

# MAINE'S FRESH AND SALT WATER PLEASURE BOAT SERVICE INDUSTRY BOATING BUSINESS WORKSHOP II

OCTOBER 29, 1973

Shawmut Inn, Kennebunkport, Mainellin, Radback John BA/ CAMPUS

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# Sponsored by

Maine Marine Trades Association Maine Boat Builders and Repairers Association University of Maine Cooperative Extension Service

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MAINE'S FRESH AND SALT WATER PLEASURE BOAT SERVICE INDUSTRY BOATING BUSINESS WORKSHOP II October 29, 1973 Shawmut Inn, Kennebunkport, Maine

Edited by

Paul D. Ring Barbra McCandless

This workshop would not have been possible without the planning and arrangements made by the officers and members of the Maine Boat Builders and Repairers Association and the Maine Marine Trades Association. Members of the planning committee included: William Danforth, Frederic Felton, John MacDonald, Frank Luke and Paul Ring.

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## COOPERATIVE EXTENSION SERVICE

NIVERSITY OF MAINE . ORONO, MAINE 04473

Marine Laboratory Walpole, Maine 04573

October 9, 1973

To: Members of the Fresh and Salt Water Pleasure Boat Service

Industry

From: Paul D. Ring, Marine Specialist

Cooperative Extension Service

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Maine Marine Trades Association

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Re: BOATING WORKSHOP - October 29, 1973

Enclosed is a program and registration form for a joint meeting of members of the Maine Marine Trades Association, Maine Boat Builders and Repairers Association and all others interested in boating business management.

It is intended that the workshop be a forum: 1) to increase communication within the pleasure boat service industry in Maine; 2) to share common problems and practices in discussions with knowledgeable professionals; 3) to initiate, discuss, and formulate positions on new boating legislation for the betterment of the industry in Maine; and 4) to help produce a well coordinated environment for boating in Maine.

An attendance fee of \$17.50 per shop will cover expenses for shop registration, coffee, donuts and  $\underline{one}$  meal. An extra charge of \$7.50 will be made for each guest meal. Proceedings of the meeting will be mailed to all registered shops and interested citizens.

Registrations must be in to Fred Felton (address given above) by FRIDAY, OCTOBER 26 for meal reservations with the Shawmit Inn.

#### BOATING WORKSHOP

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#### WELCOME AND INTRODUCTION: WALTON BAKER

Our business organization is a member of both the Maine Marine

Trades Association and the Maine Boat Builders and Repairers Association.

We welcome you here on behalf of both organizations. Last year's meeting was such a success, that we thought we'd try it again. I think that this one will be equally successful. I would like to introduce our first speaker who is Bob Johnson, Director of the Bureau of Watercraft Registration and Safety for the State of Maine.

#### THE NEW MAINE BOATING LAW: ROBERT H. JOHNSON

Before I start in with my remarks on the new Maine Boat Law I would like to take this opportunity Walt, since you represent both organizations, to thank you very much for making me an honorary member of both the Maine Marine Trades Association and the Maine Boat Builders and Repairers Association. It was a very considerate action on your behalf and it's one that is accepted very gratefully on my behalf.

I would like to talk with you this morning in rather highlight terms concerning the impact of the new Maine Boat Law that was recently passed by the 106th Legislature. How it will affect you in your trade with the boating public.

I'm sure that you are all aware that when Congress passed the Federal Boat Safety Act of 1971 there were some radical changes and postures taken in the boating world of this country. There were several modifications made in our old Federal Act under which all of the states were in a partnership with the Coast Guard in promoting safe boating throughout the country. Many of these stipulations found their way into the state

government because under the ramifications of this act states had to adopt in principal, and verbatum in many instances, many of the concepts of the act. One requirement under the old 1958 Federal Boat Act was the registration of all motor boats in excess of 10 horse power to be operated on the waters of any state. Another stipulation was the improved standards pertaining to safety equipment on boats and the third was an accident reporting form. The Coast Guard carried out this law as the governmental administrator acting in liason with the states.

It was under this Act of 1958 that Maine in 1961 and 1962 took the initial steps to become a so called "federally approved" state by adopting these precepts of the Federal Act and to set up a state agency in order to manage boating activities. This act continued for approximately a decade here and in 1971 these other changes were brought into the picture.

One of the basic changes in the new Federal Act is mandatory registration of all motor boats operated on the federal waters of this country. Again, it also carries forward the accident reporting procedures. It has set up a whole new world of manufacturing standards and compliance by manufacturers with various safety concepts, so that the public is assured of getting a safe product of high quality. Several aspects of the law are presently being developed and will be incorporated as time goes on. States were given up to 3 years, until about August 1974, in which to make the necessary changes in their respective state boat laws to bring them in harmony with the new Federal Act.

In the 106th Legislature, legislation was introduced to amend the existing Maine Boat Law to harmonize with the new Federal Act of 1971.

Our act received very early consideration in the Legislature and was

adopted and signed by the Governor in mid-February of this year. The Act was turned over to the Coast Guard and I understand that Maine may have been the first state in the Union to have adopted the concepts of the new Federal Boating Act of 1971.

The Bureau of Watercraft Registration and Safety is in a state of transition at this particular moment. We selected the date of January 1, 1974 for these new requirements to go into effect. We had to have turn-over time in our office to prepare for the various new aspects of the law and not confuse it with an existing law that was in effect during the 1973 boating season in Maine. We didn't want to upset the public that much in terms of their meeting the various requirements of this law. At the moment we are going through this transition stage and everything looks green and go for this January 1, as I will report to you.

Maine has had up to the present time, under the old law, registered somewhere in the neighborhood of 50 to 55 thousand boats of over 10 horse-power. This is what we call our active registry. We are not absolutely certain as to what the increase will be when we go to registering all motor boats as of January 1, but we anticipate that it will probably double our registration level. I anticipate that after the first year or two that the law is in effect, when the public becomes fully informed of all the various requirements, we will probably reach the 90 to 100 thousand mark without too much difficulty. We've been able to gather from cursory surveys that there are a tremendous number of small horsepower motor boats being used in this state that have never been confronted with registration. At the moment our whole registration system is being redesigned through the services of our computer center in the State House to handle the number of registrations anticipated by this new

law. We're in a bit of a jumble at the moment but I'm sure that everything will work out and we will have everything all ready to go.

Under the new Federal Act there is a new procedure set up in which there is a so-called Boating Safety Advisory Council consisting of 21 public members throughout the country representing different interests in boating. The Council sits with the Coast Guard and they pass judgement on various regulatory procedures. The Coast Guard also has under the new act considerably more flexibility in making changes in modifications to various boating problems, boating administrative problems and boating standards problems as they occur. The Coast Guard evaluates these problems and comes up with new regulations.

At this point I would like to say a word of not necessarily caution but of information to you folks that are definitely interested in boating. I think that it's very beholding of you to watch closely the different types of regulations that are being proposed and the only way I know of to do this is to watch the Federal Register. At your last meeting you spoke about this need in terms of other laws like the OSHA Act and the impact it has on your businesses. Here is an opportunity for you as private individuals and persons interested in boating to voice your opinions during the development phases of various regulations that will have an impact on you. I get this material at the State House and I'll be glad to share it with Fred Felton your Executive Secretary, so that you will have access to it.

To date they have adopted a number of regulatory measures which have an impact on state boating laws. Largely these have been in the areas of registration to assure as complete uniformity between states as possible, and secondly, in the area of safety measures. Primarily in lifesaving devices or as they are now known "personal flotation devices" (PFD's).

Most of our new law material is at the printer's and we anticipate delivery sometime during November and early December.

I have several publications with me this morning. One of general interest which I am glad to provide in any quanity is on boating safety, "How to Stay Up and Not Drown." One is the new CG290 or the new standards of the Federal Boating Act. Even though the CG290 is a federal publication it shows what our new Maine Boat Law will be. Our boat laws must be uniform. Both federal and state standards must be the same. Another publication that the Coast Guard has printed discribes the new personal flotation device standards which I will discuss briefly with you. I also have a slip sheet that I prepared from our new Maine Boat Law which outlines the personal flotation device standards in a slightly different format.

