

MASSACHUSETTS  
MARINE TRADES  
ASSOCIATION



May 16, 2005

Captain George Agganis  
Massachusetts Environmental Police  
251 Causeway Street 4th Floor  
Boston, MA 02114

Dear Captain Agganis:

On behalf of Mr. Larry Russo, the members firms of the Massachusetts Marine Trades Association and myself, please accept and extend our thanks to Mr. Barber and Acting Director Hanlon for being so generous with your time on Friday, April 29<sup>th</sup> during discussions relative to the use of marine dealer registration plates in the Commonwealth.

As a matter of follow up to that meeting, I am enclosing various materials, a summary of our understandings and the clarifications offered.

1. There is no limitation on the duration of time a “demonstration vessel” may be in the waters of the Commonwealth *provided* it properly displays dealer registration plates;
2. MMTA agrees to educate membership about the requirement that ALL demonstration vessels in the waters of the Commonwealth carry a marine dealer registration placard with the original certificate and decal on board;
3. MMTA agrees to remind members that in addition to a marine dealer registration placard, each vessel should prominently display dealership information;
4. MMTA agrees to notify its members that dealer placards are necessary for all vessels on display in the water (underway or not) and encourages members to apply to EPO for additional dealer numbers as may be necessary to cover their floating inventory;
5. MMTA agrees to remind membership that dealer registration placards are not to be used on marina/boatyard workboats;
6. MMTA and EPO mutually agree to review and propose a redraft as necessary of the Code of Massachusetts Regulations governing the use of marine dealer registration plates such that the regulations are more clear for both marine dealers and law enforcement officers;
7. MMTA agrees to serve as one of many reference sources to MA-EPO in their attempts to confirm the identity of legitimate marine trade businesses in Massachusetts;
8. MMTA agrees to draft and make available to its members in print and an electronic version a standard form, *Request For Marine Dealer Special Event Transport*, that may be used when dealers are “caravanning” vessels to a special event, rendezvous or boat show. Said form is to be transmitted to Captain Agganis as an official request to transport;
9. MMTA and MA EPO mutually agree to continue to work towards a reasonable means by which USCG documented vessels awaiting assignment of a number may be recognized as “registered” vessels. Such solutions may include the creation of a Temporary Registration that does not include titling. MMTA maintains that separating the registration process from

the issuance of a MA title is necessary to ensure the integrity of the chain of title and to prevent their being two, simultaneous negotiable instruments of title e.g., a state title and a federal USCG document.

As of the date of this letter, we have distributed notice to our member firms reminding them of the need to register each and every vessel that is on the waters of the Commonwealth. A copy of our ENews Briefing is attached.

Also included herewith is a sample document, *Request for Marine Dealer Special Event Transport* for which I seek your review and approval. If it meets your requirements, we will distribute the document to MMTA members, include a copy in the 2005 Boston International In Water Boat Show Exhibitor package and make an electronic version available for download at the boatMA.com website.

Enclosed for your use is the 2005 MMTA Membership Directory: as you cross reference your list of marine dealers, please note our membership qualifications on Page 72 that states that a Full Voting Member must derive 50% or more of their income from the marine industry. Finally please expect under separate cover a professional courtesy subscription to *Offshore* magazine that may serve as an additional source of dealer credibility.

Please advise when we may schedule a one hour meeting to further discuss the potential for a temporary marine registration to “cover” those boat owners who have USCG documentation in process and a second, separate meeting to jointly review the existing boat dealer CMR with an eye towards making it crystal clear for dealers, boat owners and law enforcement officers.

We are most grateful for this opportunity to meet with you and look forward to building on our cooperative professional relationship. Our member firms remain committed to the mission of the Massachusetts Environmental Police and to insuring safe, ready and lawful access to the waters of the Commonwealth.

Cordially,

Leona Roach  
Executive Director

CC: J. Hanlon  
D. Barber  
L. Russo  
G. Glavin  
M. Hayward

Attach: MMTA Directory; Sample Req. for Transport; MMTA ENews Briefing-May 2005;

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## **MMTA Meets With Massachusetts Environmental Police Regarding Dealer Plates**

On Friday, April 29<sup>th</sup> MMTA Director Larry Russo of Russo Marine and MMTA Executive Director Leona Roach met with representatives of the Massachusetts Environmental Police including Acting Director James Hanlon, Captain George Agganis of the Marine Theft Bureau and Dave Barber of the Registration & Titling Division to request clarity on some recent decisions regarding the use of marine dealer plates. As a result of these very positive discussions, MMTA wishes to clarify some regulations for members:

ALL vessels on the waters of the Commonwealth, whether underway or at rest at a mooring or dock, **MUST AT ALL TIMES** display a temporarily affixed marine dealer registration placard and original registration card together with identification of the dealer name and location e.g. a For Sale sign with dealer/broker contact information.

