unlimited tonnage. **Commission member since 1998.**

**Captain Mark Klopp** - Kennebec River pilot. Master of vessels of unlimited tonnage and prior tankship Master. Captain Klopp also serves as a pilot in Portland Harbor / Casco Bay and is the current President of Portland Pilots Inc. **Commission member since 2015.**



Cargo ship in-bound to Searsport under the direction of a Penobscot Bay Pilot.

**Captain Gerald Morrison** - Eastport and Quoddy area pilot, Master of vessels of unlimited tonnage. Over 35 years of seagoing and pilotage experience, including extensive tanker experience. **Commission member since 1999.**

**Captain Shawn Moody** - Operations Manager at Chase, Leavitt Ship Agents, Master of vessels of unlimited tonnage. **Commission member since 1999.**

**Mr. Thomas Dobbins** - Operations consultant to Sprague Energy with over 45 years of vessel, facility and marine logistics experience. Serves as Portland Harbor Commissioner. Master of near coastal vessels of 100 tons. Mr. Dobbins also served the Maine marine industry as a Past President of the Portland Chapter of the Propeller Club of the United States. **Commission member since 2013.**

**Captain John Worth** - Retired Professor, Maine Maritime Academy, relief captain with the Maine State Ferry Service and extensive experience in shipboard operations and prior tug boat company owner. Master of vessels of 1,600 tons. **Commission member since 2007.**

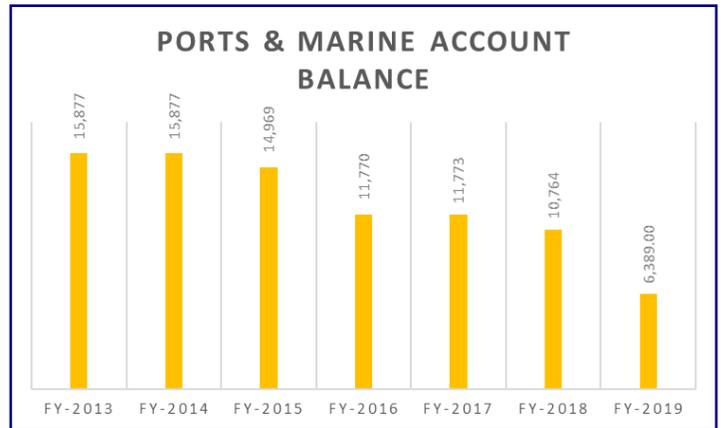
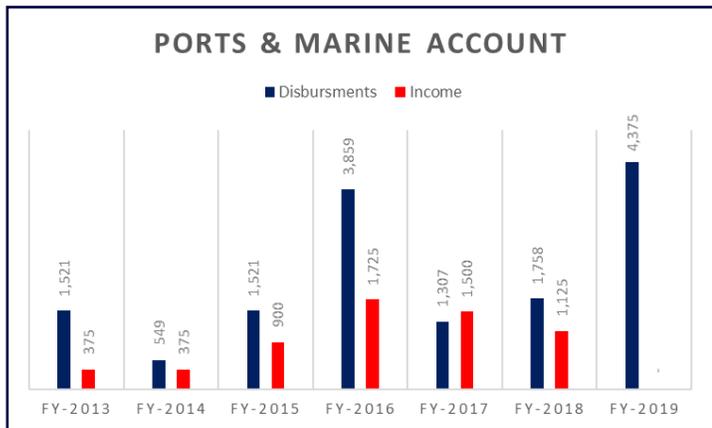
**Mr. Brian Downey** - Commission Administrator, retired senior Coast Guard officer with over 25 years of experience in marine safety and regulatory enforcement. Licensed deck officer of vessels of unlimited tonnage. **Commission Administrator since 2013.**

**Ms. Kim King** - Transportation Planning Specialist with the Maine DOT Office of Freight and Business Services with over 35 years of multi-modal transportation experience. Liaises and coordinates administration and financial transactions for the Commission. **Commission Liaison since 2007.**

