

# Maine Pilotage Commission



MaineDOT ~ Room 227 Conference Room  
December 13, 2018

## Minutes of Meeting

In compliance with MRSA 38 § 85 and in fulfillment of the Commission's duties addressed in MRSA 38 § 90, a meeting of the Maine Pilotage Commission was held on December 13, 2018 at the University of Southern Maine Abromson Center in in Portland, Maine.

### **Administration:**

Maine Pilotage Commission Members constituting a quorum were:

Captain Charles Weeks	– Chair of the Commission
Captain David Gelinas	– Pilot Member
Mr. Tom Dobbins	– Maritime Industry Member
Captain John Worth	– Public Member
Captain Mark Klopp	– Pilot Member
Mr. Brian Downey	– Pilotage Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Captain Earl Walker	– Kennebec River and Boothbay Harbor Pilot
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Maine DOT staff present were:

Matthew Burns	– Maine Port Authority
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### **Agenda Item 1 – Call to Order**

Captain Weeks opened the meeting at 1230 and acknowledged a quorum.

*Amendments and Carry-Over Items:* There were no carry over items from the June 28, 2018 meeting.

Hearing no further amendments or objections, it was thus:

RESOLVED to accept the agenda and Agenda Item One was thus closed.

## **Agenda Item 2 – Approval of June 28, 2018 meeting.**

### **Commission Meeting Minutes**

After considering the content of the June 28, 2018 meeting minutes, Mr. Dobbins motioned to accept the minutes. Captain Worth seconded the motion; and hearing no objections or abstentions it was thus:

RESOLVED to approve the minutes of the June 28, 2018 Maine Pilotage Commission meeting.

### **Agenda Item 3 – Low Volume Areas**

Mr. Downey reviewed the status of the Low Volume Area project which seeks to attract and maintain a qualified pilot pool for low volume areas. Captain Klopp will not be pursuing pilotage for Boothbay Harbor, however, Captain Philbrook and Captain Fournier have volunteered to initiate training for pilotage on that route.

No yachts called on Boothbay Harbor, Somes Sound, Eastern Way or Blue Hill Bay in 2018 but there remains concern that regulated pilotage waters should be suitably staffed with qualified pilots.

Mr. Downey revisited the plan to facilitate the training of new pilots for low volume areas in part with the modification to the State Statute (38 § 91 *Qualifications of Licensees*). Modification of the Qualification of Licenses statute to permit initial licensure using vessels of under 1600 gross tons will provide the necessary legal flexibility to train new pilots using equivalent rules to be developed by the Maine Pilotage Commission under the guidance of the Low Volume Area Workshop. Under the proposed legislative adjustment only pilots holding an endorsement under the Maine Pilotage Commission may be considered for a Low Volume Area endorsement under the less gross tonnage provision.

The draft language of 38 § 91. *Qualifications of Licensees*: The italicized portion of the below text is suggested language and was read and discussed as follows:

*“An applicant must complete training trips in the area for which that person is making application under the direction of a licensed pilot actively piloting in that area. These training trips must be on vessels of at least 1600 gross tons except in areas of low traffic volume as defined by the Maine Pilotage Commission. In such cases, the Commission may establish alternative initial license criteria for existing pilots licensed under the jurisdiction of the Maine Pilotage Commission seeking low volume route endorsements.”*

After considering the content of the draft amended language of 38 § 91, Captain Weeks moved to call a vote to accept the language of the amended statute. Hearing no objections or abstentions it was thus:

APPROVED to adopt the draft amended language of 38 § 91; and further

RESOLVED to seek legislative change to 38 § 91 by the most expedient means.

#### **Agenda Item 4 – Review of International Ferry shift to Bar Harbor**

Captain Gelinas gave a very broad perspective of the potential international ferry shift from Portland to Bar Harbor. Currently, the 2019 ferry operation is uncertain.

#### **Agenda Item 5 – NTSB Course Review**

Captain Worth attended the NTSB Marine Accident Investigation Course at the NTSB Academy in Virginia in November. He found the course valuable and recommends that other investigators designated by the Commission attend the course.

#### **Agenda Item 6 – Training Update**

Mr. Downey briefed the Commission regarding pilot training.

