

STATE OF ALASKA
BOARD OF MARINE PILOTS

DRAFT

Minutes of Meeting
February 17, 1981

By authority of AS 08.01.070(2) and AS 08.04.040, and in compliance with the provisions of AS 44.62, Article 6, and AS 44.62.310, a scheduled meeting of the Board of Marine Pilot Examiners was held on February 17, 1981 in the 3rd Floor Conference Room of the Sealaska Plaza in Juneau, Alaska.

Present and constituting a quorum of the board were:

Mr. Ken Peavyhouse
Mr. William Barrington
Captain Jack Maroni
Captain Donald Oldow
Mr. Marvin Taylor
Mr. Harry Treager, designee of Charles R. Webber

Mr. David V. George was absent, but had indicated he would be available by phone and would attend the hearing on proposed regulations.

Guests present were: Captain Harley Clough; Captain Jim Wright; Captain A. J. Joslyn; Mr. Joseph Merrill; Mr. David Enroth, Mr. Laurence Aloisio, and Mr. Bob Berto.

Also present were Lisa Julian, Licensing Examiner, and Marjorie Odland, Regulations Specialist, from the Division of Occupational Licensing, Department of Commerce & Economic Development.

OLD BUSINESS

Minutes of December 9, 1980 Meeting: The minutes of the December 1980 meeting were reviewed. On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to approve the December 1980 meeting minutes as read.

Review of Corrected May 1980 Meeting Minutes: Approval of the minutes of the May 8, 1980 meeting was tabled at the December meeting until corrections were made. The corrected minutes were reviewed, and on a motion duly made, seconded and carried unanimously, it was

RESOLVED, to accept the May 8, 1980 meeting minutes.

Comments by Director: Mr. Harry Treager advised the board that he and David George had met with Representative Hurlbert's Administrative Aide, Ken Spray, to discuss and clarify the "Position Statement" submitted by the Marine Pilots' Subcommittee on Training.

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Michael Spence: Captain Spence was unable to attend the examination given in December 1980 and had, at that time, sent a telegram advising the board to that effect. His letter of January 28, 1981, in which he requested approval to take the exam at the spring meeting, was reviewed by the board. On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to approve an extension of Michael Spence's temporary license until the next examination.

NEW BUSINESS

Roger Swett: Roger Swett's petition for reinstatement of his license was reviewed. Captain Swett's license #0004 had been suspended for a period of one year effective January 1, 1980. Mr. Treager noted that Captain Swett had petitioned in accordance with AS 44.62.550, which requires the Attorney General be notified of the petition for reinstatement. After discussion, and on a motion duly made, seconded and carried unanimously, it was

RESOLVED, to approve the reinstatement of Roger Swett's license upon the condition that notice is sent to the Attorney General and the Attorney General has no objection.

Susan Burke, Assistant Attorney General, joined the meeting and was informed of the board's resolution to approve Captain Swett's reinstatement. She advised that the Attorney General has no objection to the reinstatement of his license.

William Johnson: Captain Johnson's letter of January 9, 1981, in which he requested the recent trip requirements for reinstatement of the Southeast Alaska portion of his license was reviewed. Captain Maroni explained that, in 1978, many pilots could not qualify under 12 AAC 56.080(b)(1) for renewal of certain areas of licensure. Captain Johnson did not qualify for the Southeast Alaska portion of his license.

It was noted that 12 AAC 56.080(b)(3) provides that a licensee who has not worked during the last two biennial periods, in an area for which he was licensed, shall petition the board to determine that he has sufficient knowledge and experience to resume pilotage in that area.

Captain Maroni said he believes Captain Johnson is knowledgeable and experienced in Southeast Alaska and he should be required to make two complete round trips through Southeast to qualify for reinstatement.

Mr. Taylor said he believes Captain Johnson, or any other pilot in the same situation, should be required to be reexamined for that area.

After discussion, and on a motion duly made, seconded and carried unanimously, it was

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RESOLVED, Mr. Johnson be notified to make two complete round-trips on the main ship channels in Southeast Alaska as a requirement for reinstatement of the Southeast Alaska portion of his license and he should provide verification to the board.

At 10:35, and on a motion duly made, seconded and carried unanimously, it was

RESOLVED, to recess the board meeting and hold the public hearing on proposed regulations.

Mr. David George joined the meeting and Mr. Peavyhouse turned the chair over to him with the concurrence of the other board members.

At 3:30 p.m., after the public hearing, the board meeting was reconvened and Mr. Peavyhouse took the chair again.