# Financial Summary & Budget

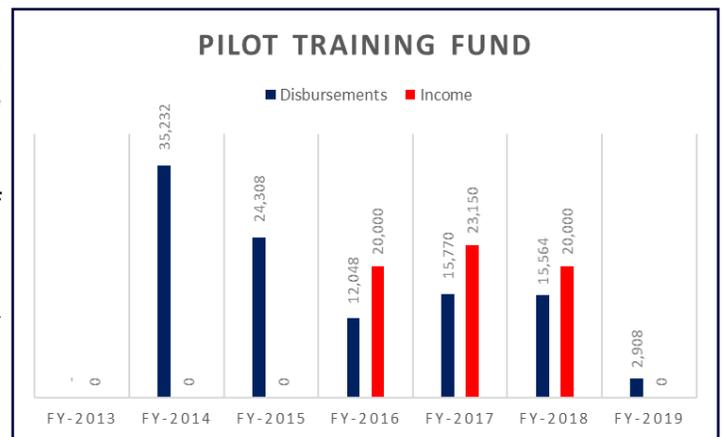
## Financial Summary - Ports and Marine Account

The Commission maintains a “Ports and Marine Account” which is the repository from which income and expenses (insurance, hearings, and miscellaneous costs) flow. There were no licenses renewed in Fiscal Year 2019. License renewals along with license upgrades and examination administration constitute the only source of income for the fund. The current Marine Account balance at the close of Fiscal Year 2019 was \$6,389.19.



## Financial Summary - Pilot Training Fund

Limited training funds for pilots are available separately through the Maine Ground & Surface Waters Clean-up & Response Fund through 38 MRS § 551. 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 (DEP) and the Maine Ground & Surface Waters Clean-up & Response Oversight Board.



## Budget Proposal - Fiscal Year 2020

Per 38 MRS § 90-B, the following annual budget is offered to the Commissioner.

Item	Tort & Civil Rights Insurance	Board Vehicle Liability Insurance	Bond Fidelity Insurance	Board Travel	StaCap	Steno-graphy	Hearings	Legal	Other	Total
\$	675	60	18	1,200	8.55	0	0	0	0	\$ 1,961.55

## Anticipated Income - Fiscal Year 2020

Fee	Initial License Fees	Renewal Fees	Successive Area Fees	Total
\$	0	1,125	0	\$ 1,125.00

## Regular Commission and Public Meetings

The following offers specific details of Commission public forums during the period of July 1, 2018 – June 30, 2019. All meetings are open to the public.

Typically, routine and recurring Pilotage Commission business is managed with three or four meetings per year. Matters warranting heightened public interaction, such as rate adjustments or rule updates, require public hearings which are more formal and transcribed by a stenographer.

### Commission Meetings

#### Meeting December 13, 2018

Location: USM, Portland, ME

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 2

Length of Meeting: 1.3 hours

#### Meeting March 28, 2019

Location: Maine DOT Augusta, ME

Commission Quorum: 7

Parties in Interest/DOT Reps/Others: 7

Length of Meeting: 2.5 hours

#### Meeting June 24, 2019

Location: Maine DOT Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 5

Length of Meeting: 1.1 hours

### Rate Adjustment Meetings

In 2019 members of the Maine Pilotage Commission hosted two additional public meetings in addition to its routine meetings to vet proposed pilotage rate adjustments.

