

May 14, 2025

Senator Tim Nangle, Chair
Rep. Lydia Crafts, Chair
Joint Standing Committee on Transportation
Augusta, Maine 04333

Re: ***Testimony of Klopp Marine Services, LLC regarding LD 1874, An Act to Enable the Maine Pilotage Commission to Oversee Pilots Operating in Portland Harbor***

Chair Nangle, Chair Crafts, and Members of the Joint Standing Committee on Transportation:

On behalf of Klopp Marine Services, LLC, I appreciate the opportunity to provide testimony to this Committee in **strong support** of LD 1874. This bill seeks to transfer regulatory authority over sea pilots in Portland Harbor from the Portland Board of Harbor Commissioners to the Maine Pilotage Commission. This legislative change aims to standardize pilotage oversight across Maine's coastal waters, ensuring uniform safety and operational standards.

Background. My name is Captain Mark Klopp, President, Klopp Marine Services, LLC, and Shipyard Captain, Bath Iron Works. I hold a federal and Maine state pilot license for the Port of Portland, issued and governed by the Board of Harbor Commissioners for Portland Maine ("PHC"). I also hold a federal and Maine state pilot license for the Kennebec River, issued and governed by the Maine Pilotage Commission ("MPC"). I have worked closely with both the commissions and previously served on the Maine Pilotage Commission for several years.

What does LD 1874 do? This legislative change is designed to streamline pilotage operations in Portland Harbor, aligning them with statewide standards and enhancing the efficiency and safety of maritime navigation in the region by doing the following:

1. **Transfer of Jurisdiction:** The bill amends 38 MRSA §86-A to grant the Maine Pilotage Commission jurisdiction over pilots operating in Portland Harbor, aligning it with its authority over all other coastal zones in Maine.
2. **Rulemaking Authority:** The Maine Pilotage Commission is tasked with adopting rules that mirror the existing provisions of the Board of Harbor Commissioners' rules for a transitional period of at least 24 months. After this period, the Commission may amend these rules as it deems necessary.
3. **Exemptions for Certain Vessels:** The bill specifies that noncommercial foreign vessels under 350 gross tons and noncommercial American vessels under 350 gross tons engaged in yacht or recreational activities are exempt from the pilotage requirements in Portland Harbor.
4. **Docking Masters' Activities:** While the Maine Pilotage Commission will oversee pilotage activities, the Board of Harbor Commissioners retains authority over docking masters in Portland Harbor, ensuring a division of responsibilities.

Why I support LD 1874. Over the past 27 years that I have worked as a pilot, it has become increasingly evident that the MPC, which operates under the guidance of the Maine Department of Transportation ("MDOT"), is better positioned to oversee pilotage issues for every port in the state, for several reasons. The MPC was established for the sole purpose of pilotage oversight for *every* waterway in the State of Maine. When the MPC was established, the Port of Portland largely because pilotage in Maine started in Portland before expanding to the rest of the state, and the PHC happened

to be the board charged with regulating pilots in Portland Harbor prior to this time. But just because that was how things had been done does not mean that it should always be this way. In fact, recent history demonstrates that now is the time for the Maine Pilotage Commission to take over regulation of all pilots in Maine, including in Portland.

The MPC oversees ten specific regulated routes which are identified within the 3 Coastal Zones, Portland Harbor and the Kennebec River are within the same coastal zone, both geographically located in Casco Bay but governed by separate commissions. The Kennebec River pilot(s) benefit from governance from a “pilotage commission” whose sole purpose is to provide a system of state pilotage that:

- Offers maximum safety from the dangers of navigation for vessels entering or leaving the waters of the State of Maine;
- Is devoted to the safety of vessels, crew, and cargo, and the continuing protection of the environment, and vessels;
- Provides high standards for proficiency;
- Enhances commerce and navigation; and
- Educates the public about the role of pilotage.

This is significantly different from Portland Harbor which is governed by a “harbor” commission tasked with multiple and divergent responsibilities, including, but not limited to, marine construction permitting, dredging, mooring permitting, standards and fees, eel grass conservation, pollution mitigation, establish harbor lines within its jurisdiction, employment and oversight of the Harbor Master, deputies, and office staff.

As both a Kennebec River Pilot and Portland Harbor Pilot, I am governed by two different regulatory commissions. This split in jurisdiction adds significant time and cost in terms of having to follow and engage with two different commission meetings, regulations and rate hearings. I can also say that my experiences before the two boards are vastly different.

The Maine Pilotage Commission is overseen by the MDOT and has one or more members of the MDOT at every meeting, as well as a staff member from the Maine Attorney General’s Office in attendance. In addition, a professional maritime administrator conducts each meeting, ensuring that all maritime policies, procedures and regulations are adhered to. All MPC meetings are scheduled at a mutually agreed upon time ensuring every zone and route licensee has an opportunity to not only attend but to actively participate. This is a stark difference from the PHC which is comprised of appointed volunteers, none of whom are required to have a maritime industry background, unlike the MPC whose sole focus is pilotage, and eligibility requirements are stringent and relevant.

Over the past ten years, the PHC has experienced an extremely high turnover of commissioners, abrupt resignations and difficulty filling the “volunteer” positions. This makes it challenging for the PHC, pilots and stakeholders to provide consistent focus on complex pilotage issues, marine commerce, and the safety and efficiency of marine transportation and the supply chain.

The MPC has consistently maintained qualified individuals; commissioners are individuals with maritime industry training and a deep-rooted commitment to Maine’s maritime industry. The Governor appointees are selected from candidates throughout the State, which results in a broad selection of industry professionals not as readily available in the more limited geography of the Cities of Portland and South Portland.

The MPC is committed to continuing education and provides funds and guidance for pilots to participate in a wide range of educational opportunities. The MPC also incorporates into every meeting dedicated time for “opportunities for improvement.” This is a collaborative approach that ensures the safety of Maine ports and a viable pilotage system. The MPC also has trained incident investigators and experts, should a vessel suffer a marine casualty while under pilotage, the PHC does not.

Vessels, cargo and port operations in Portland Harbor benefit the entire State of Maine, not only the Cities of Portland and South Portland. Oversight of the pilot services and marine commerce should be the responsibility of the MPC and MDOT.

Conclusion. I believe it is in the best interests of the State of Maine, its people, its waters, and maritime commerce to include the sea pilots in the Port of Portland with all Maine state licensed sea pilots, under the oversight of the Maine Pilotage Commission. Klopp Marine Services respectfully requests you **unanimously support** LD 1874.

Again, I appreciate the opportunity to provide testimony on this bill, and if you have any questions, I am happy to discuss this in depth.

Respectfully,

A handwritten signature in cursive script that reads "Mark W. Klopp".

Captain Mark Klopp
Master of Unlimited Tonnage
State and Federally Licensed Pilot for the Port of Portland and Kennebec River
President, Klopp Marine Services