



May 14, 2025

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

Re: Testimony on 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 Transportation Committee:

On behalf of Portland Pilots, Inc., I appreciate the opportunity to provide testimony to this Committee in strong **support** of LD 1874. This bill is essential to ensuring the safety, reliability, and regulation of pilotage services in Portland Harbor by maintaining the authority of the Maine Pilotage Commission over all vessels operating within the state's waters. I also want to take a moment to thank Rep. Crockett for putting this bill forward, and thanks to the many stakeholders we have worked with since last fall to develop a framework that allows the Maine Pilotage Commission to take over the regulation of pilots in Portland Harbor. While sometimes agreement was slow in coming, everyone worked hard and collaboratively, and LD 1874 reflects all of that input and attention.

About Portland Pilots. My name is Captain Calvin Klopp, President, Portland Pilots, Inc., a group of state-licensed sea pilots (licensed by the Portland Harbor Commission) responsible for navigating ships in and out of Portland Harbor. Additionally, I am also one of two Federal and Maine state-licensed pilots (licensed by the Maine Pilotage Commission) for the Kennebec River, responsible for navigating Bath Iron Works destroyers, and other vessels in and out of the river.

What does LD 1874 do? LD 1874 authorizes the Maine Pilotage Commission to assume oversight of pilotage operations within Portland Harbor. The bill ensures that all vessels requiring pilotage services in the harbor are subject to the Commission's regulations and safety standards. This provides a unified and consistent approach to managing pilotage services in Portland Harbor, ensuring that the highest standards of safety and efficiency are upheld.

Background of Pilotage in Maine. In Maine, there are two Commissions which oversee harbor pilotage, the Maine Pilotage Commission ("MPC"), which **oversees aspects of pilotage only** for every waterway in the State of Maine except the Port of Portland, and the Board of Harbor Commissioners for the Port of Portland ("PHC"), which oversees pilots operating in Portland Harbor. In addition to pilotage, the PHC is tasked with a tremendous amount of other harbor related issues including, but not limited to, marine construction permitting and dredging, mooring permitting, standards and fees, eel grass conservation, pollution mitigation, establishment of harbor lines within its jurisdiction, and employment and oversight of the Harbor Master and their deputies. Industry and commerce have

evolved significantly since the establishment of the PHC in 1917 (it was not until 1927 that pilotage was placed under their authority), with far more involved and time-consuming processes for everything the PHC oversees. Pilotage is no exception. Pilotage rulemaking, licensing, training, rate setting, and incident investigation, among many other things, requires a deep understanding of both the maritime shipping industry and the business of piloting.

The MPC's sole focus is pilotage, whereas the PHC has much broader responsibilities, rendering it difficult for the PHC to be able to provide the same focus and expertise on such a critical failure point of marine transportation and the supply chain. The MPC *"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; and 2 members representing the public who are not licensed pilots but have a maritime background."* Understandably, the MPC members have a deep and intricate understanding of pilotage services. On the contrary, the PHC only requires that, *"members should have familiarity with Portland Harbor and Casco Bay. Members must be able to become familiar with issues related to marine law and engineering such as: Vessel access rights, coastal zone management conflicts, piloting and maneuvering requirements, the effects of marine construction projects on the safe and orderly movement of vessels in Portland Harbor and Casco Bay."*

Discussion. There is a clear and evident difference in the required level of expertise and background that the MPC and the PHC membership requirements have as it pertains to pilotage, with the MPC membership criteria more individual on the MPC to be able to understand the operational challenges a pilot association faces both physically and financially. Likewise, the MPC has trained incident investigators and experts, should a vessel suffer a marine casualty while under pilotage, while the PHC does not. I would compare the makeup of the MPC members to that of the Maine Board of Licensure in Medicine, which *"consists of 11 individuals who are residents of this State, appointed by the Governor. Three individuals must be representatives of the public. Six individuals must be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and must have been actively engaged in the practice of their profession in this State for a continuous period of 5 years preceding their appointments to the board. Two individuals must be physician assistants licensed under this chapter who have been actively engaged in the practice of the profession of physician assistant in this State for a continuous period of 5 years preceding appointment to the board. A full-term appointment is for 6 years."* The Maine Board of Licensure in Medicine is overwhelmingly and understandably made up of individuals licensed to practice medicine, like the MPC which is made up of licensed pilots and industry professionals. It only makes sense to have experts licensing and overseeing the training requirements of other individuals who work in fields where there is a potential for a loss of life or environmental catastrophe.

It is evidently challenging for the PHC to maintain qualified individuals, with five resignations in a five year period, while it is understandably easier for the MPC to maintain qualified individuals, as they are gubernatorial appointees from throughout the State resulting in a much larger pool of people than the cities of Portland and South Portland alone. Such significant turnover at the PHC has made it challenging to maintain continuity and understanding of pilotage issues that go before the PHC, resulting in arduous and overly time-consuming processes associated with pilotage oversight. As an example, the PHC took nearly six months and 16 meetings to adjust pilotage rates in 2024, whereas the

MPC more efficiently reviewed and adjusted rates in two other Maine Ports in two meetings followed by a standard 150 day waiting period where the State reviews the process.

The efficiency of the MPC is due in part to the expertise of its members, but also due to the fact that they utilize both a hired professional administrator who is a maritime expert on pilotage issues, and a member of the Attorney General's office, to oversee every meeting and ensure that the MPC is carrying out each process correctly. At the same time, there has not been a PHC member with maritime shipping experience on the PHC for several years.

This bill represents a positive step forward for the oversight of pilotage operations in Portland Harbor. Over many years, the MPC has expertly and efficiently overseen pilotage everywhere in Maine for decades, and that same positive experience will serve Portland Harbor well. Goods entering Portland Harbor benefit the entire State of Maine, not only the cities of Portland and South Portland.

Amendment to LD 1874. I want to take a moment to address the sponsor's amendment put forward by Rep. Crockett at the outset of the public hearing. After working with the Portland Harbor Commission, we understand that they sought two changes to the bill: (1) ensuring that rates set by the MPC are "just and reasonable," and (2) that a seat on the MPC be representative of the cities of Portland and South Portland. We appreciate this input, and we are supportive of both the input and the amendment by Rep. Crockett that addresses these two issues.

Conclusion. On behalf of the Portland Pilots, we 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. Portland Pilots respectfully requests you to **support** LD 1874.

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.