#### Workshop Session April 26, 2019

Location: Maine DOT - Augusta, ME

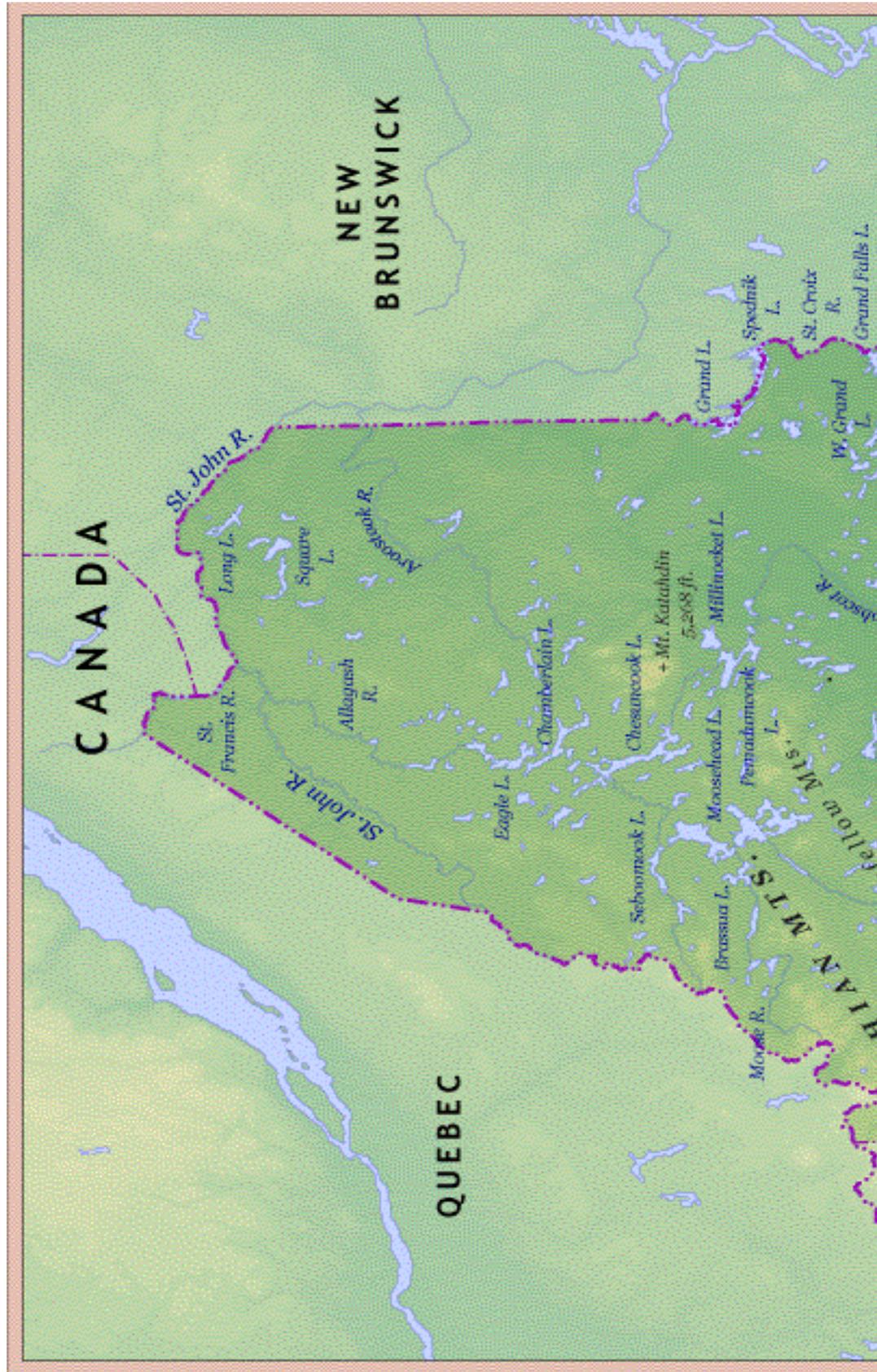
Purpose: 3 member commission focus group convened to conduct an assessment/analysis of proposed pilotage rates.

