

# MAINE STATE LEGISLATURE

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insurmountable costs and they just don't have the money on which to live, they are more likely to sell their home and leave rather than stay until they are evicted or until there are many tax liens on the place. So, I would hope, just as a gesture, that we will move this bill along. It doesn't do very much, but I think it is better than nothing.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Possibly there is a little confusion. This is not the entire bill. All this is is just amending that last paragraph in the bill to make it a little more palatable, that's all. The bill is the way it was originally written, except for the last paragraph under Section 659. What this really does is take away that six per cent interest charge on it.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I guess I more or less have to agree with most of what has been said here by everyone who has gotten up and talked on this bill. Everybody says you have got to do something for the elderly in the matter of tax relief.

I am going to vote against this bill and I am going to vote against the amendment for the reason that everybody says you ought to do something but we are not willing to raise any money to do it. So, I think we are dodging the problem, and we are not solving it by saying that you are just going to postpone the day of reckoning when the tax is going to be paid. Instead of facing up to the situation, as so many people say, we agree that something ought to be done, but we are just not doing it and we are dodging it by using this system. So, I am going to vote against it. I recognize that it may be doing something a little better than what ought to be done, but I still feel we ought to go back to the initial question and do the job that ought to be done in the first place.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Please, I hope you will keep this bill alive. If we can come up with something better, I am all for it and I will vote for it, but until we do I dislike to see this measure discarded.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B" to Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax." As many Senators as are in favor of adopting Senate Amendment "B" will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed and Senate Amendment "B" was Adopted.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.  
Sent down for concurrence.

The President laid before the Senate the sixteenth tabled and specially assigned matter:

Bill, "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine." (S. P. 338) (L. D. 1136)

Tabled—June 3, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

Mr. Beliveau of Oxford then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-221, was Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: It has been some time since I rubbed elbows with a master of a vessel or the pilot, and I don't have a personal interest in this bill or possibly in the amendment, but as this amendment appeared on our desks this morning, in reading it over and trying to relate it to the bill I got a little bit lost. But one section that does come clearly through is Paragraph 107: "Whenever a master of any vessel shall convey any licensed pilot to sea under circumstances

beyond the control of said licensed pilot the master of said vessel shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months." Well, this is fine for the pilot, but what happens to the poor master who takes the pilot to sea beyond his control. If weather conditions or sea conditions are such that the master cannot let the pilot off the ship, should he be imprisoned or fined because this is beyond his control?

This is only one feature of it. Consequently, I would be opposed to the amendment as I am opposed to the bill. The bill certainly is created and sponsored by a self-interest group. It is my understanding that in the harbor of Portland today there are five licensed pilots. For a person to get a license to pilot in the harbor of Portland there is a fee of some \$50,000 connected. The gentleman asked me the question "What?" I said I understand that to receive a license in the harbor of Portland today it would cost in the area of \$50,000.

I feel that this bill is designed to do the same thing in Penobscot Bay. It would create a very remunerative position for a few people. I don't think it is in the best interests of navigation or the best interests of the State of Maine, and I would move that this bill and its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that Bill, "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine" and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I am in somewhat of a quandary. The purpose of my amendment was to try to delete some of the objectionable portions of the bill. You will recall last week that I was as opposed to it as Senator Cianchette is, and I am still opposed to it.

I have before me a schedule of the fees charged by the Penobscot Bay and River Pilots' Association, doing business as Penbay Pilots. I inquired as to just exactly what their fees are to see to what extent they would benefit from this.

I agree with everything that Senator Cianchette said. My amendment, as I proposed it, would delete or strike out those portions as to liability for fees because of the obsession with the fee problem in this bill. The section that the Senator referred to, Section 107, strikes out the pressing one, because in the bill it would provide for a \$75 per day payment to the pilot if he is taken out to sea. I felt that the pilot should not benefit from this. If the master was in error then there should be criminal sanction as we provide in so many other areas.

I want to read to you some of the fees that are charged in Searsport and Bucksport for pilotage fees. For instance, from Searsport or Bucksport to South Brewer and out, including all docking, a minimum fee of \$600. Dead-weight tonnage, apparently this refers to, for vessels under 10,000 tons; in Searsport there would be a fee of \$140, and Bucksport \$160. For vessels under 50,000 tons, from 40,000 to 50,000 tons, there is a minimum fee of \$310 for Searsport, and \$330 for Bucksport. Standby or lay time, \$10 per hour.

Now, apparently, as I rationalize this and think about this, if this bill were adopted it would mean that every vessel that enters Penobscot Bay or Penobscot Harbor would have to be accompanied by a pilot and, of course, this rate schedule would apply.

To conclude, I would support the motion of Senator Cianchette, and hopefully we can kill it all. If we kill the bill itself then we can avoid many problems. If we can't kill the bill, then I will go back to my amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have done a little

studying on this bill since the debate on the acceptance of the report. I think that Senator Believeau's amendment does not get into what I consider the many features of the bill that just absolutely must be revised if the bill is going to be acceptable to everybody and be a working document.