Copies of the Maine Boat Law and the various applications that accompany the law will be mailed out to all boat builders and marine tradesmen in the state for your use and information as soon as the Bureau receives them. I respectfully ask that you destroy every other kind of form that you have in your office to register boats. The new form for applying for a Maine boat number has some red blocking areas on it. We made it dis-

MAINE APPLICATION FOR BOAT REGISTRATION NUMBER . (STATE OF PRINCIPAL USE) EXPIRATION DATE 12 / 31 / WOOD FIBERGLASS ALUM. STEEL TYPE O (SPECIFY) OPEN CABIN SAIL CANOE PROPULSION OTHER INBOARD INB/OUTB OTHER FUEL CAS DIESEL OTHER ORSEPOWER DUPLICATE
LICENSE "IF STICKER
STICKER SIGN BELOW 11. USE OF BOAT 10 MULL SERIAL NO HOUSEBOAT PLEASURE ŏ OTHER COMMERCIAL FISHING 13. OWNERS BIRTHDATE MO. DAY YES MAIL ENTIRE APPLICATION WITH CHECK OR MONEY ORDER ONLY (SEE FEES AT LEFT) PAYABLE TO: COMMERCIAL PASSENGER RENTAL 'ATABLE 10: TREASURER: STATE OF MAINE 14. CITIZENSHIP DEALER/MFR. OTHER OTHER TO: BUREAU OF WATERCRAFT RESIDENTS OF MARINE LIST FORM OF LEGAL RESIDENCE PRICHART RD. ON BOAT (IF AMY) REGISTRATION & SAFETY STAYE OFFICE BUILDING FEDE RAL BOTA 15. "I CERTIFY THAT VALIDATION STICKERS HAVE BEEN LOST DESTROYED DINER SIGNED: STATE OF MAINE

tinctive so that it would stand out. The necessary changes in the application information to register boats are all on here. When you get your supply, please take it upon yourself to destroy old boat laws and old applications that you may have laying around your office. It will produce a hardship on us if we get old applications and half of the information isn't on there, although you will find much of the information is identical.

In order to take full advantage of the computerization we will continue to send out renewal notices to those people who have registrations with us that expire. One of the basic concepts of the amended Maine Boat Law is that after January 1 any person who has a boat currently registered and the registration expires sometime after January 1, that license will remain in full effect and force until it expires. However, when you are to renew that particular registration with us you will have to comply with the new registration regulations. We will be mailing you a renewal form on which the permanent certificate is on one side. It will all be preprinted and mailed to you and should be returned to us intact with the appropriate fee which is still \$5.00 for the 3 year period. There is no change in the fee standard and we will return a validated permanent certificate to you as a boat operator to comply with the law. We will validate

CURRENT REQUIREMENTS

BOAT NUMBER

BOAT NUMB

APPLICATION FOR RENEWAL OF MAINE BOAT REGISTRATION

the permanent certificate and in all instances under the renewal program we will not be sending out a temporary certificate as we have done in the past. This is one way that we hope to cut down costs. However, when you apply for the first time for a boat number using this original application form there is a temporary certificate attached which we will validate and return to you because we do have to get you on record. This temporary certificate says you're in legal compliance to operate your boat and that you know what your boat number is and so forth.

Another new feature of the Maine Boat Law as well as the Federal Law is the addition of a validation sticker. Now we have in our Maine Boat Law a statement that says that in addition to displaying your proper boat number you must also display a validation sticker. When you register with us after January 1, 1974 we will issue you a set of validation stickers which is indicative of the date of expiration of your license. Our National Association has set up in compliance with the Coast Guard and every state, a validation sticker program which shows by color as well as by printed matter the expiration date of your boat license. Any boat whose license expires during the calendar year 1976 will have a red colored sticker whether you're from Florida, Washington or Maine. A license that expires in 1977 will have a blue colored sticker, a 1978 expiration would be an international orange, the 1979 sticker is green and then they will rotate back through the same colors again. Because of the fluid motion of boaters from one state to another it will give a very quick visable means of identifying the proper year of registration of the boats and will help eliminate a lot of unnecessary inspection by law enforcement agencies to check registrations. It will also expose those who don't comply with the law in registering their boats. We have

not been able to do this in Maine before because we've had a very complex system of expiration dates

I have told you that a license is good for a 3 year period, but in order to incorporate a sensible feature of validation stickers we have modified the expiration date so that you will get 2 full years up to December 31st of the second calendar year after the year the license is issued. In other words, if you buy a license after January 1974 you will get a set of red stickers on your boat which will show that your license expires December 31, 1976. Anytime you buy a license in 1974 you will get the rest of that year plus 2 full years so that all expirations will fall on December 31st of the particular 2 year period after registration. You will be issued a pair of validation stickers with your registration. On the reverse side of the application which will be your temporary certificate we have complete instructions on how to properly display your validation sticker and also how to properly display your boat number.

There has been a tremendous improvement in Maine over the years on the proper display of boat numbers, but even today you can find people who are extremely careless about this matter and consequently could be arrested on a minor infraction of the law. Very explicite instructions on boat number display will be going into the boater's hands when he gets his new registration. The validation sticker called for in the law must be placed approximately 2 to 3 inches after the suffix letter on both sides of the bow. I've been given all assurances that the validation sticker is equally as good as the sticker you put on your automobile license plates. It will last for the 3 year period and if you attempt to pull it off to stick it on another boat it will tear.

Now, I would like to discuss one of the new points that will affect you as dealers and tradesmen in buying and selling boats that are apt to be registered by other people. When a boat is sold or transferred in this state it is manditory that you report this information to us within 10 days so that we can rectify the registration records. Upon the sale of any boat by a person in Maine to another party it is the seller's responsibility to remove the validation sticker only. The only reason that you would remove the numbers on the boat would be if the boat is going to be documented, is totally destroyed or is to be registered in another state. Then the Maine number would no longer apply. So those are some of the highlights of the registrational changes.

There have been questions asked about what the definition of a motor boat is. A motor boat is described as any type of watercraft that is equipped with machinery as a mode of propulsion. The machinery can be attached to it, in terms of an outboard, laying in the cuddy like it is apt to in many small sail boats or in the bottom of a canoe. All these types of craft will have to be registered because they are motor boats when they are used with machinery for propulsion. The only craft that are exempt from registration are the pure sail and the pure manually propelled craft.

I would like to urge that when the application forms become available to you that you take every step to register them as early as possible. Early registrations will help reduce our work load during the summertime peak when we all get very busy. So if you have a craft in your ownership that you want registered, you may send the application in as soon as you get the necessary forms. We may not process them until after January 1, when we know that our computer system is set up properly.

We will return the license to you as early as possible.

I'd like to point out for you people that carry boat number and letter supplies that there are no changes in the display portion of the boat numbers. They are still standard. Assuming that we will be registering as many as 50 thousand more boats this coming year we will be issuing boat letters in the series ending with J. We will then go to the letter K, the letter L and then to the letter M - so if you want to keep supplies of the proper boat letters in your shop those will be the letters we will be using next year.

Another very important feature that has come into the picture on our application is the request for information on what we call the hull serial number in Maine or as it's also referred to as the hull identification number or the HIN number. You may recall our meeting last winter in Damariscotta when a gentleman came up from Washington to discuss the new Federal Act and manufacturing standards with you, the importance of getting this so-called HIN number from the Coast Guard. So that any recreational craft that is registered with us that bears at least a 1974 model year will have to have one of these HIN numbers. We're going to have to be very insistant that we get it and keep it on the records. Here again it has effect on compliance with other aspects of the Federal Boating Act regarding the reporting of manufacturing defects that might occur in various products from time to time. The HIN number is a 12 digit number with the first 3 digits indicative of the firm's name, plus a series of digits indicating the year and date of manufacture. I'd like to ask you that when you fill out these various applications be sure that you make some sort of entry in each one of the boxes that will give us every opportunity to get the license back to you with the least amount of delay. If no information is available to fill in a blank please put N/A (not applicable), unknown or something like this. This will occur on many of the smaller boats in Maine. We have a lack of genealogy behind some of the small boat ownerships. I'm certain some folks will not know the year of building or the builder.

Getting back to the lifesaving devices or PFD's as they are called. I've tried to outline on this sheet the standards for equipping your boat with lifesaving devices. The standards are based largely on

USE OF BOAT	LENGTH	REQUIRED TYPE OF PERSONAL FLOTATION DEVICE
Recreational: Pleasure or Rental, or Charter for non- commercial uses.	Less than 16 feet; and all cances and kyaks regardless of length.	Either a Type I, II, III, or IV for each person aboard.
	16 feet or longer	Either a Type I, II, III for each person aboard PLUS one Type IV device immediately available in boat.
Commercial:* Carrying passengers for hire	Any length.	A Type I device of suitable size for each person aboard.
Commercial Fishing and Commercial Barg	as C to 40 feet	Either a Type I, II, or III device suitable size for each person aboard.
	40 feet or longer	A Type I device of suitable size for each person aboard.
*All Commercial Use	26 feat or longer	Must carry in addition to above devices a Type IV ring buoy.
The table belo	w identifies the Coast Guard pes of personal flotation de	approval number for vices:
TYPES OF P.F.D.	NAME OF DEVICE	COAST GUARD APPROVAL NO.
Type I	Life preserver	160.002 160.003 160.004 160.005 160.055
Type II	Buoyant vest	160.047 160.052 160.060
Type III Type IV	Special Safety Buoyant Davice Ring life buoy	160.064 160.009 160.050
" " Type V	Buoyant Cushion " Work Vest	160.048 160.049 160.053

2 factors; the length and use of your craft. On the chart I have broken down in the first table those boats which are used primarily for recreational purposes; for pleasure, rent or lease and charter for non-commercial purposes. This sheet and the federal publication will be of help to you.

