



April 29, 2025

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

**Re: *LD 1477, An Act to Provide an Exemption from Pilotage Requirements for Passenger Ferry Service Between Bar Harbor, Maine and Yarmouth, Nova Scotia***

Chair Nangle, Chair Crafts, and Members of the Transportation Committee:

My name is Captain Calvin Klopp, President, Portland Pilots, Inc., and I appreciate the opportunity to provide testimony in opposition to LD1477, An Act to Provide an Exemption from Pilotage Requirements for Passenger Ferry Service Between Bar Harbor, Maine and Yarmouth, Nova Scotia. Very simply, we strongly believe that LD 1477 will make Maine's harbors less safe, and we further note that the proposed exemption from pilotage services under this bill is largely unprecedented around this country.

By way of background, Portland Pilots, Inc. is an association of state-licensed sea pilots responsible for navigating ships in and out of Portland Harbor. I serve as president of Portland Pilots, and I am also one of two federal and Maine state-licensed pilots for the Kennebec River, responsible for navigating Bath Iron Works destroyers, and other vessels in and out of the river.

As described by the American Pilots Association, "The typical state-licensed pilot in the U.S. is the most highly trained mariner in the world. Pilots have either extensive deep-sea or tug experience before they enter pilot training programs, or they go through a lengthy (four to seven years) apprenticeship program. In addition to extensive prior experience or detailed instruction in basic ship handling, pilot trainees undergo long periods of route specific training under the guidance of experienced pilots."

LD 1477 proposes to exempt *The Cat* ferry – which currently operates in Bar Harbor, but in past years operated in Portland Harbor as well -- from having to utilize the services of a state licensed sea pilot for navigating in and out of Maine waters. Instead, the bill would allow *The Cat* to navigate in and out of Maine waters as long as a "federally-licensed pilot" is on board. This represents a substantial step down in safety for Maine ports.

For perspective, one can obtain a federal pilots license with as little as eight round trips over a specified route, with essentially no guidance from another pilot. By contrast, it takes hundreds if not thousands of trips, and many years of training, to achieve the level of skill required to become a state-licensed pilot. Additionally, state licensed pilots are on the water every day, year round, in the ports where they serve. Few people are more in tune with the state of the harbor where they are licensed than state-licensed pilots.

Maine's State waters have evolved significantly in the past 30 years when I was a kid hauling lobster traps with my father. Vessel traffic congestion has increased drastically, with thousands of small boats concentrated in relatively small geographical areas daily, Bar Harbor being one. In Portland specifically, these users include, but are not limited to, a variety of commercial ship traffic, some exceeding 1,200',

commercial and recreational fisherman, pleasure craft, the Casco Bay Lines Island Ferry system, the Portland Schooner Company, Sail Maine which consists of young children in small skiffs, multiple kayak tour groups, several marine construction tug and barge outfits, and many different types of harbor tour and charter vessels for hire. As a state-licensed pilot, on the waters every day, year-round, I know how and where they typically operate, and how to contact them quickly when unreachable by marine radio. Federal pilots who are not state-licensed pilots for the harbor do not develop these relationships. They do not have the same experience and skill.

During the fall of 1998, while departing Yarmouth, Nova Scotia, *The Cat* was involved in a collision with a local fishing boat, resulting in the death of one person aboard the fishing vessel. Although exonerated in court, the Transportation Safety Board of Canada found in their Marine Investigation Report "M98M0061" the following causes and contributing factors:

*The "LADY MEGAN II" and the "INCAT 046" (The Cat) collided when the fishing vessel was steered across the Main Channel in the path of the ferry. Factors contributing to the accident were that the "LADY MEGAN II" did not adhere to either the original or second passing agreement and did not reduce speed when the conditions of navigation changed. Also, the "INCAT 046" did not challenge the proposed second passage agreement.*

In nearly every maritime casualty investigation, there is partial fault found on behalf of all involved, and this accident was no exception. Notably, in this case, *The Cat* was not required to utilize the equivalent of our "State-Licensed Pilots", as they didn't have pilots in Yarmouth, rather the captain served as the pilot, exactly as this bill proposes for the State of Maine six days per week.