Amended Tariff: On a motion duly made, seconded and carried, five to two, with Mr. Treager and Mr. George opposed, it was

RESOLVED, that, effective March 1, 1981, the board's order of September 9, 1980 is amended to eliminate the reference for pilot boat fees without any change in scheduled tariff fees. It is further ordered that, in the public interest, the tariff rates will not be reviewed before October 1, 1982 for Southwest Alaska.

Executive Session: The board went into Executive Session to hear the investigator's report presented by Richard Long, Chief Investigator for the Division of Occupational Licensing.

The board moved back into open session, and, on a motion duly made, seconded and carried unanimously, it was

RESOLVED, the secretary should obtain from Mr. Long, the information on cases recommended to be closed and make it part of the minutes.

The list of closed cases is as follows:

MP 80-0028 (by compliance)
MP 81-0015 (by prosecution)
MP 81-008 (by prosecution)
MP 76-6352 (by prosecution)

Seven cases were old cases previously closed, but inadvertently left out of the minutes. Those cases are as follows:

MP 79-0023	MP 80-0082
MP 79-0024	MP 76-6349
MP 79-0139	MP 76-6051
MP 80-0035	

Accident Reports: Two accident reports were reviewed.

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John Cunningham: A letter from James D. Gilmore, attorney for Captain John Cunningham, in which a casualty was reported to have occurred on December 24, 1980, was reviewed. As was noted, the vessel was under enrollment at the time and the Coast Guard is investigating the incident.

On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to keep a copy of this report in Captain Cunningham's file.

Walter Schubert: Letters from Captain Schubert and James D. Gilmore, Mr. Schubert's attorney, were reviewed. Captain Oldow remarked that he felt the letters did not provide enough information and Mr. Treager was appointed to write to Captain Schubert and request additional information and advise him if a letter was not received, he would be asked to appear before the board.

Senate Bill No. 31: Senate Bill No. 31 was discussed.

Section 1; AS 08.62.040. Captain Harley Clough said that the Southeast Alaska Pilots Association supports the bill. It was noted that the bill does not address who would be responsible for administering a pension plan, although the board would be required to finance it from pilotage fees. The board agreed that the intent of the bill was that the pilots associations would administer the pension plan and funds would be generated by the pilotage tariff.

Captain Maroni stressed the importance of establishing a pension plan to help attract new applicants.

Section 2; AS 08.62.170: It was unanimously agreed that the wording in Section 2 is not acceptable because it states, "the board has a lien...", and the board would like to see the entire section deleted or rewritten.

At 4:35 p.m., the meeting was recessed and reconvened at 3:00 p.m. on February 18, 1981, after a public hearing was held to hear testimony regarding proposed new and amended regulations.

(Regulations, as adopted below, are presented as Attachment A.).

On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to adopt amended regulation 12 AAC 56.010(b).

On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to adopt amended regulation 12 AAC 56.040(b).

On a motion duly made, seconded and carried 5 to 2, with Mr. Treager and Mr. George opposed, it was

RESOLVED, to adopt amended regulation 12 AAC 56.040(b).

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On a motion duly made, seconded and carried unanimously, it was
RESOLVED, to adopt amended regulation 12 AAC 56.110(1).

On a motion duly made, seconded and carried unanimously, it was
RESOLVED, to adopt amended regulation 12 AAC 56.120(a).

On a motion duly made, seconded and carried 6 to 1, with Mr. Treager
opposed, it was

RESOLVED, to adopt amended regulation 12 AAC 56.150.

On a motion duly made, seconded and carried 6 to 1, with Mr. Treager
opposed, it was

RESOLVED, to adopt new regulation 12 AAC 56.152.

On a motion duly made, seconded and carried 6 to 1, with Mr. Treager
opposed, it was

RESOLVED, to adopt 12 AAC 56.154.

On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to adopt 12 AAC 56.156.

On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to adopt 12 AAC 56.158.

On a motion duly made, seconded and carried unanimously, it was

RESOLVED, to adopt amended 12 AAC 56.180.

On motion duly made, seconded and carried unanimously, it was

RESOLVED, to adopt amended 12 AAC 56.190(1).

On a motion duly made, seconded and carried unanimously, it was

FURTHER RESOLVED, to adopt 12 AAC 56.190(2).

On a motion duly made, seconded and carried 6 to 1, with Mr. George
opposed, it was

FURTHER RESOLVED, to adopt 12 AAC 56.190(3).

On a motion duly made, seconded and carried unanimously, it was

FURTHER RESOLVED, to adopt 12 AAC 56.190(4).

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There being no further business, and on a motion duly made, seconded and carried unanimously, it was

RESOLVED to adjourn.

Submitted by:

Lisa Julian, Licensing Examiner
Approved by:

Chairman