All lifesaving devices are going by type numbers. Type I, Type II and Type III are called wearable devices. The thrust of these new changes is to get people to carry and wear if necessary, the wearable type devices because we know that they are much more satisfactory. The other type of device is called a Type IV or throwable device. The buoyant cushion and the ring bouy are the traditional Type IV devices. If your boat is less than 16 feet in length you can carry any one of the 4 types aboard your boat. This will probably create a minor change for the owners of smaller size boats. They have their option of using any one of the 4 types. Again, the same standard applies in that there must be one Coast Guard approved device for each person aboard. If your boat is 16 feet long or longer and your craft is in use for recreational purposes then you are limited to carrying a Type I, II, or III device for each person aboard. The federal regulations say that in addition you must carry at least one Type IV device on the boat which must be immediately available.

A point here in measuring your craft - be sure you do not measure around the gunwales - be sure it is a straight line measurement from stem to the transom parallel to the water line of the boat. That's the correct way to measure your boat.

Commercial standards again are tightened considerably to the extent that they are incorporating wearable devices, Type I, II and III for all

commercial boat uses. In addition, commercial boats 26 feet long or longer must carry a ring bouy. On the bottom of the chart there is a conversion telling you the various type numbers, names and the Coast Guard approval numbers which appear on the labels of the devices so that you can identify the proper type in case there's any misunderstanding. I think it will take a few years before the manufacturers of lifesaving devices get the type numbers on all labels. So I hope this will prove of help to you as a guide and as I've said this will all be in the Maine Boat Law Book when it comes out.

There will be no change as far as our 10-day plate program is concerned for licensed Marine dealers. We will still continue to issue the 10-day plates to you - the price is the same, 50 cents a piece - and they can be used to issue temporarily to a person. I'd like to caution you here that when you issue a 10-day plate it is mandatory that you send us a registration application. Don't just send us the pink slip that goes with the 10-day plate and hope that somebody else will take care of the application. We should get that application with it because when you issue the 10-day plate you have put us on record as issuing a party a registration. In many instances we have never received an application from the party who has received a 10-day plate. What they've been doing in the meatime, I don't know! We've picked up a few of them and I know that there are others that we haven't.

There is another modification in the accident reporting form. We, until now, have had as a minimal requirement a \$50.00 estimated property damage. This has now changed to a minimum of \$100.00 estimated property damage to craft that are involved in accidents of one kind or another. These are some of the highlights of the changes that are coming about

in the Maine Boat Law. If all goes well we will do our best to get to you the new applications, registration forms and boat laws so that you can start to comply with the various requirements as of January 1, 1974.

Thank you very much.

#### QUESTIONS:

What category does a rental boat 15 feet long fit?

Pleasure. Indicate on the form that it is for rental. It is the operator's responsibility to see that the boat is equipped properly with PFD's.

What about large sail boats with wooden hulls that have to be sanded down each year?

The validation sticker could be sanded off each year or you can paint around it or mount boat numbers and stickers on a separate panel.

We can sell you a duplicate for 25 cents each.

If a boat comes from out of state and has repairs done and then goes right back, will it be exempt?

Yes, if registered outside of the state.





SALES TAXES AFFECTING THE BOATING TRADES: THOMAS S. SOUIRES

My talk this morning will be limited to a brief review of the Sales Tax Law as it affects the boat building industry and changes in the Sales Tax Law by the 106th session of the Maine Legislature which will affect boat builders. After this brief resume I will gladly try to answer any questions concerning sales tax which you may have.

When a completed boat is sold to a Maine resident or to a non-resident who intends to document his boat in Maine, and delivery is made in Maine, the 5% sales tax applies to the full sales price without allowance for trade-in.

When repairs are made to boats registered or documented in this state, the sales tax will apply to the price of materials used in the repair if the bill is broken down as to labor and materials. Otherwise, the tax will apply to the total price.

In the instance where the buyer purchases all material and contracts with the boat builder to construct a boat from the materials owned by the buyer, the builder would not incur tax liability with respect to the contract as he would be furnishing labor only. The buyer in this case would be liable for tax on the purchase of materials.

Under the so-called "Hinkley Type Contract", where the contract requires the builder to provide all materials and perform all work for the construction in accordance with certain plans and specifications - with title to the boat remaining at all times with the buyer and payment to be made for labor and materials as they are furnished - the sale of materials to the buyer would be taxable at the time they are appropriated to the job. The builder in such a case would be considered a retailer of the materials, charging tax to the buyer and reporting and paying sales

tax to the state.

The following transactions would not be subject to the sales and use tax:

- 1) Where delivery of the boat is made by the seller or common carrier to a point outside the state of Maine, tax will not apply.

  Delivery by water to a point outside the territorial waters of the state constitutes delivery to a point outside the state of Maine. An affidavit covering the out of state delivery should be completed and forwarded to the Sales Tax Division to support the exempt sale.
- 2) The sales tax does not apply to sales of boats purchased by nonresidents of this state even though the boat is delivered in the state, if the boat is to be sailed or transported outside the state immediately upon delivery and is to be registered or enrolled or documented in a home port outside this state. This exemption would apply to the sale of materials for construction of a boat under a "Hinkley Type Contract" as well as the outright sale of a boat. This exemption would also apply to materials used in repairing, altering, refitting, reconstructing, overhauling or restoring of a boat owned by a nonresident and documented, enrolled or registered outside this state.

An affidavit covering this type of transaction completed by the buyer should be forwarded to the Sales Tax Division to support the exempt sale. Both the affidavit form to cover sales to nonresidents and affidavits to cover out of state delivery may be obtained upon request to the Sales Tax Division.

I believe it is important that the difference between these two exemptions be noted. In the first instance, the fact that the boat (or other property for that matter) is delivered outside the state by the seller or common carrier prevents the state of Maine from imposing a sales

tax. This is true whether the purchaser is a resident or a nonresident.

In the second instance, the Sales and Use Tax Law specifically exempts sales to nonresidents of boats, materials under contract for the construction of a boat, sales of materials for repair, alteration, refitting, reconstruction, overhaul or restoration of boats that are documented, enrolled or registered for home port outside the State of Maine. This exemption applies only to nonresidents.

Although there were several changes made in the Sales Tax Law by the last session of Legislature, there was only one which I believe would affect boat builders. This is the exemption of new machinery and equipment for use by the purchaser directly and primarily in the production of tangible personal property for later sale.

This exemption applies to <u>new</u> machinery and equipment and <u>not</u> used or reconditioned machinery and equipment, <u>nor</u> to sales of machinery and equipment to purchasers who will lease rather than use the machinery and equipment themselves in the production of tangible personal property for sale. The exemption will not apply if the property produced by the machinery is not to be resold. The machinery must be used directly and primarily in production of tangible personal property for sale. This would not include activities in the procurement of raw materials or to storage of property after the manufacturing process has ended.

Those who build boats for later sale would be considered to be manufacturers or producers. However, repairing or reconstruction of boats or the building of boats from material furnished by the customer would not be considered manufacture or production. Where production machinery or equipment is used both for building boats for later sale and for repairs, alteration or construction of boats from customers

materials, the determination as to whether the machinery and equipment is used primarily in the manufacture of property for later sale will depend upon the time spent in each type of activity.





#### INTRODUCTION: WILLIAM S. DANFORTH

Ladies and gentlemen, I think it's time that we get started with the second session here this morning. The only excuse I have for being late this morning is this great big anchor. I couldn't break it loose.

Our next speaker is going to talk about introducing a bill into the Legislature and following it through. As some of you know we have introduced a great many bills on taxation to the Legislature. We've gone up to a hearing without very good representation quantity wise - we've had very good quality - but not the quantity. So we felt that it would be a good time to call on a man who is an expert in this trade of following bills through the legislative process. I'd like to introduce at this time Loyall Sewall.