#### Public Meeting May 23, 2019

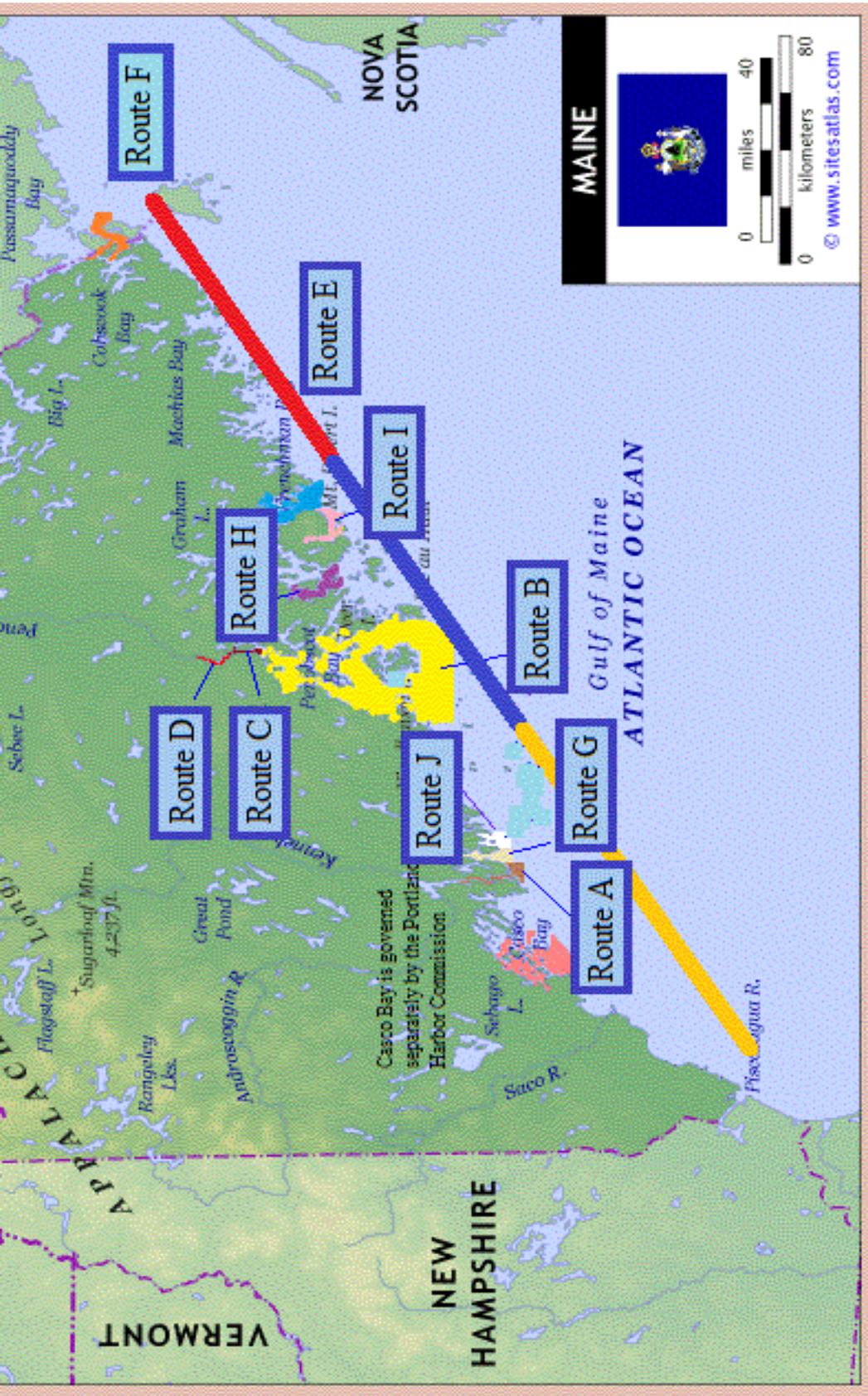
Location: Maine DOT - Augusta, ME

Purpose: To solicit public comment to proposed pilotage rate adjustments.

# Maine's Pil



# Portage Ports



## Pilot and Navigation Safety

### Pilot Transfer

**Pilot Boat Accident** - 30 November 2018: During a routine pilot boat transit in Port Clyde, the contracted pilot boat collided with an abandoned anchored trawler. This incident fell outside of the purview of the Maine Pilotage Commission per Part C Rule 16 of the Pilotage Commission's Rules as there was no pilot involvement in the accident nor was there a complaint against a pilot. Nevertheless, the Maine Pilotage Commission, in its pursuit of safe operations, voluntarily analyzed the event.

The accident occurred at about 1900 while en-route to an incoming tug-and-barge unit bound for Sprague - Searsport. The barge's cargo was 60,000 barrels of black oil. The draft on the barge was 16'. The weather was clear but moonless.

After departing, the vessel struck a moored unlit trawler about 300 yards from the dock. The collision created a hard impact. After a damage assessment, the vessel returned to the dock. The pilot was subsequently ferried to the waiting tug and barge by another pilot boat from Rockland and proceeded to Searsport following the Recommended Route, arriving without incident.

### Lost Vessel Control

**Cargo Vessel Near Miss** - 19 April 2019: A 652', 29,369 gross ton cargo ship lost power and steering while departing Eastport. Power was eventually restored and no injuries, pollution, or damage resulted from the incident. The incident, although noteworthy, did not meet the threshold of a formal Maine Pilotage Commission investigation per Part C Rule 16 of the Pilotage Commissions Rules in that no pilot behavior or action resulted in or contributed to an unsafe event nor was there a complaint against the pilot. Nevertheless, the incident was significant enough to warrant an analysis for the benefit of safety.

The incident occurred at about 1242 shortly after leaving the dock when the vessel lost power impacting the main engine and steering. The vessel was without propulsion for 11 minutes, the steering, however, remained at hard port for a total of 16 minutes until it was restored. The wind remained sustained from the Southwest at 20-25 knots with gusts up to 35 knots. The current was ebbing at velocity of .8 knots and increasing.

