

March 18, 2015

Written and Oral Testimony of Captain Prentice Strong

Before the 127<sup>th</sup> Legislature, Joint Standing Committee on Marine Resources

**Opposed**  
**LD 490**

An Act to Extend the Legal Hours for Harvesting Lobsters

**Presenter:** Captain Prentice “Skip” Strong  
**Title:** Pilot, Penobscot Bay and River Pilots Association  
**Affiliation:** Licensed Maine State Pilot

Senator Baker, Representative Kumiega and members of the Joint Standing Committee on Marine Resources, I am Captain Skip Strong. I am a licensed Maine State Pilot with the Penobscot Bay and River Pilots Association and I live in Southwest Harbor, Maine. I am pleased to be with you here today to voice my opposition of LD 490.

First, allow me to outline the pilot’s role in ship navigation. Each year approximately 15 million tons of cargo<sup>1</sup> and over 250 thousand passengers<sup>2</sup> are moved through Maine’s ports aboard ships. State statute requires that every foreign vessel and every American vessel under register with a draft of 9 feet or more, entering or departing waters regulated by the Maine Pilotage Commission must take a pilot licensed by the State of Maine. Pilots are highly skilled, trained and experienced in ship maneuvering and serve as local experts to the ship’s master during coastal and harbor navigation. While the ship’s captain always remains in command of the vessel, the pilot provides expert local navigation support which improves safety, environmental protection and efficiency.

LD 490 will modify Sec. 1. 12 MRSA §6440, sub-§1 to allow the harvesting of lobsters up to 2 hours prior to sunrise between September 1<sup>st</sup> and October 31<sup>st</sup>. We, as the pilots responsible for moving large commercial vessels on the same water as the lobstermen and women harvest from, believe that this is foremost a safety issue for all vessels on the water. As a practical matter, in order for the fishing boats to see and haul their gear, their boats will need to be equipped with lights, lots of high intensity lights. We have already seen this on fishing vessels that are currently violating state law by hauling outside of the authorized hours.

The number and intensity of these lights pose several safety issues as well as violate two sections of the Navigation Rules of the Road that **ALL** vessels on the water are required to adhere to.

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<sup>1</sup> US Army Corps of Engineers Data 2013

<sup>2</sup> Cruise Maine Data 2014

- **Rule 5-Look-out** *Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and the risk of collision.* In practice, a vessel that is lit up with high-intensity lighting has a much harder time keeping a proper look-out, due to the glare from the lighting reflecting off the foredeck, cabintop, and nearby sea. The effect of such intense lighting is that it greatly diminishes or eliminates a crew's ability to observe the navigation lights of approaching vessels.
- **Rule 20-Lights and Shapes (b)** *The Rules concerning lights and shapes shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with keeping a proper look-out.* In practice, when these fishing vessels use high-intensity lighting during darkness, we can not see the navigation lights on the fishing vessel and have a hard time determining what the vessel's are doing, as the high-intensity lights obscure the much lower-powered running lights required by the rules to be displayed at night. Further, depending on the distance they are from us, the intensity of the lights can absolutely affect our night vision (think of looking at the high beams of an oncoming car) and our ability to keep a proper look-out.

We recognize that from October 31<sup>st</sup> to May 31<sup>st</sup>, lobsters may be harvested in darkness. Our concern with this change to the law is that it happens while the weather is still relatively good and may encourage more fishing and lead to increased chances of an accident on the water.

For these reasons we are opposed to LD 490. Thank you for the opportunity to testify and I would be happy to answer any questions you may have.