# FOLLOWING THE PROGRESS OF A BILL INTRODUCED INTO THE LEGISLATURE: LOYALL F. SEWALL

I would like to very briefly start off by explaining the procedure of introducing a bill into the Legislature, and specifically how a tax bill has to be introduced. I also would like to give you some basic legislative procedures before we get into the details.

As you all know, we have biannual sessions of the Legislature, which is really a misnomer because that means we have a six-month session on odd numbered years and a four-month session on the even numbered years.

I have been working with the Legislature for some 13 years now, and we haven't missed a special session during that period.

During the regular legislative session, on odd numbered years, any legislator can introduce a bill. Quite often several legislators want

to introduce the same bill so that some bills are duplicates. When a legislator wants to introduce a bill he first takes it to the office of the Legislative Research Committee, and that office drafts the legislation by putting it into what is called Legislative Document form and assigns it a proper title and chapter number in the Revised Statutes. On a Legislative Document you need three things: you need first a title, which is supposed to have something to do with the body of the legislation, but in itself it can be very misleading. For instance there was a bill, the title of which was AN ACT to Prevent Pollution, but in fact provided for the sale of beer in kegs. The theory behind the title was that people who bought kegs of beer would not litter them on the sides of the highway, and therefore the bill became anti-pollution legislation. After the title you need the actual body of the law that you propose to be adopted, and then you need a statement of fact. The statement of fact at the bottom of the bill theoretically is a statement in layman's language of what exactly the bill will do. I personally think that the statement of fact can cause a lot of trouble. The statement of fact requirement has only been in effect a few years, and I am sorry to say what happens at the Legislature is that the average legislator, who is faced with well over 2,000 bills in a regular session, tends to read the statement of fact and ignore the body of the legislation. Quite often the statement of fact and the actual legislation can be quite dissimilar, and what the courts are going to do when they try to interpret a law in which the statute does one thing and the intent of the Legislature, as represented by the statement of fact, is to do another, I do not know. In any event you need a statement of fact on the bill and it is supposed to relate to the subject matter of the legislation.

After the bill is put in Legislative Document form it is signed by the legislator and introduced into the body of which he is a member. At that point it is given a House paper or a Senate paper number depending upon which body the bill originates from. I caution you, however, that the constitution provides that all bills raising a revenue must originate in the House of Representatives, and not the Senate.

The bill next goes to the Committee on Reference of Bills, which for all intense and purposes is legislative leadership, and that committee reports to the originating legislative body its recommendation as to the appropriate standing committee to which the bill should be assigned and suggests the printing of the bill. There are 21 joint standing committees of the Legislature, and it can be very important that the bill in which you have an interest is referred to a committee which is sympathetic to its aims; therefore, it is often very worth your time to speak to members of the Reference of Bills Committee, and attempt to get the bill that you are interested in assigned to an appropriate committee. Frankly there have been many cases of good legislation that has been killed because, for instance, a tax ends up in the Marine Resources Committee or some other committee that really isn't interested in it and there is no one on the committee to champion it's cause.

Also very often it is desirable to get the bill assigned to the committee that the legislator who has sponsored the bill sits on so that he can work within the committee structure to further its cause.

Now if this organization decided to introduce legislation it should first write the bill as technically accurate as possible, and then approach an individual legislator and request that he sponsor the bill for you. It is important that you pick a sponsor who has some interest in the bill

because while any legislator can introduce a bill it is important that some legislator take an active interest in its passage. Sometimes you can find a legislator who has a particular interest in the cause that the bill attempts to promote and obviously such a legislator would be an appropriate sponsor. However if there is no particular legislator that is obviously an appropriate sponsor you can always convince some legislator to do you a favor and simply introduce the bill. There is, however, one thing to worry about, and that is a legislative bill which is introduced "by request." Some freshmen legislators think that if somebody requests them to introduce a bill they should add the magic words "introduced by request" to the bill's heading. The truth of the matter is that a bill which is "introduced by request" is a bill in which the sponsor is quietly saying to the Legislature "I am really introducing this bill because I have a very strong constituent who I do not wish to turn down and who wants this bill badly, but I have no interest in it so please take me off the hook by killing it." "Introduction by request" can loosely be termed "the kiss of death." Quite often such a bill when it comes to the floor of the House will lose 151 to 1. It is important, therefore, that you don't have your bill "introduced by request."

In 99% of the cases the Legislature will take the recommendation of the Reference of Bills Committee; will order the bill printed; assign it a legislative document number and refer it to the Joint Standing Committee that the Reference of Bills Committee has suggested. Once this is done the bill will be referred to a joint standing committee which in virtually all cases will at some point schedule and hold a public hearing on it. I caution you that it is not a legal requirement, although perhaps through custom it has become one, that bills have public hearings. There

is nothing in the rules of the House, the Senate, the Legislature or the Constitution that makes a public hearing mandatory, but in virtually all cases they are held. A committee, such as the Taxation Committee, may well be faced with hundreds of bills all being assigned to them for public hearing, and it is up to the committee to schedule the dates for those hearings. The committees usually like to schedule hearings on bills dealing with the same subject matter for the same day, and there can easily be a hiatus of a number of months between the assignment of a bill to a committee and the public hearing on it. During this histus there are only two ways that interested people can keep track of the bill. One is to keep in close contact with members of the committee and the committee clerk to find out when the committee tentatively is intending to schedule the public hearing and the other is that in most cases the public hearing will be published in the paper. These hearing lists are always published in the Kennebec Journal, which has been designated the State paper. They are also usually published in the Portland Press Herald and the Bangor News. Again, because publication is not a legal requirement, you cannot be absolutely certain to learn of the nearing date by watching the hearing lists in the paper, and also as a practical matter they will not appear until a matter of days before the hearing is scheduled. A more practical way to get advance notice of the public hearing is through the Senate President, who as a courtesy about ten years ago started compiling mimeograph lists, which are available on Wednesday or Thursday of each week listing the public hearings scheduled for the following week. These can be picked up from the President of the Senate's office, and although this practice of publishing the list is done simply as a convenience to interested people, it can be very important to forewarn you so that you don't see in Sunday's

paper that the bill you are interested in is scheduled for hearing on Monday.

Once the bill is scheduled for a public hearing and the time and place for the public hearing set, the public is asked to come before the committee and testify about its feelings on the proposed legislation. The usual procedure is that the proponents will speak first then the opponents will be asked to testify with rebuttal from both sides scheduled at the end of the hearing. Additionally in some cases there may be witnesses who do not wish to be either proponents or opponents, but simply give information to the committee, this is quite often the position taken by state departments, and they will be allowed to testify as neither for nor against at the end of the hearings. Some of these hearings are very technical, straight-forward and valuable, and some of them, when you get into very emotional areas, really do not produce much information as to the merits of the proposition. One very basic mistake, in my opinion, that organizations and groups make is that they think they can come to the public hearing, give a hellfire and brimstone speech, then go home and the Legislature in its wisdom will take care of their problem for them. This simply does not happen on a bill of any importance. If, for instances, your organization wished to introduce a bill lowering the excise tax on boats, that bill would have to have, because it would be a loss of revenue measure, a price tag on it. It, therefore, would say that the estimated loss in state revenues is X dollars. Now as you can well imagine, many special interest groups are in proposing legislation to take taxes off something, which will have the net result of decreasing state revenues. On the other side of the coin, however, the Appropriations Committee and other legislators are equally adamant in trying to keep from

enacting any tax increases. You can count on the fact that if you have a bill that is going to cause a revenue loss that forces are going to come to bear to make up that revenue loss by a revenue increase in some other area. Should, for instance, the Taxation Committee be sympathetic with taking the excise tax off boats they might well attempt to off-set the revenue lose by increasing the tax on cigarettes or beer. Once this word gets out the cigarette and beer lobby will swing into action and attempt to kill the bill to remove the excise tax on boats simply as a means of preventing a tax increase on their particular product, and those people. through their lobbyists, will be out attempting to kill your tax relief bill at the same time your organization is at home basking in the glory of a wonderful presentation that it made before the committee. In many cases, therefore, legislation sponsored by an organization such as yours can be killed by forces which would have had no interest in the legislation, but for the fact that their particular ox would be gored to make up for the revenue loss. In many cases it's similiar to the lady who has been faithfully applying skin cream to her face all her life so she will look youthful at the age of 65. It's impossible to test the results until she arrives at that age, but she doesn't dare give up the procedure. The same is true with a tax bill; you won't know until the last night of the session when they "cut up the pie" whether or not the bill will receive passage, and by that time it's too late to revive it. This is true because bills affecting revenues will not be enacted until the last night of the session, and will sit on the Special Appropriations Table of the Senate until that time. On the last night legislative leadership will make the decisions as to which bills will pass and which bills will be killed, and they will do what we call "peel the table", which means that

the Chairman of the Appropriations Committee will rise to his feet and kill hundreds of bills in a matter of half an hour, and it can be a great shock if your bill is one of them.

