

May 12, 2015

Chairman Paul Schmid  
Joint Committee on Environment,  
Natural Resources & Agriculture  
State House, Room 473F  
Boston, MA 02133

Chairwoman Anne Gobi  
Joint Committee on Environment,  
Natural Resources & Agriculture  
State House, Room 513  
Boston, MA 02133



Re: HB 627 – An Act relative to boater safety to be known as the David Hanson act. - Support

Dear Chairmen Schmid and Gobi and Committee Members:

On behalf of the Massachusetts Marine Trades Association (MMTA), we urge you to support House Bill 627 to establish mandatory Boater Safety Education in Massachusetts, without changes to the key provisions in the bill. There can be no higher priority in boating than boater safety on the waterways. Sensible boater education laws encourage safe boating. Inflexible or impractical ones discourage boating. This is an excellent bill, devised after years of Massachusetts-specific dialogue with many stakeholders.

Established in 1964, the MMTA is the non-profit, statewide, representative body for over 1,200 marine trades businesses in the Commonwealth including boatyards, boat builders, marinas, boat dealers, retailers, repairers and marine industry professionals. Collectively our businesses contribute over \$2.0 billion in economic activity annually Massachusetts. Our purpose is to provide the framework for furthering the interests of the marine trades and the boating public through the promotion of boating, participation in legislation and professional improvement programs.

We have participated extensively in the development of this bill, over several legislative sessions. We support the current language in the bill, for the following reasons and with respect to the following particulars:

**Support from the boating public:** Massachusetts has an established history of hosting many providers of boating education, with programs provided by commercial and non-profit, non-governmental entities to those offered through government agencies.<sup>1</sup> Tens of thousands of people have participated and benefited from these training programs.

A recent survey conducted by the Boat Owners Association of the U.S. found that 88% of respondents were in favor of mandatory boater education. States that have implemented mandatory boater education report that they have experienced tremendous support from the boating public.<sup>2</sup> In addition, mandatory boater education is endorsed by the U.S. Coast Guard (USCG), the National Association of State Boating Law Administrators (NASBLA), the National Boating Foundation,

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<sup>1</sup> See, e.g., [www.discoverboating.com](http://www.discoverboating.com); [www.boatwise.com](http://www.boatwise.com); [www.boat-ed.com](http://www.boat-ed.com); [www.uscg.mil/reservist](http://www.uscg.mil/reservist)

<sup>2</sup> Massachusetts Environmental Police: Mandatory Boater Education – Rationale –Page 1; MMTA Archives, 2005 – copy attached.

the National Marine Manufacturers Association, the U.S. Power Squadrons and the USCG Auxiliary.<sup>3</sup>

**Massachusetts Benefits Most From State Defined Laws, Not Unfunded Federal Mandates:**

To be most effective, boating certification programs must be well tailored to the geographic and other conditions at issue, including economic and budgetary considerations such as who or what entities may offer satisfactory education programs and what the programs must contain. A state law is much more likely to best benefit Massachusetts than an ill-tailored federal mandate. According to the Massachusetts Environmental Police, a federal mandate would likely be extremely expensive and cumbersome to manage, and the USCG has acknowledged that each state is in the best position to implement such programs.<sup>4</sup> Local and regional considerations can best be developed and implemented at the state level, where local and regional needs and issues can be addressed.

MMTA participates in the American Boating Congress each year and monitors national legislation through associate national boating organizations. It is our understanding that the national trend is towards mandatory boating education, with at least 19 states requiring mandatory boater education and at least 17 states with a limited education requirement (usually targeting minors). Each of these laws has been enacted since 1988. Federal legislation is increasingly discussed to impose federal education requirements on states which do not have mandatory boater education requirements. In early 2007 USCG Aux passed a resolution supporting federal application of mandatory safe boater education for those states that did not have it already. We have worked hard to support Massachusetts in defining what works here and hope you will join us in this effort by passing this excellent state bill.

The following provisions in the bill are particularly important:

**Phased in requirements with respect to the age of the boater:** it is often counter productive and discourages boating to impose new educational requirements on people who have been boating for years, as they resist the mandate and overtax limited enforcement resources rather than focusing on the most pressing need of new, younger boaters. By phasing in the mandatory education requirement yet making available widespread education programs, people of all ages tend to get the boating education they need and enforcement resources can be targeted efficiently.

