

Maine Pilotage Commission



MaineDOT ~ Room 227B Conference Room
September 23, 2024

Minutes of Pilotage Commission Meeting

In 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 September 23, 2024.

Maine Pilotage Commission Members constituting a quorum were:

Carrie Norton	– Public Member (Chair)
David Gelinis	– Pilot Member
Levi Ross	– Pilot Member
Jerry Morrison	– Pilot Member
Lindsey Pinkham	– Public Member
Shawn Moody	– Industry Member
Brian Downey	– Pilotage Commission Administrator

Interested Parties present were:

Mark Klopp	– Klopp Marine Services
Susan Klopp	– Klopp Marine Services
Calvin Klopp	– Portland Pilots, Inc.
Steve Brenton	– Portland Pilots, Inc.
Jim Cohen	– Attorney

Maine DOT and legal staff present were:

Chris Mayo	– MaineDOT
John Belisle	– Maine Attorney General's Office

Call to Order (Carrie Norton)

Carrie Norton opened the meeting at 10:35 a.m. and acknowledged a quorum.

Review/Approval of the Minutes from June 18, 2024 (Carrie Norton)

After considering the content of the June 18, 2024 Pilotage Commission meeting minutes, David Gelinis 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 June 18, 2024 Maine Pilotage Commission meeting.

Pilotage Rate Discussion and Adoption (Chair)

Mr. Downey briefly review rhe draft Rate Rule and the Administrative process. He further explained that the proposed Rate Rule was advertised in accordance with the Maine Administrative Procedures Act and has not received any comments from the public. As such the rate rule was determined by the Commission to be ready for adoption with an October 1, 2024 effective date. Therefore, the Chair requested a formal motion to adopt the Rate Rule.

After considering the content of the draft Rate Rule and verifying no public comments were received, with the acknowledgment of compliance with Maine Administrative Procedures Act, Shawn Moody moved to ADOPT, the Rate Rule as presented to be effective on October 1, 2024. Lindsey Pinkham seconded the motion; Hearing no objections, and with David Gelinis and Jerry Morrison abstaining, it was thus:

RESOLVED with a majority vote, to ADOPT Rate Rule as presented to be effective on October 1, 2024.

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 June 2024. License income and insurance expenses flow through this account.

Ports & Marine Account Cash			
Cash Balance			
18 June 2024	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
18 June 2024	Ending Cash Balance		\$5,241.04
Pilotage Training Fund			
Pilotage Training Fund Balance			
18 June 2024	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
18 June 2024	Current Pilotage Training Fund Balance		\$78,641.81

The *Pilotage Training Account* currently has a balance of **\$78,641.81**. The balance does not include the allocation of funds used for May Electronic Navigation Training or Legal Aspects of Pilotage Training delivered to 9 pilots in May. Additionally, the balance does not include simulator training for Adam Philbrook conducted in May.

Training Plan Update (Brian Downey)

The forum was also reminded that Mr. Mayo and Mr. Downey engaged with Maine DEP to renew the Training MOU. The MOU was signed by both the Commissioner of Maine DEP as well as Maine Pilotage Commission Chair, paving the way to a \$20,000 recurring funding stream for 3 years. The MOU funding will commence upon submission of an invoice from the Maine Pilotage Commission to the Maine DEP.

Draft Commission Legislation (Chair)

Calvin Klopp (Background on genesis of Bill) Calvin Klopp, President of Portland Plots Inc briefed the Maine Pilotage Commission regarding the Portland Pilots' desire to be regulated under the Maine Pilotage Commission instead of the Portland Board of Harbor Commissioners. He additionally discussed draft legislation to effect such a change and steps taken in that endeavor. The genesis of the shift from the Portland Board of Harbor Commissioners to the Maine Pilotage Commission was that Maine Pilotage Commission is solely dedicated to the Maine Pilotage System as opposed to pilotage being one of many roles of the Portland commission. The move, as desired would best regulate sea pilots under one commission which would be more streamlined than two separate commissions.