Upon loss of propulsion and steering the pilot recalled the two assist tugs and re-secured them to the vessel as a safety measure. After the main engine was restarted and steering was restored, the vessel was piloted to Friar Roads Anchorage to anchor until the full scope of the failures could be identified and resolved. After anchoring, wind conditions worsened with gusts reaching 51 knots at times. Additionally, the current velocity continued to increase reaching 3 knots ebbing.

Considering the wind and current conditions along with the unresolved status of the ship's power, the pilot remained aboard as an added safety measure. After the ship's crew identified and corrected the deficiencies, the vessel was authorized by the various regulatory agencies to depart port on the evening of April 19, 2019. The vessel departed without incident the following morning.

## Roster of Licensed State Pilots

Active Pilots	Expiration
Doug Fournier	2020
David Gelinias	2022
Mark Klopp	2021
Gerald Morrison	2022
Robert Peacock	2020
Adam Philbrook	2019
David Smith	2022
Prentice Strong	2019

### Active Pilots

Active pilots are licensed individuals who currently serve one or more routes and maintain currency by meeting annual recency mandates, annual eye & physical exams, continuing education & drug testing requirements.

### Inactive Pilots

Inactive pilots may hold a state pilotage license but do not meet one or more of the currency requirements of an active pilot. Inactive pilots cannot pilot ships until all currency requirements are met.

Inactive Pilots	Expiration
Michael Ames	2020
Doug Lord	2019
Earl Walker	2022

## Pilot License Activity

The current roster of state licensed pilots includes 11 individuals. During Fiscal Year 2018, pilot license transactions were as follows:

- New Licenses Issued: 0
- Current Licenses Renewed: 0
- Licenses Suspended (for cause): 0
- Licenses Deactivated: 1
- New Route Endorsements Issued: 0

### Deactivated Pilot

One pilotage license was deactivated due to the pilot moving to another state.

## Pilot Training

### ***Manned Model Training*** - Maritime Pilots Institute

The Commission approved one pilot to attend Advanced Ship Handling training at the Maritime Pilots Institute in Covington, LA. The course maximized the use of manned models which is an industry gold standard. The MPI program focuses on control of ship motion, pivot and turns using various forces including current, shallow water effects, anchor forces, ship's power and rudder, thruster and tug effects. The manned model environment offers pilots a chance to train for complex maneuvers in a safe and controlled environment. The course also concentrated on special condition docking using tugs, special condition meeting and overtaking scenarios and emergency ship handling exercises. The training included full day exercises on the facility's on-site training pond conducting training circuits in the manned models.

### ***AziPod Training*** - MITAGS

The Maine Pilotage Commission also approved a 3-day Azipod instruction course for one pilot at the Maritime Institute of Technology and Graduate Studies in Linthicum, MD. The course was invaluable as most modern cruise ships use sophisticated Azipod propulsion which varies



greatly from a traditional propeller and rudder arrangement found on other commercial ships. The Azipod course enhanced the pilot's theoretical understanding of the unique maneuvering characteristics of Azipod propulsion systems and improved ship handling techniques. The course included extensive simulator orientation to the "transit" mode (active rudders), "independent maneuvering" mode and the "joystick" mode. Realistic simulation exercises provided a convincing transition from one mode to the next during all phases of maneuvering.

This course is intended only for experienced maritime pilots or licensed mariners with ship handling experience.

### ***Investigator Training*** - NTSB

One of the Maine Pilotage Commission's Designated Marine Investigators attended the National Transportation Safety Board's 3-day Marine Accident Investigation course. The course was held at the NTSB Academy, Ashburn, VA. The classroom focus emphasized senior level instruction regarding marine investigation considerations, methods, techniques, applicable laws and policies surrounding casualty investigations. The Maine Pilotage Commission strives to ensure that its Designated Investigators attend either this course or