I quite frankly feel that this can best be accomplished in the other branch, and I would suggest that we put on this amendment, which I don't like, and send it to the other branch in disagreement, and I think that there it can either be properly revised completely or killed. I would hope in this spirit that you vote against Senator Cichette's motion.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I would like to remind this body that there is nothing unusual about this bill as it would apply to ports around the world. I would like to remind the body that the pilots do provide an expensive boat in which they must travel to and from these ships to meet them at the harbor entrance in severe weather, and the Association is under considerable expense.

I would like to remind this body that in the essence of safety of our shorefront that we should maintain, and these harbor pilot groups and associations do maintain a high standard within their ranks to insure safety and provide the best qualified pilots available.

I would also like to remind the body here that those who are footing the bill are in complete accord. The insurance companies are in complete accord. The maritime interests, Captain Speer of the harbor pilots, and those of other maritime repute of the area are in complete accord, and I personally would hate to see this bill defeated. I concur that perhaps there are inequities in it. I think they can be corrected. I don't consider them too serious, and I would certainly hope that the motion to indefinitely postpone does not prevail.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I would like to remind the Senate that the distinguished Senator from Cumberland, Senator Gordon, speaks from the vantage point of considerable experience as a merchant seaman.

This is a serious matter. My understanding is that the ship-owners who are going to foot the bill for this want it. They want pilotage.

This was not a pilotage situation, but down in Great Bay we had an oil barge break loose and pile up against one of the bridge pilings. The Bay is now closed indefinitely to the harvesting of shellfish. Should such a thing happen in Penobscot Bay, I think we could very well rue the day that we let this bill go down to defeat. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: Perhaps I should for the record point out a few things here. I believe the distinguished Senator from Oxford, Senator Believeau, said that all vessels going in and out of Penobscot Bay would require pilotage. I would make specific reference to Section 86, and it says: "Every foreign vessel and every American vessel under register with a draft of nine feet or more entering or departing from any port or harbor within the waters," etc. Now, this term "foreign vessel" does not apply to private yachts owned by people in Oxford County, Penobscot County, or even Aroostook County. These are foreign vessels outside of the United States, not just outside of Penobscot Bay. It does not apply to American vessels under charter; only foreign registry vessels registered and American vessels under registry.

Now, the fact was brought out of the fees, and the good Senator from Oxford and I discussed that matter. It is not a case of a pilot going aboard a vessel to escort it out of Penobscot Bay. When he gets out to the limit there has got

to be some provision made to pick that pilot up. It means a boat, and it means at least one man to go out there, regardless of the hour, day or night, to pick that man up, and by the same token, when a loaded vessel is coming in, to go aboard to pilot that vessel into port. So, those fees actually are not exorbitant when you consider the other expenses that the pilot and his association must provide themselves with. They are not getting rich by this particular act.

It has been pointed out that this bill would provide for just a few people, that it would benefit only those pilots in Penobscot Bay. I would point out to you that this pilotage bill would be beneficial to every community bordering on Penobscot Bay in the case of an accident and spillage of several thousand gallons on Bunker C oil on the waters of Penobscot Bay.

The shipping companies are just as much interested in this bill as the people in the towns bordering Penobscot Bay. If they are willing to pay these fees for pilotage and for docking — and I might add that a docking fee is charged, regardless of whether they are brought in by a licensed pilot or whether the captain of that vessel brings the boat in, but a docking fee is charged regardless. So, the fee, as has been quoted, of \$600 is not \$600 which the pilots are going to get. That \$600 includes the docking fee, which is quite substantial. I do not have that figure right at the end of my tongue, but it is quite a substantial docking fee which they must charge.

This bill is designed to protect the people traveling on the waters of Penobscot Bay in private vessels, people on the windjammer cruises, the passengers on the Maine Ferry Service, and it is designed to protect the waters and the shoreline of that bay. Now, you might say well, they have never had it before. We have never before had the amount of traffic in Penobscot Bay. We have never had deep - draft vessels coming in with hundreds of thousands of gallons of Bunker C fuel oil up the bay. We have not for years and

years had the water traffic on Penobscot Bay. Now, if we are going to live in the dark ages of no vessels coming up the bay with oil, then let's live in the dark ages of some of the other measures which we have passed and which by their very arguments say this is 1969 and we must change our archaic systems. It is an archaic system that we did not provide pilotage over the years in Penobscot Bay. Now, through the increased traffic, both private individuals and traffic of deep - draft oil vessels going in and out of Penobscot Bay, it is necessary that there be experienced men on those vessels for the protection of all concerned, and not for the express benefit of four or five pilots.

Now, this is not a closed corporation. Any one of the members of this Senate can become a licensed pilot on Penobscot Bay just the same as any one of the members of this Senate can become a lawyer if they want to study and pass their examination. This is the same thing with these pilots.

I hope that the motion to indefinitely postpone fails and that you will give this bill its proper passage.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: In the last few minutes it has been brought to my attention that there is considerable work being done in the other branch to correct this bill. I am willing to allow that to be done to see if the bill may be corrected to the point where we could go along with it. So, consequently, I will withdraw my motion to indefinitely postpone.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, withdraws his motion to indefinitely postpone the bill. Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

Thereupon, the Bill, as Amended was Passed to be Engrossed.

Sent down for concurrence.