Assume now for a moment that your revenue measure is reported out of committee, it will first go to the body which initiated it, which is the House of Representatives in this case.

If your legislation receives a unanimous "ought to pass report" from the Taxation Committee, it will then go to the House and go on what is called the Consent Calendar. If no objection is made to its placement or retension on the Consent Calendar by any member of the House, it will remain there for two legislative days and will be considered as "passed to be engrossed" at the end of that time. If, however, it is a unanimous "ought not to pass report" under joint rule 17a, the bill will be, after notification of the report to both houses, placed in the legislative files, and automatically killed. In the event of a divided report with certain members reporting a recommendation "ought to pass" and others a recommendation "ought not to pass", then the floor is open for a motion to accept either the "ought to pass" or "ought not to pass" report on the bill. If the motion to accept the "ought to pass" report is accepted, then the bill will be given its two readings in the House, passed to be engrossed, and then sent to the Senate where that body, if it accepts the "ought to pass" report, will follow generally the same procedure and the bill will move on to enactment by the House, but will be held up just prior to enactment by the Senate by placing it upon the Special Appropriations Table to await its fate the last night. Should it ultimately be enacted by the Senate, it will then be sent to the Governor who may sign it or within five days veto it. If the Governor does neither the bill will after five days,

Sundays excepted, become law without the signature of the Governor.

The process I have described above assumes that our bill runs its legislative route without hitting a snag, and as I am sure you are well aware, this is very seldom the case. Not only can a bill, which has been favorably reported by the House be rejected by the Senate, but both bodies can amend the bill, which sends it back to the other body until both the House and Senate are in concurrence as to the entire matter.

A bill, therefore, can literally flop back and forth between the two legislative bodies in non-concurrence. Either body can insist upon its former action and request the other body to join in a Committee of Conference or can Adhere to its former position, which is an ultimatum to the other body that if it does not agree with the body Adhering the bill will be killed. In some cases, even if both bodies agree to participate in a Committee of Conference, the conferees will be unable to agree and the bill will die in that body.

During this legislative process timing can be very important as far as mustering the necessary votes is concerned. Any member can table in either branch and, especially early in the session when there is little problem in tabling, this can be a very important tool. Presumably you have taken a head count and you know how many votes you have in the Senate and how many votes you have in the House in favor of your bill. However there is always that morning when you are confident you have the necessary votes that you arrive upon the third floor to find that fifteen of your votes have gone to a women's legislative conference and will be absent. When that happens you have to get the bill upon the table or it may be dead before your votes return. Because of this type of unexpected crisis in order to shepard a bill through its legislative process it is vitally

important that someone be there prepared to have a nervous breakdown every morning. There is simply no way of getting around the fact that you must be on the scene, you've got to be watching the bill at every step and you've got to be protecting yourself at all times.

In our office we have always told the story about a very brilliant gentleman who was a very fine lawyer. He for years made the fateful mistake of coming to the public hearing and presenting a U.S. Supreme Court argument to the legislative committee that really didn't understand him; and then proceeded to go home expecting the Legislature to have absorbed his logic and reason and thus enact his legislation. While his argument was brilliant his record of success was not, because his opposition would simply line up their votes against him and shoot his bill right out of the water while he wasn't in the legislative corridors. All is fair in love, war and the Legislature.

Sheparding a bill through the legislative process is something that any one of you can get involved in, and I cannot emphasize enough that if you expect success, there is no substitute for keeping close watch on any bill in which you are interested at all times through its legis—lative life. I don't for a minute mean to imply that there are any illegal acts or shenanigans going on in the Maine Legislature, but at the expense here of being cynical, it is nieve to think that the world of the Legislature evolves on reason, logic or merits alone. There is no substitute for being on the scene at all times and keeping a close tally of your votes on the committee and in the House and Senate.

When we are lobbying an important bill, we start out with a House checklist and a Senate checklist. This is the only way I know of to get an accurate tally. Armed with your list you simply attempt to contact

every member of the House and Senate, and after explaining your legislation, you attempt to get a commitment from them as to how they will vote. If the legislator indicates he is going to vote against you, you attempt to convince him to change his mind, or if he indicates he is going to vote for you, you attempt to firm him out and arm him with arguments to defend his position. Once you have done this you should know just exactly how the votes stand at any one time on your bill, and barring an unanticipated turn of events, such as high absenteeism, you should know your status in either body at all times. Assuming for a minute that you feel confident with your vote tally on the merits, you must always be careful and cognizant of the fact that your opposition may, if their tally indicates you have the votes to pass a bill, attempt to kill it with amendments. Sometimes these amendments may themselves be relatively innocuous, but every time a bill is amended it puts the two legislative branches in non-concurrence and the bill must, therefore, be returned to the non-concurrence branch where your opposition will again have an opportunity to kill the entire bill. Amendments can be very dangerous because, by changing only a few words in the body of a bill, a bill to eliminate the excise tax on boats can be transformed to one which would double that tax. While this is not only what you did not intend you can count on the fact that there will by many legislators who will suddenly think of their own pet projects for which this extra money could be utilized. This entire process can happen very quickly. Amendments, while they must be printed and distributed prior to their being acted upon, can be printed, distributed and acted upon by a legislative body in a matter of minutes. If you're not on the scene to watch it, it can get by you and once it has gone by it is usually a very

difficult job to unscramble the eggs.

I think basically what I'm telling you is that there is nothing in my opinion that is more important to the successful sheparding of a bill through the Legislature than being on top of the situation at all times. This can be done in a number of ways. I am a lobbyist and I am up there every day, full-time, and presumably being paid to watch the bill the whole time I am on the third floor. It can also be done if you have a legislator friend who can provide the same service. However I must caution you that you must be very careful in relying too heavily on your legislator to keep track of your bill, because each legislator has nis own pet bills and if, let us say, that your bill relates to taxes on boats and his true love is bounty on bobcats he is very likely to be off concerned about bobcat bounties while the boat bill is getting into trouble somewhere in the Legislature. This situation is a common occurrence and the legislators themselves cannot be blamed for it. Each legislator has so many bills and so many projects of his own that you really can't expect him, even though he has agreed to do so, to give the full commitment to you bill when his own pet bill is in trouble somewhere else. Another word of advise to an organization is to read all bills that are introduced into the Legislature. I think I have pointed out that you cannot trust either the title or the statement of fact, because the body of the bill will not necessarily reflect either one and all you read in the legislative notices published in the paper is the title. An example of this was a bill introduced in the last Legislative session entitled a "Bill and Act to Prohibit the Use of Aerosol Spray Cans." When it was enacted it retained that title, but the body of the bill simply increased the fines for marring and defacing public buildings. What happened in that case is that

someone with an aerosol paint can had written an obscenity on a building and its sponsor wanted to ban all aerosol spray cans. However when it went to committee, the committee in its wisdom decided that this proposal was a little too harsh so they simply increased the fine for defacing public buildings but neglected to change the title. Someone, picking up the paper and reading only the title of the legislation could be quite understandably mislead. You can order from the Document Clerk a service in which he will send you copies of all bills that are introduced; copies of the daily calendars of the House and Senate, which list the action taken on all bills; all amendments; and in this way you can keep track of what has happened. I caution you, however, that that is exactly what you are doing. You are keeping track of what has already happened and you are not going to have any input into what is going to happen. By using this service you may be afforded the luxury of saying, "Oh my God, last Wednesday they killed my pet bill," but by that time your bill is already dead, and all you can do is start thinking about next year. I know of no way, and if anyone knows of a way I'd certainly like to hear about it, that you can keep track of what is happening at the Legislature without being on the scene. There simply is no substitute for being in Augusta while your legislation is pending. You've got to get to know the legislators, the key people, the committee people, the legislative leadership. On a tax bill not only is the legislative leadership important, but you might well start out by getting a commitment from the Chairman of the Appropriations Committee that he will not kill your bill on the last night of the session. You've got to work with the legislators, their staff and keep track of the legislation on a day by day basis. I've mentioned how the wages of war can change dramatically and you've got to be there

and have some rapport with not only legislators but clerks of committees, legislative staff and the staff of the clerk's office. These people can all be invaluable. They can tell you when things look bad at the committee level or what the absenteeism looks like for the next day or what bills will be on the calendar tomorrow. There is really no correct or scientific way of handling a bill at the Legislature. You simply have got to get up to the third floor of the State House and worry.