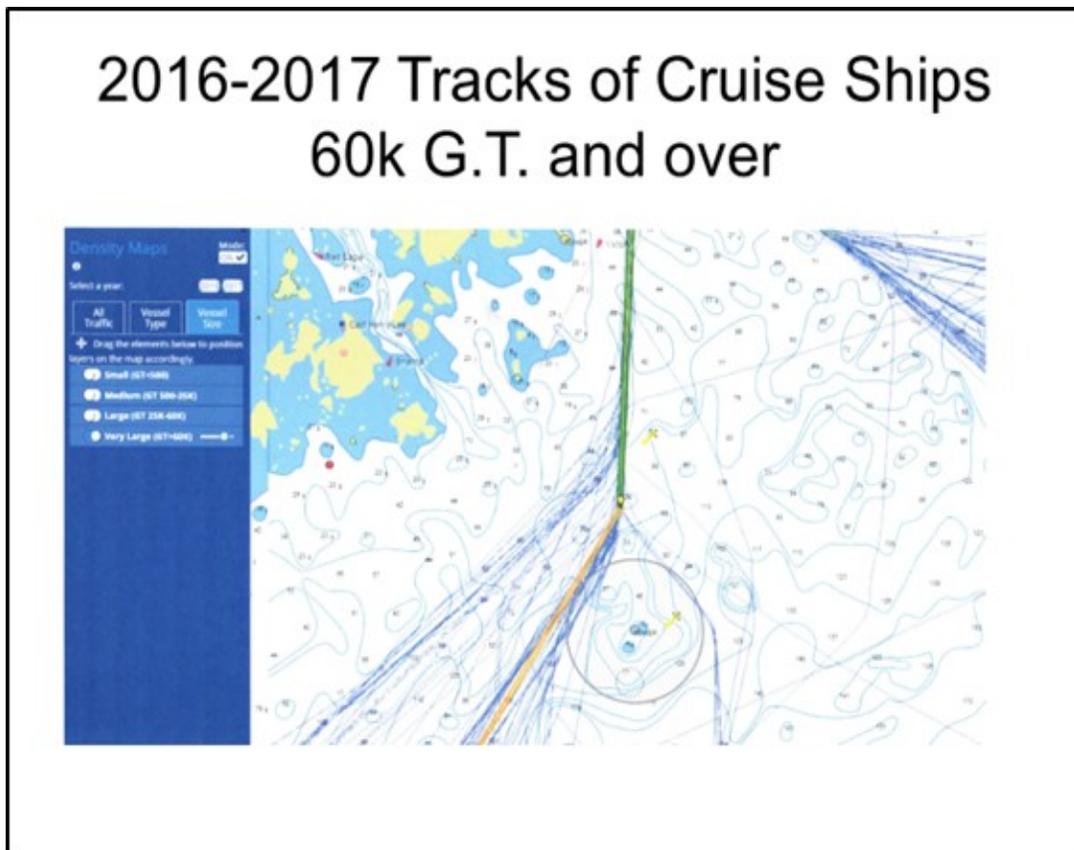
## Recommended Route Extension

The Cruise Lines International Association (CLIA), in collaboration with the Penobscot Bay and River Pilots, Maine fishermen and the Maine Department of Marine Resources proposed to extend existing recommended routes for deep draft vessels (accessing Frenchman Bay) on NOAA Chart 13312 as follows:

- Eastern Route: Extend the existing route approximately 3 additional miles along the same bearing. The Northeast corner of the route would be  $44^{\circ}13.5' N, 067^{\circ}52.6' W$  and the Southwest corner of the route would be  $44^{\circ}13.50' N, 067^{\circ}52.74' W$ . This extension is 400 yards wide and corresponds with the existing route.
- Southern Route: Add a new section to the existing route, extending 12.04 Nautical Miles from the existing route so as to remain just outside of the 3-mile limit of Mount Desert Rock. The terminal coordinates of the proposed extension would be:  $43^{\circ}52.77' N, 068^{\circ}17.00' W$  (Southeast corner) and  $43^{\circ}52.86' N, 068^{\circ}17.20' W$  (Northwest corner).

The request was made in an attempt to avoid entangling propellers, rudders, stabilizers and other hull appurtenances by cruise ships in lobster and other fishing gear.

A longer recommended route as depicted in beige in the chart below, may help keep more deep draft traffic further to the East and away from popular lobster fishing grounds. The request was made to the Coast Guard and was publicly discussed through the Port Safety Forum at its April 2019 meeting.

