

Maine Pilotage Commission



MaineDOT ~ Main Conference Room
November 20, 2014

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 20, 2014 in Augusta Maine. The forum additionally served as a public hearing to review and adopt the Pilotage Rule revisions contained in Proposed Rule **2104-P244**.

Administration:

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 Gelinias	– Pilot Member
Captain John Worth	– Maritime Industry Member
Captain Shawn Moody	– Maritime Industry Member
Captain Earl Walker	– Pilot Member
Mr. Tom Dobbins	– Maritime Industry Member
Mr. Brian Downey	– Pilot Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Mr. Robert Elder	– Director of Freight and Business Services (MaineDOT)
Mr. John Henshaw	– Executive Director, Maine Port Authority (MaineDOT)
Captain Mark Klopp	– Kennebec River (and Portland) Pilot
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 Robert Peacock	– Eastport Pilot

MaineDOT Staff present were:

Ms. Victoria Morales	– MaineDOT Legal
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Public/Guests present were:

LTJG David Bourbeau	– USCG, Sector Northern New England
Chief Chris Baines	– USCG, Sector Northern New England

Agenda Item 1 – Call to Order

Captain Weeks opened the meeting at 1030, acknowledged a quorum and facilitated introductions around the room.

Amendments and Carry-Over Items: There were no requests to change the agenda and there were no carry over items from the June 19, 2014 meeting. Hearing no other amendments, Agenda Item One was closed.

Agenda Item 2 – Approval of June 19, 2014 Commission Meeting Minutes

After considering the content of the June 19, 2014 meeting minutes, Captain Worth motioned to approve the minutes. Captain Gelinis seconded the motion. Hearing no objections or abstentions it was thus:

RESOLVED to approve the minutes of the June 19, 2014 Maine Pilotage Commission meeting.

Agenda Item 3 – Public Hearing Proposed Rule 2014-P244

This portion of the meeting was conducted as a formal hearing which was recorded with a stenographer. The public was invited by the Secretary of State's Office to comment and attend the Hearing via various newspaper advertisements published on Wednesday October 29, 2014 in the:

- Kennebec Journal;
- Morning Sentinel;
- Bangor Daily;
- Portland Press-Herald; and
- Lewiston Sun Journal.

No comments were received in advance of the Hearing. The complete rule (with full mark-ups) as well as a one page summary sheet of each change was availed to all Hearing participants.

Captain Weeks outlined the general scope of the rule changes and afforded an opportunity for the Hearing participants to review the changes. During the dialogue it was determined that no additional changes were effected to the proposed rules since the line-by-line review and (tentative agreement) conducted by the Maine Pilotage Commission on June 19, 2014. Captain Strong announced that the Coast Guard may move the Manana Whistle Buoy “14-M” currently located off Manana Island to a new area further off-shore. The buoy move, including the date and location, have not been determined. The group discussed potentially changing the Pilot Station Rules under Part B.6.a to reflect that possible modification. After discussion with input from the Commission’s counsel, Victoria Morales, it was determined that a Rule change was not necessary or warranted.

Captain Worth motioned to adopt the amendments contained in Proposed Rule **2014-P244**. Captain Moody seconded the motion. Hearing no objections or abstentions, the content of Proposed Rule **2014-P244** was thus:

ADOPTED by the Maine Pilotage Commission.

Proposed Rule **2014-P244** shall remain open for comment for an additional 10 days following the Hearing to afford the public a final opportunity to comment. On November 30, 2014, pending no comments, the period will end and the Rule will enter the publication phase. Upon adoption of the Rule, the formal Hearing was concluded and the stenographer was dismissed.