1. It has been a commonly held belief that the only time the marine dealer registration placard had to be displayed was when the boat was actively being demonstrated or sea trialed. **THIS IS AN INCORRECT ASSUMPTION.** If your inventory “floats,” it must at all times display the dealer placard, dealer identification and the original of the dealer registration in order to comply with the law that states every vessel on the waters of the Commonwealth shall be registered. There is no limitation on duration of time a “demonstration vessel” may be in the waters of the Commonwealth *provided* it properly displays dealer registration plates;
2. To accommodate the anticipated flurry of applications for additional marine dealer registration numbers to cover all floating inventory, EPO has reiterated that there is no limitation on the number of dealer plates issued per dealership provided the need is reasonably demonstrated and verifiable. For example, if you are a shore side dealer with an average of 40 boats in your inventory and up to 20 boats are on display in the water at any one time, you should request at least 20 dealer registration numbers for your dealership. If, on the other hand, you are an inland dealer that maintains inventory on land but may demonstrate or sea trial up to 3 vessels at one time, then you should have sufficient quantify to insure that all boats being demonstrated carry registration placards.
3. If you do not currently hold sufficient dealer registration placards to cover your inventory you should apply immediately for additional numbers for floating inventory. In the short term, if you require permission to transport multiple vessels at the same time under a single dealer registration, a form is available that may be faxed or emailed to the EPO notifying them that you are “caravanning” a fleet of boats to a particular event e.g. boat show, rendezvous, alternate sales location etc. Soon this form with instructions will be available for download at the MMTA Members Only website.

4. The Environmental Police reminds MMTA members that displaying dealer placards on marina./boatyard workboats is an inappropriate use of dealer plates. Dealer plates are exclusively reserved for those vessels being demonstrated for sales promotional purposes and should not be affixed to marina capital equipment. If you have a workboat, towboat or similar vessel, it should be registered and titled just like any other machinery or vehicle you employ in the course of doing business.

Going forward MMTA looks forward to continuing open discussions with the Massachusetts Environmental Police. In particular we shall continue to work with the EPO to review and redraft as necessary the Code of Massachusetts Regulations that pertains to the use of marine dealer plates in order to offer more clarity for the boat dealer and law enforcement officers alike. Similarly MMTA has agreed to assist the EPO in their efforts to weed out suspect entities that declare themselves as boat dealers who are not necessarily engaged in our business. Since the MMTA standard of full membership is that a business derive 50% or more of their income from the marine industry in Massachusetts, the EPO will consider whether the entity is an MMTA member among the criteria for determining if a business is actively engaged in the marine trades.

Finally, we plan future discussions with the EPO on the topic of vessels operating in the Commonwealth which have USCG Documentation number applications in process but who have not yet had a number assigned. Technically, without the USCG Documentation process complete and without being registered in the Commonwealth, the boater is operating an unregistered vessel and is subject to citation. EPO was sensitive to MMTA concerns that registering a vessel in MA pending the receipt of a documentation number who result in the issuance of a MA title that would be a second negotiable instrument of title. Having two ways to transfer ownership of a boat (USCG Bills of Sale and a MA title) would run afoul of the terms set forth by the lenders. Absent the Commonwealth's current ability to issue a vessel registration without simultaneously issuing a title, these boaters will continue to be at risk for citation. We look forward to working with the EPO in the near future and to arriving at a solution that may include the issuance of a "temporary" Massachusetts vessel registration that could "cover" the operation of a boat with a USCG documentation application in process.

Sincere thanks are due to the following members for their valuable insights and for providing important information prior to our meeting with the EPO. Marie Haywood of NE Marine Documentation Service, Warren Kelly of Baert Marine, Wayne Kurker of Hyannis Marina, Peter Maryott of Oyster Harbors Marine and Dave Nolan of Cape Yachts.



Commonwealth of Massachusetts

# Massachusetts Environmental Police

Headquarters

(617) 626-1663

251 Causeway St., Suite 101, Boston, MA 02114-2153 Fax: (617) 626-1605

George Agganis, Captain

## Request For Marine Dealer Special Event Transport

In advance of transporting a group of vessels by water to a specific event e.g., in-water boat show or owner's rendezvous for which sufficient MA Dealer Registration numbers are not assigned, special permission is required of the MA Environmental Police to "caravan" a fleet of vessels under the authority of the lead vessel displaying temporarily affixed MA Dealer Registration numbers.

To obtain such permission, complete the form below and send via facsimile to 617-626-1605 ATTN: Captain George Agganis, MA Environmental Police Headquarters, 251 Causeway Street, 4<sup>th</sup> Floor Boston MA 02114. Following receipt and approval, notice will be returned via facsimile to the number specified below.

EACH AND EVERY vessel in the caravan must carry a copy of this approved Notice on board at ALL TIMES FOR THE DURATION OF THE EVENT.

**Event Name:** \_\_\_\_\_

**Event Location:** \_\_\_\_\_

**Event Dates:** \_\_\_\_\_

**MA Dealer Name:** \_\_\_\_\_

**MA Dealer Registration Number:** \_\_\_\_\_

**Address** \_\_\_\_\_

**City, State Zip** \_\_\_\_\_

**Dealer Contact:** \_\_\_\_\_

**Dealer Telephone:** \_\_\_\_\_

**Return Facsimile Number:** \_\_\_\_\_

Vessel Mfg	<i>Description of Vessels to Be Transported</i>		Type	Primary Color
	Vessel LOA	Hull Identification Number		

Date Request Received \_\_\_\_\_

Date Request Approved: \_\_\_\_\_

Approved By: \_\_\_\_\_