Amendments will show up that you are going to have to knock down. Committees will report bills when you didn't expect them to, and if you're not there with your finger on the pulse of the scene there is no way to fully protect yourself.

If there is one thing I can leave you with this morning, it is that while it is great to bring a large crowd, like is assembled here, to a public hearing in support of a bill, if that's all you do the chances of success are slim. Now there are obviously exceptions to this. Certain groups like the snowmobilers are very well organized. They are in a position where they can show up at a hearing and then turn the telephones loose on their individual legislators back home. The Fish and Game people are able to do the same thing. They have a large citizen lobby and it is very effective, but it is very difficult to get organized citizen support in more specialized areas. So when you're in a field where there is no public outcry or public support, no matter how meritorious your cause may be you've got to keep at it, keep banging your head against the wall and keep your finger on what's going on.

I would be more than remiss if I told you people that the way the Legislature actually functions is the pure conceptual constitutional method of government. Legislators are individuals and the Legislature is

simply a combination of individuals, each with their own interests, their own ideas and their own goals. I have tried to describe to you here some of the rather mechanical steps that theoretically can amount to success in introducing and sheparding a bill through the Legislature, but very infrequently are you afforded the luxury of everything going the way you'd planned. The real life day-by-day functioning of the Legislature produces many unanticipated factors that have absolutely nothing to do with the merits or the demerits of the particular legislation you are interested in. Books on governmental theory do not consider the fact of life that a block of votes can be traded away for a bridge to an island, or that a meritorious tax relief bill can be killed for lack of money. These, however, are the types of contingencies which you might grapple with in the real world of the legislative process.

# QUESTIONS:

What is the average cost of a lobbyist?

When you speak of the average cost of a lobbyist it's almost an impossible question to answer. I represent a paper company and probably testify on hundreds of bills per year for that company. Obviously I charge them a good deal more than I would charge someone who had a non-controversial single bill. A great deal depends on what the bill is, and you can get awfully fooled by trying to anticipate the controversy that might surround a bill. Our firm made a mistake one year when a partner of mine, as a favor to another partner, attempted to change the name of the Portland Symphony Orchestra to the Maine Symphony Orchestra. It sounded simple enough and he agreed to do it as a public service. What we hadn't realized was that practically every other town in the State

thought that at some point they might want a symphony orchestra, and frankly this bill became the damnedest mess you ever saw. To put a firm figure on the cost of the bill is both unfavorable to the lobbyist and to the client. The only way in my opinion that you can be fair to both is to do it on a time basis and that is the way our firm handles lobbying charges. We keep daily expense records indicating on what bill we're working on at any particular time and charge on the basis of time actually spent. If everything goes well on a simple bill the charge might be \$250 to \$500, but obviously the charge for a bill which takes a great deal of time will be substantially greater. A great deal also depends on how much support and how much help you can get from your client in contacting legislators directly. I think you'd have to say the average cost of representing a client before the Legislature can run anywhere from \$350 to \$10,000 depending on how many bills the client is interested in and how controversial they are. In any event, we are all going to know a little more accurately because the Legislature passed a lobbyist disclosure bill during the past session. After the next special session all lobbyist charges will be on public record with the Secretary of State's office.

# UPDATE ON U.S. COAST GUARD REGULATIONS Cmdr. H. MICHAEL VEILLETTE

I am the Chief of the Boating Safety Division of the First Coast Guard District headquartered in Boston. The Boating Safety Division has three branches. One branch is the Standards Branch which is probably the branch that you people come in contact with most often. Bob Wise who will follow me as a speaker works within the Standards Branch and will be talking to you about boating standards. The Auxilliary Branch with which I'm sure you're all familiar with works in the boating safety area; education, courtesy motor boat exams and similar things. The Boating Affairs Branch picks up all the loose ends. They are in charge of the BOSDETs, our boating safety detachments which roam the coasts. We have only 2 detachments to cover the entire first district. They come up into Maine waters three or four weeks each summer. They spot check boats and try to see what problems exist. Probably 80% of the BOSDET's time is now boating education. They'll give lectures to just about anybody who will listen on the Boating Safety Act of 1971 and boating safety in general.

Another rather important part of our office is a young man,
Dan O'Shea. He has charge of our movie films which we loan to anyone
interested in showing films on the boating safety program. Dan also
has all the boating safety literature, the CG290, the PFD regulations
and various other things.

One thing I would like to mention about the new rules that are forthcoming is that they are coming rather slowly. The Coast Guard has found that a lot of people are trying to pay attention to these rules. The rules that require a secondary means of propoulsion and a dewater-

ing device are sort of stalled for the time being but we hope that it won't be much longer before they are out. The rule that all boats must be required to carry a Danforth Anchor, I don't think has quite gotten the start yet, but I hear that... (laughter)

The Coast Guard would like the boat dealers to promote boating safety. The dealers are the first ones to see the customer and hopefully not the last ones. These people go out in their Maine built boats, which are the finest in the world I'm sure, but they might go out without any boating education at all. The Coast Guard is very concerned about this and wants your help. When you sell a boat or an accessory please make sure that the buyer is at least aware of what's happening in the boating education field.

We have a pamphlet which I hope you've seen on "Almost Everything You Wanted to Know About Boating, But Were Ashamed to Ask." As dealers perhaps you could make a folder consisting of "Almost Everything You Wanted to Know about Boating", the CG290 and PFD regulations which you can get from my office. Be as informative about boating safety as possible so these people who are buying their first boat won't go out and scare themselves to death; tell all their friends how terrible boating is and scare away all your customers — or go out and drown and then that ends your customer.

The other thing that we wish you would do is stock this publication; "A Skipper's Course on Boating Safety." It's a picture and question and answer type of approach and on the back of it there's a final exam. A man or woman can take the final exam; send it in to Coast Guard head-quarters, they'll grade it and send the person a fancy scroll. This publication sells for \$1.50 through your government printing office.

NAEBM is publishing it for \$1.00 or 85¢ if you want to contact them. It's a good publication. You can charge 85¢ and I'm sure your customer will be happy to part with that after he's bought his \$15,000 or \$16,000 boat.

The Coast Guard would like to get your comments in early on our proposed regulations. Right now the marine sanitations device regulations are being formulated, or I should say commented upon. We've had to extend the time limit for the comments so that more people could respond.

Something you can do for yourselves and for us is to make sure that you as boat dealers and also as manufacturers are on the list for receiving the Coast Guard boating safety circular. This comes out periodically. It comes out whenever the Coast Guard wants to inform you of something that may be of interest to you. A while back it started with the HIN numbers and the current circular is on the new PFD regulations which went into effect on the first of October. If you're not on the mailing list let my office know or give me your name and address and I'll see that you get it.

What we can do for you in Boston is, I hope, whatever needs to be done
We are in the boating business together — if it's bad for you, it's bad
for the Coast Guard and it's bad for the public. We want to know about
your problems and help you with them if we can. If you, instead of calling
Washington direct, would call my office first, and then let us call
headquarters if it's needed. I'm sure we'll be able to give your problems
much more individual attention. If I can't find out the answers that you
need then I'm sure Bob Wise will be able to.

I would like to comment about the State of Maine's boating laws, regulations outstanding. Maine was probably the first in the nation to pass these new laws and certainly they are the best. Whenever I'm able

to talk with headquarters, they have nothing but praise for Bob Johnson and the program here in Maine. It's up to date and it's correct.

Thank you very much.



I hope that most of you are on the mailing list for local notices to mariners asking for comments on change in aids to naviagation and so on. Some I believe are down here on Cape Porpoise, some on the Sassanoa River and the Kennebec River. In the past, everytime we have written in as small groups, individuals, yacht clubs and so on, we've always gotten an answer back from the government; not just the Coast Guard but the FCC and the Weather Bureau saying, "Well, you're yachting, you're not commercial." So I took the opportunity the last time I wrote in some comments on proposed changes in the bouys on the Sassanoa and the Kennebec Rivers and I questioned their definition of commerce. The definition has changed. They now recognize that recreational boating is commerce and everything affiliated with it, so that your comments will receive the fair weight that they should. So when the Commander says to write in commenting on these things, be sure and do it. We're now getting the recognition we should.

Our next speaker comes for the opposite side of the country, the State of Oregon. He graduated from the Coast Guard Academy in 1969 and was assigned to two 378 foot cutters out of Boston. In the summer of 1972 he was assigned to the Boating Standards Branch of the Coast Guard in Boston. Those of you who were at our first seminar remember that we had Jim Lippman from the American Boat and Yacht Council to talk on standards. I think Bob has new ideas on this topic, plus other things that are going on in the Coast Guard Standards Branch. I would like to introduce Lieutenant Wise.