Agenda Item 4 – Discussion of Yacht Pilotage

Outreach and Education: Mr. Downey facilitated a discussion regarding the status of yacht pilotage including a review of the law and the practicality of requiring mega-yachts to employ pilots. Captain Gelinas offered that an exception was added to the Law (2011) which permits yachts of 200' and less to operate in Maine Pilotage waters without a pilot. He elaborated that the yacht demographic in question employs highly skilled officers and crews and utilize the latest in navigation technology. Further, it was discussed that despite a criminal penalty provision in the Law, that the penalty is virtually unenforceable without an enforcement arm of the Commission. Finally, outreach was also discussed as gap in educating yacht owners of the pilotage requirements. The Commission agreed that a more realistic policy must be applied to manage safe yacht navigation and per Captain Weeks' instruction, the Administrator was:

DIRECTED to:

- Pursue a legislative change to modify MSRA 38 § 87-A "Exceptions" to exempt non-commercial vessels up to 253 feet (77 meters).
- Pursue outreach with the Maine Harbormasters including attendance of Maine Harbormaster Conference to improve outreach.
- Open dialogue with the Department of Marine Resources regarding enforcement options.

Closing dialogue on yacht pilotage included input from Mr. Elder who offered that Pilotage testimony may be required in order to gain passage of the modification. Further, Captain Strong urged the Commission to attempt to modify the law in the January session of the legislature.

Continued Coverage of Sheepscot River, Kennebec River, and Boothbay Harbor: There was brief discussion regarding a succession plan for various routes (including Sheepscot River and Boothbay Harbor).

Agenda Item 5 – Review Pilot Training Plan

Continuing Education: Mr. Downey discussed the Continuing Education program and in particular outlined the notion that courses taken that may also be used for other license purposes (e.g., RADAR renewal, Bridge Resource Management, etc.) should remain acceptable for the purposes of meeting the 40 hour continuing education requirement established by the Pilotage Commission.

Current Status of Three Year Plan: Mr. Downey quickly reviewed the three year training plan which was determined to be on track with the completion of the ECDIS course in 2014. The plan was initially produced in 2013 to showcase the Commission's fiscal responsibility and value of the Department of Environmental Protection (DEP) sponsored training fund.

Fatigue Management Seminar: The next course on the schedule is Fatigue Management which may be offered by MITAGS. Captain Worth requested that the course, when offered, be held at Maine Maritime Academy. The Commission urged the Administrator to consider opening the course to other Commercial entities to help off-set the cost and open the course to more people.

DEP MOU Update: Mr. Downey further detailed that although discussions continue with Maine DEP, a renewed Pilot Training Memorandum of Understanding has not been signed.

Agenda Item 6 – Financial

Cash Report: Mr. Downey reported on *Marine Accounts* which has a current balance of \$14,705.52. License income and insurance expenses flow through this account. Total cash received since June 19, 2014 include:

- Total Cash Receipts: \$375.00

Cash disbursements since June 19, 2014 include:

- Board Travel: \$277.64; and
- Board Insurance: \$361.73

Training Fund Balance: The *Pilotage Training Account* currently has a balance of \$31,051.37. Training fund disbursements since June 19, 2014 include:

- NTSB Marine Accident Investigation Course (\$3,846.32)

Agenda Item 7 – Rate Discussion

Captain Walker led a discussion regarding proposed rate increases for the Kennebec River, Sheepscot River and Boothbay Harbor. The proposed rate increase for the aforementioned pilotage waters is \$8.24 per Pilot Unit (from \$8.00) which is an approximate 3% increase. The

rate modification will require a hearing. Captain Gelinas explained that the Penobscot Bay and River

Pilots are also considering rate increases and suggested that all changes be consolidated into one hearing. Captain Gelinas suggested that all rate change proposals be submitted via e-mail to Mr. Downey who will then organize a Public Rate Hearing in the June 2015 timeframe.

Agenda Item 8 – Coast Guard Update

VM-100 transition: LTJG David Bourbeau recently reported to Sector Northern New England, where he will oversee the Waterways Management Program. He updated the Forum regarding the ongoing replacement of obsolete VM-100 fog signals with the latest generation on-demand Mariner Activated Radio Sound Signal (MRASS) systems. The VM-100 systems are aging with growing reliability issues and limited spare parts, requiring the transition. The U.S. Coast Guard is upgrading the older VM-100 systems across the entire country including Maine and New Hampshire. While phase-in has started, there are 18 VM-100 systems that remain in the area, which the Coast Guard expects to replace over the next year. The new MRASS system allows mariners to remotely activate navigation sound signals on demand by using a VHF radio. Mariners who require a sound signal will activate the aid by keying their VHF mic 5 times within 10 seconds on channel 83. The range of activation is line of sight. Once activated, the signal will sound for a pre-set period of time between 15 to 60 minutes. The current time-line will replace all VM-100 signals with mariner activated MRASS systems by the end of 2015.