**120-day Post-Purchase Grace Period:** This bill respects the need to balance new education mandates with the seasonal economics of boat sales and allows new boat owners 120 days to secure the necessary mandatory boating education certificate. Other states around Massachusetts do not tax the sales of boats and our member businesses are already at a competitive disadvantage in trying to keep boating dollars and boating employment in Massachusetts. While we are strongly supportive of sensible mandatory boating education, this aspect of HB 627 is one of the provisions which make this bill sensible for Massachusetts.

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<sup>3</sup> Id, Page 2.

<sup>4</sup>Massachusetts Environmental Police: Mandatory Boater Education – Rationale –MMTA Archives, 2005 – Page 2

**Multiple Possible Providers of Boater Education:** Section 39 generally empowers and directs the Director of the Office of Law Enforcement (within the Executive Office of Environmental Affairs) to develop boating education programs which “shall be consistent with” standards of the National Association of State Boating Law Administrators. The all-important paragraph 6 of Section 39 of HB 627 also empowers and directs the Director to evaluate and approve other boating safety courses which also meet NASBLA requirements. With Massachusetts’ long, respected history of hosting many different venues and programs for good boater education, and the constant budgetary constraints on government entities, it would be a serious mistake to limit mandatory boater education programs to government providers only. Please retain this important paragraph as the bill progresses through the legislature.

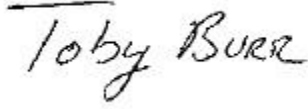
We also note supportively that the bill carefully does not hamper transient boating, which is both a cultural tradition and an important economic contribution in Massachusetts, and that the bill is quite clear about the penalties for non-compliance, something which MMTA advocates as a constitutional and basic fairness necessity in all enforcement matters.

The recreational marine industry contributes positively and significantly to the economic strength and quality of life enjoyed in Massachusetts. The ‘business of boating’ provides jobs, economic opportunity, public access to our precious waterways, improves aesthetics of inland and coastal waters and supports environmental stewardship while promoting a family-friendly form of recreation and tourism. With 186,000 state and federally registered vessels and 1 million anglers in the Commonwealth and over 5 million residents living within 10 miles of the ocean, any negative impact on the stability of the marine trades (economic, regulatory or others) has the potential to negatively affect millions of citizens and visitors.

The Association and its 300 member firms also seek to stem the exodus of recreational boating businesses from the Commonwealth and the loss of waters-edge usage for recreational boating purposes. The Association acts as a source of information about recreational boating and boating businesses for the general public, via its website at [www.BoatMA.com](http://www.BoatMA.com); for the Massachusetts Legislature, where the Association is a frequent participant in public hearings and in the 50-member Legislative Boating Caucus; and for executive branch agencies, the MA Federal delegation and authorities with regulatory and economic development responsibilities.

On behalf of the entire membership of the Massachusetts Marine Trades Association, thank you for your service and your consideration of our **strong support of HB 627 as currently drafted**. Please do not hesitate to call on us should the committee wish to request additional information on this bill or on the business of boating in Massachusetts. MMTA is always available to discuss this and any other legislation. Please contact Jamy Buchanan Madeja, Esq., MMTA’s Legal and Government Relations Counsel.

Respectfully Submitted,

A handwritten signature in black ink that reads "Toby Burr". The signature is written in a cursive, slightly slanted style.

Toby Burr, President

cc: Representative Thomas Calter  
Representative James Cantwell  
Representative Josh Cutler  
Senator Harriet Chandler  
Senator Michael O. Moore  
Representative Susan Gifford, Co-Chairwoman, Legislative Boating Caucus  
Representative William Straus, Co-Chairman, Legislative Boating Caucus  
Senator Anthony W. Petrucci, Co-Chairman, Legislative Boating Caucus  
Senator Robert Hedlund, Co-Chairman, Legislative Boating Caucus  
Colonel James McGinn, Director, Massachusetts Environmental Police  
Captain George Agganis