## BOATING STANDARDS: Lt. ROBERT WISE

I didn't really prepare a speech but I do have a few comments I'd like

to make about standards that apply to the manufacturers and to the dealers in some cases. I also wrote down a few boating statistics for 1972 to give you an idea how big boating has become.

Last year an estimated 44 million Americans went out on the water-ways through recreational boating on a total of about 8 million boats.

Of these boats, about 6 million were registered, which means that they were powered by 10 or more horsepower. Out of the 44 million people 1,437 people died in boating accidents of some sort and another 830 were injured. There was a total of just under 4, 000 accidents with property damage in excess of 7 million dollars.

The Federal Boat Safety Act is aimed at trying to reduce some of these grim statistics. A number of approaches will be utilized in this regard. One is to improve the education of the boating public in the area of boating safety. Another approach, and one that I'm directly involved in, is the field of boating standards. I would like to concentrate my remarks on the standards approach.

The 4,000 accidents fall into three major categories. The first one is drowning, the second is fire and explosion, and the third category is collision. Of the total 1,437 deaths in boating accidents, over 1,300 of these were caused by drownings. The major source of property damage, just under 2 million dollars, is caused by fire and explosion and of the 829 injuries, approximately 350 were caused by collisions.

The Boating Standards Branch in Coast Guard Headquarters has set about trying to eliminate or at least drastically reduce some of these very high statistics through the use of safety standards. In the first category of drownings, we found that the majority resulted from either capsizings or fallings overboard. Because a need was clearly established,

the Coast Guard developed a standard requiring the display of capacity information on certain boats and another standard requiring emergency flotation. These are two of the standards that became effective on November 1, 1972 and we call them our first generation standards.

From the outset we have realized that our standards are not going to be acceptable for all types of boats. We were directed by Congress to come up with something immediately to cut down on accidents so we decided that it would be better to get the majority of boats now, and worry later about the ones that fell on either end of the spectrum where the standards might not apply as effectively. In the meantime we were more than willing to grant exceptions to the traditional types of boats until such time as we could revise our standards. I'm sure that those of you in this traditional boat construction category have a few ideas on it yourselves.

We came up with load capacity; person capacity and flotation standards to help cut down on the capsizing of boats. We are at the present time looking into a standard that would prevent a boat engine from being started while in gear. We've had a lot of deaths and accidents brought about by people starting an engine while it's in gear. The boat would leap ahead and throw them right over the stern. This seems hard to believe but it does happen. Some of the things that actually happen on boats would really amaze you but this is one that we found to be quite common.

The second category of fire and explosions, as I mentioned, has caused the greatest amount of property damage. We are trying to develop some standards to prevent or cut down some of these types of accidents. Since 1940, when the Motor Boat Act went into effect, ventilation has been the operator's responsibility. However, because the manufacturer

of a boat has much more leeway in regard to design and construction characteristics, we feel that making ventilation the manufacturer's responsibility would not be an unfair additional burden to bear. We're also considering moving the backfire flame arrester into the manufacturer's responsibility as opposed to the operator's responsibility.

Most of the problems brought about by fire and explosions is through the use of gasoline. It's a very volatile and dangerous substance. It's been estimated that one cup of gasoline if it's properly vaporized has an explosive potential of 15 sticks of dynamite. You need three elements; fuel, oxygen and an ignition source to create a fire or explosion. If you can cut out any one of these three, then you will not have a fire or explosion. Therefore, in developing standards in this area, the Coast Guard is considering the problem from a systems approach, analyzing each element of the triangle as it relates to its two other necessary components.

The third category, collisions, is the major cause of injury in boating accidents. The primary cause of collisions is that people fail to maintain a proper lookout. There isn't much the Coast Guard can do to correct this, but we may be able to help boat operators more easily see an another boat. The standard that we're trying to get developed right now is the uniform navigational light signal. There's been a lot of controversy over it. We have to keep a traditional light pattern such as we have on inland rules of the road at the present time. International rules really aren't any problem, but the inland rules say that we must have an all around white light. Unfortunately, the 32 point light has a very blinding effect at night. Consequently, people often turn their lights off and the result all too frequently is a collision. If you can't see

anybody, it's going to be hard to avoid them. What we're looking for is possibly splitting the 32 point light so we have a 20 point light forward and a 12 point light aft. This would allow a little bit better visibility from the operators position.

We have also had a lot of accidents brought about by steering and control system failures. We anticipate some regulations along these lines with improving the reliability of certain steering systems. The third area that we're looking at as far as standards is helm visibility, just to make it that much easier to see all the way around the boat.

In addition to capacity and flotation standards, we also had a standard on safe powering go into effect last November. Its primary intent was to aid the novice boatman in matching an outboard motor to the boat he was buying so as not to overpower his craft.

I was also asked to address a few comments on hull identification numbers. I know that this has caused a lot of problems, many more than we anticipated. We thought that it would be a very easy thing to conform with as far as an administrative regulation, but it hasn't worked out that way. A hull identification number is a 12 character, alpha-numeric number. It's purpose is to give the boat a number which identifies the manufacturer, and identifies when the boat was constructed. We use this for two purposes. First, if there is something wrong with the boat that requires recall, it's very easy to identify it. Second, if the boat is stolen, recovery is made easier because it has a unique number. We've found that states are now putting the hull identification number on the application form. This too will aid recovery.

One last thing I'd liek to address is the future standards other than the ones I have mentioned. We do anticipate some standards on inflatable boats and liquified petroleum gas systems. Gas stoves, deck

fittings and railings could possibly come under future standards, also different types of water vehicles. We are considering the formulation of standards for all types of recreational vehicles like the Moto-skis and the all-terrain vehicles. We are now gathering data for a standard that would require carriage of distress signals and standards that the distress signals must meet.

My job is basically to inform the manufacturers in the district, consisting of Maine, New Hampshire, Massachusetts and Rhode Island what requirements their products must meet and to answer any questions that they have. Hopefully I can explain to you exactly what you are required to do as a manufacturer or as a dealer. Our first standards have been in effect for almost a year and we've had problems with implementing those already. Now that most manufacturers are aware of their responsibility we anticipate going out and actually checking to see that they are conforming with the standards. So you can expect to have myself or somebody else from the Boating Standards Branch calling on you sometime within the next year or so.

# QUESTIONS:

You mentioned some standards on LP gas appliances. What will these be?

Well, unfortunately it's a little too early to tell exactly what they do have in mind. It is a volatile substance along the same lines as what you would have for your inboard motors, so that certain types of fittings for your fuel lines and use of adequate ventilation in the area where the stoves would be used might become standards. It has been brought up that a number of fires and explosions have been caused by on-

board stoves so we are looking at stoves in general to see if there is a problem, and if there is, what we can do to alleviate it. I expect that it will be at least a year before standards are set on anything like this.

There are in the market some small propane stoves that use small cylinders; areosol type cylinders. Are those legal to use on a pleasure boat?

There are no standards that prohibit the use of anything like that. As far as an enforcement point of view goes we can only enforce operator requirements. You can use anything you want to on your boat as long as you have your required safety equipment. What we want to do is point out that there could be a hazard using a stove or anything that has a volatile substance associated with it. Propane is the one we have had some trouble with because I believe it's heavier than air and it can't be seen. This makes it very difficult to detect.

As Commander Veillette mentioned, if you have any questions that come up at any time just give us a call in Boston. If we don't have the answer we have a direct line to Washington and we can probably get an answer a lot faster than you if you were to call Washington yourself.

We know who's working on what and what their phone number is. It's a pretty big place down there and it's very easy to get switched around from one phone to another and never get the right person.

When can we expect to hear something definite on holding tanks, chlorinators or whatever else will be needed for septic wastes aboard boats?

Commander Veilliette: If I can answer that. I called Commander Reibach and he figured the question would probably come up. It always comes up at conferences such as this. He told me that they're looking towards the end of this year for a new notice on how they're going to test these devices. Probably at the end of next summer final rules will come out and it will be 180 days from then. We will probably have a ruling in 1975.

What are they aiming towards now; chlorinators, aspirators, or holding tanks?

Well, holding tanks definitely. That's what EPA says, not the Coast Guard. EPA says, "thou shalt not discharge." Except these standards by the Coast Guard they're talking 1000 counts of <u>E. coli</u> in 100 millimeters of water. I understand that standards also require a 60 mesh screen that will cause problems too. I don't think that there are too many manufacturers interested in going into the aspirator or chlorinator business on short range. It's going to be difficult to do.



As you've probably noticed on the heading of these programs one of our co-sponsors is the Sea Grant funded Maine Advisory Service program.