Inland Navigation Rule Changes: LTJG Bourbeau reviewed changes to the Inland Navigation Rules which were promulgated through a Federal Register Final Rule in August 2014. For the most part, the changes are minor and designed to better align with International Rules of the Road following a Navigation Safety Advisory Committee recommendation. As a reference, the rule changes are listed below. For more information please visit www.navcen.uscg.gov.

Rule Changes:

- 83.03: Rule 3 (m): Wing-in-Ground (WIG); added definition
- 83.18: Rule 18 (f): added WIG
- 83.23: Rule 23 (c): added WIG
- 83.24: Rule 24 (g): added “combination of such vessels/objects”
- 83.25: Rule 25 (d): vessel less than 7m, white light exhibition
- 83.31: Rule 31: added WIG
- 83.35: Rule 35 (l): 20m or less not obliged to give bell signal
- 83.19: Annex I: High-speed craft lighting requirements
- 86.01: Annex III: Range of whistle signals
- 87.01: Annex IV: Need of assistance, DSC transmission

Editorial Changes:

- 83.26: Rule 26 (f): Additional lights for FV’s fishing in close proximity (Annex II)
- 83.27: Rule 27 (d): Dredge pipeline lights (Annex V)
- 83.30: Rule 30 (g) – (l): Moored barges (Annex V)

Portland RACON: LTJG Bourbeau discussed a November 13, 2014 Local Notice to Mariners publication which announced tentative plans to disestablish the Portland Lighted Whistle Buoy “P” RACON. Captain Klopp indicated that he had already made a verbal protest via Sector Northern New England. The Commission will formally protest the disestablishment through formal written correspondence.

Agenda Item 9 – Other/Miscellaneous

Commissions: Although the formal Commissions have yet to be received from the Governor’s Office, Captains Weeks, Moody and Morrison, have executed their oaths and are considered in good standing. The next commission to expire is for Captain Walker in 2015.

Verified Tasks: Mr. Downey reviewed tasking that was initiated during the meeting which included:

- Coordinate with Legislative Liaison to modify the MSRA 38 § 87-A “Exceptions” to exempt non-commercial vessels up to 253 feet (77 meters).
- Pursue outreach with the Maine Harbormasters including attendance of Maine Harbormaster Conference to improve outreach.
- Open dialogue with the Department of Marine Resources regarding enforcement options.
- Draft a letter to the Coast Guard in protest of the disestablishment of the Portland Lighted Whistle Buoy “P.”
- Coordinate Fatigue Management training in coordination with Maine Maritime Academy and explore options to invite external parties to the course to offset costs.

New Business: Captain Strong introduced proposed training for Commission approval for Penobscot Bay and River Pilots to host a PPU refresher course (to be attended by all available Penobscot Bay and River Pilots). Moreover, he introduced tentative Azi-pod training for himself and Electronic Chart Display and Information System training for Captain Philbrook. All training requested would be paid through the Pilot Training Fund at a 75% reimbursement rate and counted toward continuing education credit. Captain Worth motioned to approve the training as requested. Captain Walker seconded the motion. Hearing no objections or abstentions it was thus:

APPROVED to reimburse the aforementioned courses at a rate of 75% of the total expense.

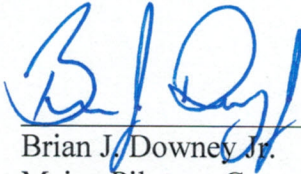
Agenda Item 8 – Adjourn

The meeting was adjourned by the Chair of the Commission, Captain Charles Weeks at 1255.

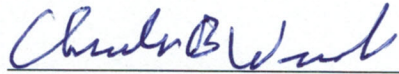
Next Meeting:

The next meeting was not scheduled during the meeting. The next meeting will be set for April 9, 2015, 1030 MaineDOT building.

Respectfully submitted:



Brian J. Downey Jr.
Maine Pilotage Commission Administrator



Captain Charles Weeks
Chair, Maine Pilotage Commission