Of the 24 coastal states in this country, every one of which has laws requiring the use of pilotage services, there is only one exemption from state pilotage to a US flag vessel currently sailing under register (a US flag vessel bound to or from a foreign country), and it is the car ferry M.V. COHO, which transits between Victoria, CA and Port Angeles, WA. This exemption is based on the very unique waters that connect Washington State and British Columbia (The Straits of Juan de Fuca or sometimes called the Salish Sea). This exemption, as well as some other federal mariner credentialing matters related to these waters, is based on an August 11, 1934, treaty between the United States and Canada that proclaimed that the U.S. and Canadian Governments were satisfied of the "sheltered nature" of these waters. It is the "sheltered nature" of these waters that has led the U.S./Washington State and Canadian governments arrive at this compromise.

From an operational and safety standpoint, the M.V. COHO is not comparable to *The Cat*. The M.V. COHO transits at a maximum speed of approximately 15 knots (17 mph), whereas *The Cat* transits three times this speed, at nearly 45 knots (51 mph). In fact, *The Cat* is one of the fastest vessels of this size that enters Maine ports.

Meanwhile, weather patterns in Maine make it paramount for *The Cat* to enter Maine ports under the guidance of a state-licensed sea pilot. In particular, changes in global and local weather patterns have extended Maine's "fog" season. It is now commonplace to regularly experience extended periods of foggy weather into late July, well into *The Cat's* season. From my experience piloting *The Cat*, it was also common to see her arriving at the pilot station in visibility less than 0.25 nautical miles at 30 knots. No vessel should be exempt from the State's current safety regulations, but certainly not the *fastest* commercial vessel transiting our waters.

Not only is exempting *The Cat* from pilotage unsafe, but it is also economically unfair to all other vessels who would remain under the requirement to utilize pilotage services. That is because the rates charged for pilotage services are set by the government and are based on the actual cost of providing these services,

which costs are relatively fixed. So, if there are fewer vessels utilizing pilotage services, the remaining vessels would have to pay more per trip for such services. Bay Ferries and *The Cat* already receive preferential treatment in the State's pilotage rate structure, paying significantly less in pilotage fees than other "minimum rate vessels". But if *The Cat* is able to evade pilotage fees through this legislation, it won't be long before every shipping company calling on Maine ports will ask for the same "favor." And as the number of vessels utilizing pilotage services goes down, the cost for those remaining will continue to go up – eventually making it so that pilotage services cannot be provided in Maine.

Clearly, *The Cat* is seeking this exemption because they don't want to pay the cost of pilotage. Yet, it is important to note that the cost of pilot service is relatively small in relation to the overall cost of operations of the ship. In fact, as I recall from my experience providing pilotage services to *The Cat* during her time operating in and out of Portland, fuel expenses every 10-12 days exceeded what this vessel currently pays for pilotage services annually in Bar Harbor, and fuel prices have since risen.

This bill is being put forward as a means to sustain *The Cat* as a ferry service in Maine, but experience demonstrates that these cost savings bear little relationship to the overall sustainability of ferry service between Maine and Nova Scotia. Historically, ferry service between Maine and Canada has yet to prove long term sustainability as we have witnessed the failure of the Bluenose II, Prince of Fundy, Scotia Prince, and *The Cat* from 1998-2009. Notably, Bay Ferries is heavily subsidized by the Canadian Government and it is further aided by U.S. Government, by way of an extremely favorable lease of a U.S. vessel. But even with these subsidies, there is no assurance that the service will continue. At this point in time, the Canadian Government is expected to continue funding *The Cat* through the 2026 season, but there is no guarantee it will continue.

Overall, this bill asks the State of Maine to compromise port safety to benefit one company at a cost to every other port user. Pilotage requirements exist to keep our ports and harbors safe, to reduce the risk of accident causing loss of life, property, and harm to the environment. There is a reason pilotage services have been in place in this nation for 230 years, and such services are required in every state in this country. We should not make an exception for the Cat, which is why we ask this Committee to unanimously reject LD 1477.

Again, I appreciate the opportunity to provide testimony on this bill, and if you have any questions, please do not hesitate to let me know.

Respectfully,

Captain Calvin Klopp  
Master of Unlimited Tonnage  
State Licensed Pilot for the Port of Portland and Kennebec River  
President, Portland Pilots, Inc.

cc: James I. Cohen, Verrill Dana, LLP, counsel for Portland Pilots, Inc.