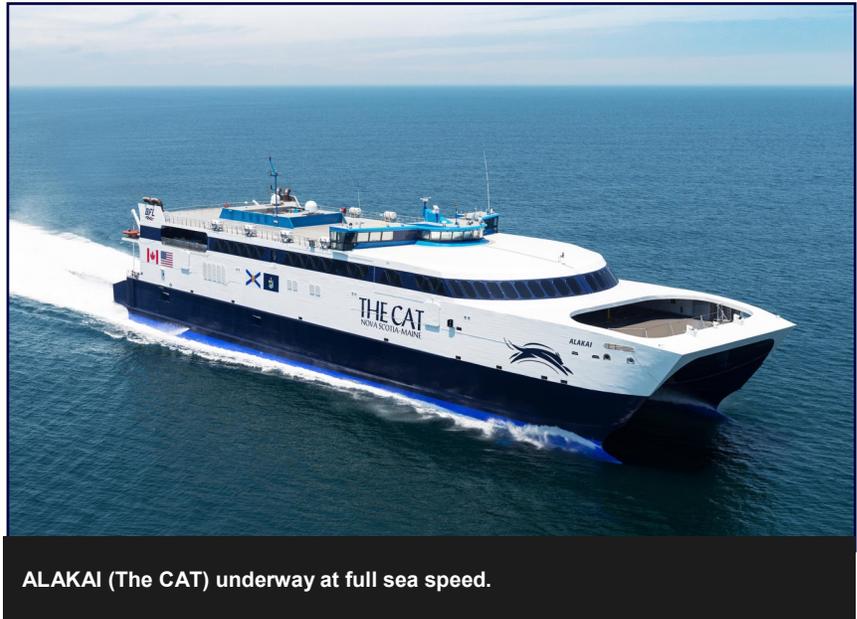


## Pilot Issues in Brief

### International Ferry

#### **The CAT** - Return to Bar Harbor

Bay Ferries Limited shifted their international ferry “ALAKAI” (better known as *The CAT*) high speed Ro/Pax ferry from Portland to Bar Harbor for the 2019 operating season. The shift reduces *The CAT*’s distance and transit time to Yarmouth, Nova Scotia and ended a three-year operation from Portland’s Ocean Gateway Terminal. Restoring service in Bar Harbor required re-activation of the existing international ferry terminal which had not been used since 2009.



ALAKAI (The CAT) underway at full sea speed.

The change in ferry operations requires pilots licensed under the Maine Pilotage Commission to manage pilotage duties in Maine State waters. In preparation for *The CAT*’s return to Bar Harbor, the Maine Pilotage Commission organized High Speed Craft Bridge Resource Management training for the pilots charged with guiding the ship in and out of port. The training is critical to ensuring the safety of passengers, cruise ships, fishermen and our environment.

Once beyond pilotage waters, the vessel’s catamaran hull design can achieve speeds up to 40 miles per hour.

### Recognition

#### **Penobscot Marine Museum** - Honors Penobscot Bay and River Pilots

On August 3, 2018, the Penobscot Marine Museum honored the Penobscot Bay and River Pilots for their service to the regional maritime community at their prestigious biennial Gala & Auction. Remarks were offered by Captain Wayne Hamilton thanking the pilots for their professionalism in bringing ships safely in and out Maine ports. Captain David Gelinas representing the six member pilotage association also took the podium to express the Association’s gratitude for the honorable recognition. Captain Gelinas paid homage to Captain Bill Abbott, of Belfast who was a pioneer of modern Maine Pilotage. Captain Abbott was the longtime “Dean” of the current group of pilots who imparted to them knowledge he learned from his father who also piloted the same vast expanse of Maine’s mid-coast.

## National Defense



USS Thomas Hudner on its final departure from Bath Iron Works, down-bound in the Kennebec River .

The autumn was a busy time for Bath Iron Works and Maine's sole Kennebec River pilot, Captain Mark Klopp.

The guided-missile destroyer, USS Thomas Hudner departed Bath Iron Works (BIW) to join the Navy's operational fleet. The vessel transited the Kennebec River to the Gulf of Maine on October 10, 2018 under the expert pilotage of Captain Klopp.

Bath Iron Works continues to build new state-of-the-art ships requiring continued pilotage on the Kennebec River.

## Bureau of Parks and Lands – Submerged Lands

The Submerged Lands Program, for the second consecutive year, has generously allocated \$45,000 to the Maine Pilotage Commission to support the program's administration. The funding supports limited salary requirements for the Commission's administrator. The subsidy directly contributes to the environmental goals of the Submerged Lands Program, which manages and preserves Maine's submerged lands and enables the use of waters over the submerged land or the land itself for "fishing, fowling (hunting), and navigation." The Maine Pilotage Commission greatly appreciates the valued support and offers its most sincere gratitude to John Noll of the Bureau of Parks and Lands, whose vision facilitated this much needed assistance.

