

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 1245 - L.D. 1874

**An Act to Enable the Maine Pilotage Commission to Oversee Pilots
Operating in Portland Harbor**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §85-B, sub-§3, as enacted by PL 1999, c. 355, §4, is amended to read:

3. Coastal zones. "Coastal zones" means the 3 areas of Maine coastal waters relevant to the commission membership, Calais to Schoodic Point, Schoodic Point to ~~Port Clyde~~, Southport Island and ~~Port Clyde~~ Southport Island to Kittery; ~~excepting the port of Portland and Casco Bay.~~

Sec. 2. 38 MRSA §86-A, sub-§3, as repealed and replaced by PL 1987, c. 689, §1, is amended to read:

3. Portland harbor Harbor. Those waters specifically governed by the Board of Harbor Commissioners for the Portland Harbor of Portland, except that the commission retains those duties set forth in section 90 as they relate to pilots operating in such waters. This section is not intended to confer jurisdiction or duties upon the commission with respect to the activities of docking masters overseen by the Board of Harbor Commissioners for Portland Harbor.

Sec. 3. 38 MRSA §87-A, sub-§1, ¶E, as amended by PL 2011, c. 14, §2, is further amended to read:

E. All military ships navigating the Kennebec River to and from the Bath Iron Works Corporation for the purpose of accomplishing overhaul, repair, post shakedown availability and sea trials; ~~and~~

Sec. 4. 38 MRSA §87-A, sub-§1, ¶F, as amended by PL 2015, c. 14, §1, is further amended to read:

F. Noncommercial foreign vessels with overall length of under 253 feet; except in the case of Portland Harbor; and

Sec. 5. 38 MRSA §87-A, sub-§1, ¶G is enacted to read:

G. In the case of Portland Harbor, noncommercial foreign vessels under 350 gross tons for yacht or recreational purposes and noncommercial American vessels under 350 gross tons under registry for yacht or recreational purposes.

Sec. 6. 38 MRSA §89, as amended by PL 2007, c. 695, Pt. B, §23, is further amended to read:

§89. Maine Pilotage Commission members

The Maine Pilotage Commission, as established by Title 5, section 12004-A, subsection 40, consists of 7 members who are citizens of the United States and the State of ~~Maine~~ appointed by the Governor as follows: Three licensed pilots who are actively piloting, one member from each of the coastal zones; 2 members who are not licensed pilots but are from a maritime industry that utilizes the services of pilots; one member who is not a licensed pilot but has a maritime background, from a list of qualified potential appointees provided by the mayor of the City of Portland and the mayor of the City of South Portland; and ~~2 members~~ one member representing the public who ~~are~~ is not a licensed ~~pilots~~ pilot but ~~have~~ has a maritime background. Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. The members of the commission are entitled to compensation according to Title 5, chapter 379.

Sec. 7. 38 MRSA §90, sub-§1, ¶B, as amended by PL 1999, c. 355, §10, is further amended to read:

B. Make and establish just and reasonable rates of pilotage for those vessels that are subject to this subchapter;

Sec. 8. P&SL 1981, c. 98, §5, sub-§2, as amended by PL 2011, c. 498, §2, is repealed and the following is enacted in its place:

2. Operation as pilot. The rates, licensure, apprenticeship, continuing education, fees, safety and other activities related to pilots operating upon the waters subject to the jurisdiction of the Board of Harbor Commissioners for Portland Harbor must be overseen and regulated by the Maine Pilotage Commission pursuant to the Maine Revised Statutes, Title 38, chapter 1, subchapter 3. This section is not intended to limit any authority otherwise maintained by the Board of Harbor Commissioners for Portland Harbor to oversee and regulate the activities of docking masters operating on waters subject to the jurisdiction of the Board of Harbor Commissioners for Portland Harbor, except that such activities may not include the service of actively piloting under the jurisdiction of the Maine Pilotage Commission.

Sec. 9. Rulemaking by Maine Pilotage Commission. Within 6 months of the effective date of this Act, the Maine Pilotage Commission shall commence rulemaking with regard to Chapter 1 of its rules to adopt in substantially the same form, for a period of time at least 24 months in duration, the provisions contained in Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor as of the effective date of this Act as they relate to the licensure, apprenticeship, continuing education, safety and other provisions in Section 17.0 of those rules as they relate to pilots operating in Portland Harbor as long as any fees assessed upon pilots operating in Portland Harbor are consistent with fees assessed upon pilots subject to the jurisdiction of the commission. In adopting these initial rules, this provision does not limit the ability of the commission to organize the foregoing provisions and standards into the commission's existing rules as long as the

application of these rules to pilots operating in Portland Harbor are substantially similar to the provisions in Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor. Following the 24-month time period after initial adoption of the rules described in this section, the commission may further amend the rules governing pilots operating in Portland Harbor without regard to consistency with Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor. Rules adopted pursuant to this section are routine technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. Commencing on the effective date of this Act and pending final adoption of rules pursuant to this section, pilots operating in Portland Harbor are subject to the jurisdiction of the commission according to any terms or conditions in place during such time period as duly authorized by the Board of Harbor Commissioners for Portland Harbor, other than fee assessments upon pilots in Portland Harbor, if any, which must be consistent with any fees assessed by the commission upon other pilots subject to the commission's jurisdiction.

Sec. 10. Rulemaking by Board of Harbor Commissioners for Portland Harbor. Within 6 months of the effective date of this Act, the Board of Harbor Commissioners for Portland Harbor shall commence rulemaking to ensure that the board's rules are consistent with this Act.