Captain Strong attended Manned Model Training at the MPI facility in Covington, LA in November. Captains Strong and Philbrook will collaborate to recommend to the Commission which Manned Model training provides better over-all value for future training consideration.

Mr. Downey reviewed Azi-pod training and reminded the Commission that Captain David Germond was pre-approved to attend Azi-pod training and plans to attend in May of 2019.

Mr. Downey is in consultation with Marine Simulation Institute to secure a High-Speed Craft course in anticipation of the international ferry shifting operations to Bart Harbor.

Mr. Downey will commence development of a new three-year training plan for the Commission and will collaborate with Maine DEP to continue to secure training funds.

#### **Agenda Item 7 – Commission Vetting**

Captain Ames was listed to re-brief this topic following his brief at an non-quorum meeting on November 15, 2018 but was unable to attend this meeting. During his non-quorum November 15 discussion, he outlined a notional concept to vet (i.e., externally audit or assess the efficacy) the Maine Pilotage Commission in addition to the mandatory annual report that must be submitted to the Commissioner of Transportation each year not later than August 1 as well as the periodic GEA Report which was most recently completed on October 4, 2017 and briefed to the Maine Legislature's Transportation Committee in February 2018.

## **Agenda Item 8 – Financial**

Mr. Downey reported on *Ports and Marine Accounts* which has a current balance of \$9,526.39. License income and insurance expenses flow through this account.

### *Cash Report:*

Total cash received since **June 28, 2018:**

- Total Cash Receipts: \$00.00 (license renewal fees).

Cash disbursements since **June 28, 2018:**

- Board Travel: \$1,238.22.

*Training Fund Balance:* The *Pilotage Training Account* currently has a balance of \$50,818.41.

Total receipts since **June 28, 2018:**

- None. (However, a \$20,000 deposit is expected from DEP and an undetermined portion of \$50,000 will eventually be deposited from Maine Submerged Lands).

Total disbursements since **June 28, 2018:**

- None. Two training events occurred but have not yet been formally paid out at the time of the meeting.

## **Agenda Item 8 – Commission/License Status**

Mr. Downey reviewed pending transactions including:

### *License Status:*

No license action was completed since June 28, 2018 and no immediate actions appear to be required at this time.

### *Commission Status:*

Captain Klopp's commission which was due to expire in August 18, 2018, although submitted to the Governor's office, remains outstanding.

## **Agenda Item 9 – Other/Miscellaneous**

Captain Worth offered a brief verbal summary of an incident during which a pilot boat allided with a moored derelict trawler on November 30, 2018. The accident resulted in damage to the pilot boat and minor injuries to the vessel operator which required out-patient medical treatment. Captain Worth was assigned to investigate. The accident was also investigated by the Coast Guard (Sector Northern New England). Although it was determined that the incident does not meet the statutory threshold for formal Pilotage Commission investigation, the Commission engaged a

designated investigator to assess the accident and is voluntarily working in tandem with Sector Northern New England to examine the case to determine any safety lessons to be learned.

Concluding Commission tasks include:

- Pursue formal amendment of 38 § 91 through the State legislature.
- Reconvene the Low Volume Area Workshop to finalize equivalent initial licensing standards for Low Volume Areas.
- Investigate conduct of a formal Rule Change Hearing at the March 28, 2019 convening of the Maine Pilotage Commission.

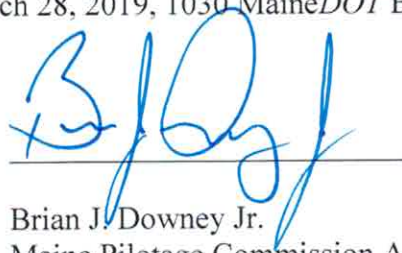
### **Agenda Item 10 – Adjourn**

The meeting was adjourned by the Chair of the Commission, Captain Charles Weeks at 1350.

### **Next Meeting:**

The next meeting will be set for March 28, 2019, 1030 MaineDOT Building Room 317A/B.

Respectfully submitted:



Brian J. Downey Jr.  
Maine Pilotage Commission Administrator



Captain Charles Weeks  
Chair, Maine Pilotage Commission