## Maine DEP / Pilotage Commission Partnership

The Maine Pilotage Commission teamed with the Maine Department of Environmental Protection (DEP) to continue a valuable Memorandum of Understanding (MOU) in which the DEP allocates funding for pilot training via the Maine Ground & Surface Waters Clean-up & Response Fund via 38 MRS § 551. The fund is sourced through a per-barrel fee on oil imports entering Maine. DEP and the Maine Ground & Surface Waters Clean-up & Response Oversight Board manage the fund.

The Maine DEP and Pilotage Commission collaborated to prepare a multi-year training plan emphasizing impactful courses to advance pilotage skills. The training is directly tied to a broader strategy to prevent oil spills and environmental damage to Maine state waters, coastline and submerged lands that could result from a shipping accident.

The most recent iteration of the MOU provides recurring funding over the next three years to support pilot continuing education. Each pilot remains responsible for a 25% co-share. The three year commitment from Maine DEP reduces strain on the Pilotage Commission's sparse training budget. The consistency will ensure better training standardization and higher quality instruction.

The Maine Pilotage Commission offers its most heartfelt thanks to Mr. Jeff Squires of Maine DEP and DEP Commissioner, Jerry Reid for their support of Maine pilotage.

## Pilotage Rates

### Rate Adjustments

#### ***Background***

Pursuant to 38 M.R.S. Section 90-1B, the Maine Pilotage Commission is charged with the responsibility to set pilotage rates for the waters in which it has jurisdiction. The process to assess and adjust rates is not otherwise defined in statute or rule, but generally occurs on an as needed basis approximately every three to five years. On March 29, 2019 the Penobscot Bay and River Pilot Association requested a rate adjustment to maintain parity with the cost of living trend. Additionally, they proposed a new international ferry rate. On April 24, 2019 the collective Eastport pilots also requested a rate adjustment.

#### ***Rate Adjustment Process***

Following the submission of the rate adjustment proposals, the pilotage commission established a three member (non-pilot member panel) to review the proposed rates in a Workshop setting on April 26, 2019. The Pilotage Commission Administrator facilitated the discussions as a non-voting member. The Maine Pilotage Commission, additionally, hosted a public meeting which was formally advertised in local newspapers to encourage public awareness and comment. Further, the Commission sent written notices to invite comments from industry members who directly use pilots or may be impacted by pilot rates. During the public meeting (May 23, 2019) the rate adjustment process was reviewed, a comparison of rates to other competing regional ports was made, and verification of cost of living trends was conducted. The public was availed ample opportunity to participate in the process and yielded several comments - in particular, either in favor or opposition to the new international ferry rate. Public comments were invited to continue until June 23. The review and deliberation process concluded at the June 24, 2019 with a final vote.

#### ***Eastport - Rate Change***

The Maine Pilotage Commission approved an approximate 5% rate increase for pilotage in Eastport as well as an increase in pilot boat fees from \$450 to \$600 each way.

#### ***Penobscot Bay - Rate Change***

The Maine Pilotage Commission approved an approximate 2% annual rate increase (over a three year span) for the waters of Penobscot Bay and River as well as the ports and harbors within those water bodies.

#### ***Frenchman Bay - Rate Change***

The Maine Pilotage Commission approved an approximate 2% annual rate increase (over a three year span) for Frenchman Bay as well as Somes Sound, Eastern Way and Blue Hill Bay.

### ***International Ferry - New Rate***

The Maine Pilotage Commission approved a new separate ferry rate which will commence for the 2019 operating season.

## **Recommendations per 38 MRS § 90-B**

### **Commission Recommendations**

#### ***Low Volume Areas - MRSA Amendment***

The Commission urges the Department of Transportation to support a minor legislative modification to 38 MRS § 91 to permit currently licensed pilots to obtain training on vessels of less than 1,600 gross tons in low volume areas.

The legislative change will permit the flexibility of the Maine Pilotage Commission to train and license pilots for areas with low volume ports in anticipation of a possible return of commercial vessel activity.



**Maine Pilotage  
Commission**

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