Jim Cohen offered an examination and explanation of draft legislation which he drafted and vetted through Maine Department of Transportation. The draft legislation, if enacted by the legislature, would move the Portland Branch Bar Pilots under the jurisdiction of the Maine Pilotage Commission while maintaining status quo for the docking pilots employed in the Port of Portland.

Jerry Morrison expressed concern over doing too much too fast. David Gelinis followed asking about the proposed timeline. Mr. Cohen indicated that the current draft legislation does not yet have sponsor in and that they sought to introduce the document as a Bill during this legislative session with hopes of the Bill becoming law in early to mid-2025.

Robust open discussion followed the briefing which focused on the implementing Rules and how to best reconcile disparities between the Portland Board of Harbor Commissioners and the Maine Pilotage Commission's rules governing pilotage. Levi Ross moved to create a Legislative Subcommittee to examine the differences between the Portland Board of Harbor Commissioners to the Maine Pilotage Commission rules. Jerry Morrison Seconded the motion; Hearing no objections or abstentions, it was thus:

RESOLVED establish a Legislative Subcommittee to review examine the draft legislation and differences between the Portland Board of Harbor Commissioners to the Maine Pilotage Commission rules.

Upon creation of the Legislative Subcommittee, Carrie Norton moved to appoint Jerry Morrison, David Gelinis and Lindsey Pinkham to the new subcommittee, Levi Ross seconded the motion; Hearing no objections or abstentions, it was thus:

RESOLVED establish a Legislative Subcommittee to review examine the draft legislation and differences between the Portland Board of Harbor Commissioners to the Maine Pilotage Commission rules.

Mr. Downey will undertake a preliminary Gap Analysis and then convene a Subcommittee to review the draft legislation and impacted rules in detail.

Opportunities for Improvement

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

Commission/License Status (Brian Downey)

Mr. Downey reviewed the current status of commissions and licenses as noted below.

Commission/License Status (Brian Downey)

- Commission Renewals
 - Pinkham (August 18, 2025)
 - Norton (August 18, 2025)
 - Philbrook (August 18, 2024)
 - Gelinas (August 18, 2025)
 - Moody (May 17, 2023) (Re-filed)
 - Morrison (August 18, 2024) (Re-filed)
 - Ross (August 18, 2024) (Re-filed)
- License Renewals
 - Philbrook (3 Sep 2024)
- Upcoming Renewals
 - Lord June 19, 2024 (State) July 1, 2024 (Federal)
 - Strong 10 Oct 2024 (Federal) 01 Dec 2024 (State)

New Business/Old Business (Carrie Norton)

Mr. Downey updated the Commission members regarding the letter that was directed to be drafted 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 recent Federal District Court’s “Bar Harbor decision.” The letter was drafted and delivered to the targeted recipients but no responses have yet been received.

Adjourn (Carrie Norton)

Lindsey Pinkham moved to adjourn, Shawn Moody, 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 12:20 p.m..

Next Meeting: Legislative Subcommittee

October 18, 2024 at 10:30 a.m.

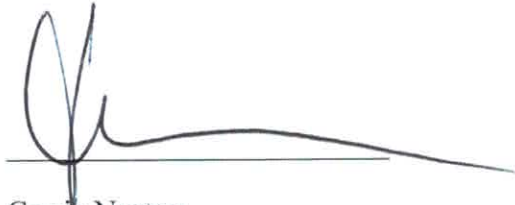
Maine DOT
Room 227B
24 Child Street
Augusta, ME 04330

Following Meeting: Full Commission Meeting

November 18, 2024 at 10:30 a.m.

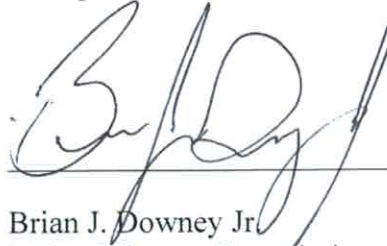
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Respectfully submitted:



Carrie Norton
Maine Pilotage Commission
Chairperson

Respectfully submitted:



Brian J. Downey Jr.
Maine Pilotage Commission
Administrator