I'm sure that there's more than one person here who wants to know what it is. Paul Ring, Marine/Specialist what is the SEA GRANT Program?

#### MAINE SEA GRANT - WHAT IS IT?: PAUL D. RING

I would like to say hello to those of you whom I have known from previous encounters and welcome a large group of new friends today to our second Boating Business Workshop. It has been my pleasure and continues to be my pleasure to work with the Marine Trades folks. Fred Felton and Bill Danforth have been instrumental in getting these workshops together and we are continuing to work on new ideas for future workshops. I would also like to express my sincere thanks as Bob Johnson did earlier for being made an honorary member of the Marine Trades this year.

Now, what is Maine Sea Grant? Maine Sea Grant is part of the National SEA GRANT Program created by Congress in 1966 and administered by the National Ocenanic and Atmospheric Administration of the Department of Commerce. I was interested to hear of the new definitions of boating and commerce mentioned earlier in the meeting. The Department of Commerce is deeply involved with the proper use and development of ocean resources and is working with the development of ocean resources much in the same manner as the Land Grant program has worked for the past 100 years in agriculture and engineering. This work is done through a coordinated program of research, education, and advisory (extension) services.

Maine Sea Grant began it's work with a grant to the Southern Maine

Vocational Technical Institute (SMVTI) in Portland. SMVTI had a training program for marine technicians. They have expanded their program to include the training of marine biologists and are now in the process of developing a program to train fellows in the proper use of pollution treatment equipment, oil treatment equipment and licensing of crewmen on tugboats and barges.

Next, the Department of Sea and Shore Fisheries, now called the Department of Marine Resources, developed a Sea Grant Program in Marine Fisheries Extension. The University of Maine initiated a Sea Grant Coherent Project Program in 1971 entitled "Culture of Resources in a Cold Water Marine Environment." This program deals mainly with the development of commercial aquaculture in Maine. Lobster aquaculture may become an important business in Maine now that changes have been made in our marine laws by the 106th Legislature. Right now researchers are working on the culture of cysters, salmon, bay scallops and several other animals that you and I like to eat and would like to see brought back into commercial production again.

My work was started November 1, 1972 -- a Marine Specialist position was created in the Cooperative Extension Service. For those of you who don't know about Cooperative Extension Service it was formed as part of the original Land Grant College Act and here in Maine we have about 120 people in the Extension Service. There is a local base for contact, for example, here in York County there is an office in Alfred. The County Commissioners provide office space and some of the operation funds for the Extension Service. If you need information or assistance in any kind of community development work you can go to the office and obtain help.

Two of my overall objectives bring me here today. The first one is to educate the public about the marine environment and the proper utilization of its resources. People have lived on the coast of Maine for many many years and need to be sensitized to its changing needs. What will shoreland zoning bring in the future? What does shoreland zoning mean to: people who run marinas, the development of the land, recreational use, fisheries use, multiple use of the coastal zone? It's getting to be a very complicated situation! My second objective is to supply researchers with ideas for applied research projects and transmit useful information to the marine community. For example, if you need assistance in the developments of dry stack storage at your marina you can come to the University researchers and have them assist you. By the same token they may be working on things that you may not be aware of and it is my job to inform you of these things. In the years to come I hope that we will have more interchange through a series of information leaflets and workshops. I would like to hear from you if you feel that this type of exchange is useful.

You have seen my specific objectives for this workshop before in the letter sent out along with the registration form. My first objective is to increase communications within the pleasure boat service industry in Maine. I can use your ideas here. Several ways of accomplishing this are through workshops, audio and video tapes and written publications. I am always open to your suggestions. The second objective is to share common problems and practices through discussions with knowledgeable professionals. I think we all know that we can sit here and listen to the speakers like we have today but the nitty gritty is done in the small informal groups and the open time that we have

in these meetings where you can get together with your friends to discuss business. The third objective is to initiate, discuss and formulate positions on new boating legislation for the betterment of the industry in Maine. Not only are we concerned with the industry but also the 50,000 individual boat owners in Maine. We need to get out to the individual boat owners. As Loyall Sewell said earlier it is hard to do but it's something that we need to do to make sure that all recreational boating interests voice their opinions to the Legislature. My last objective is to help produce a well coordinated environment for boating in Maine. This last objective will be met when the first three objectives are met. The way land is being developed in Maine and throughout the country many marina operators are being squeezed out of existence by taxation created by development. This is something that we are all faced with if we own land on the seashore in Maine. How are we going to coordinate the use of the land to allow us to have our businesses and not turn every marina into a publically owned marina for example.

We are video taping these sessions today with the hope that we can take these talks out to the public and present them at meetings of interested citizens, Power Squadrons and the Coast Guard Auxillary meetings. I want to get people involved with the decision making process on the coast of Maine as it is related to the use of boats and the development of marinas and other marine businesses. Are there any questions?

# QUESTIONS:

Do you work with fresh water marinas as well as salt water industries?

My work as a marine specialist is coastal in nature, however, the

Extension Service has representatives in every county in the state and a

number of these are extremely interested and involved with fresh water industry. Fresh water industry is a secondary part of my work but certainly the associations are very much involved with the fresh water as well as the salt water boating businesses. I would like to see more interaction in this regard, I think we all would.



Presentations made before this conference were recorded on ½" video tapes.

These tapes are available from the Maine Sea Grant Video Tape Library

located at the Ira C. Darling Center, Walpole, Maine 04573.

Besides boat building we do have members here who are Marine Trades members; we have some here who are both, such as myself. I think one of the problems we all run into is how to display our merchandise for the best exposure - so the people will come in and buy not just on impulse, but buy what they need for safety. Most of you I am sure receive Boating Industry Magazine. You've probably seen the byline under many articles of our next speaker - Dave Kendall. As you know Boating Industry has a sample store in the Chicago area where they put in to practice some of the ideas that they are preaching about. So it's with a great deal of pleasure that I now present to you Dave Kendall from Boating Industry.

#### THE VALUE OF WELL DISPLAYED MERCHANDISE: DAVID KENDALL

Normally, it's the thing to start off a speech like this with a little bit of humor, but I'm not going to because I don't think the subject is funny to begin with. Awhile ago, Bill asked me to come to this meeting and talk about displays and the use of indoor sales aids. I told him at that time that normally all of us who speak from Boating Industry start off by saying that we don't have opinions of our own, that all we do is reflect the opinions of the people with whom we talk; retailers and builders like yourselves around the country. But gentlemen, in this particular area I happen to have an opinion.

First of all, if we're talking about display we'd better know why we want to display and without boring you I'm going to give you a couple of statistics. Every year as you may know the Boating Industry Magazine in conjunction with retailers, manufacturers, the Coast Guard and other

people publish a list of boating statistics; how many boats were sold, how many were shipped in various categories. We have some overall statistics and if you take a look at them year after year you see that surprisingly they don't change very much. We keep talking about roughly 45 million people going out and enjoying 3 quarter million boats. We talk about an annual 5 to 11% growth from year to year and gentlemen either those figures are lies and I don't think they are, or all of us in the marine industry just aren't doing our job. During the same period of time that we are talking about the entire recreational industry as a whole grew an average of 19% - not 5 to 11% - but 19%. I don't know what that means except that there is more competition out there than you think. The competition for the retailer isn't Joe's Boats and Motors down the street. It's the travel trailer dealer, the motor home dealer, the condominium dealer, the swimming pool dealer, the second automobile dealer and gentlemen you're being ripped off!! Maybe you don't care, but people are taking money out of your pocket - if I were you I'd care.

In the effort to bring the money back to ourselves, display has got to be a most important part. We've got to know, if we consider that that's true, to whom we are displaying and for what and where our market is. I want to tell you a quick story about a Long Island boat builder who last year put me in touch with one of his local dealers, because he thought that the dealer had a very good story to tell. I went to the dealer and I talked to him and it seemed that the fellow was going to change his whole sales set-up - his retail sales program. I said give me a call in a year or let me give you a call and let's see just exactly how it's worked out. I just called him and it worked out very well. He took his

sales staff which was substantially men and converted it for the weekends, for the prime time periods, to a male sales manager and 3 saleswomen. For what it's worth, those 3 saleswomen and that sales manager sold as many boats in 3 months as the whole former staff sold in the previous year.

Chuck Underwood, who is a pretty big dealer down in Miami sells with a 4 woman team. Average length of the boat that they sell is 40 feet, average price starts at \$40,000. Why? Because if again you believe the statistics and you believe the retail merchandising people who tell us so, women today effect anywhere up to 90% of the sales of boats and boating equipment that are made. I don't know about you, but my wife wants to be in on the deal when I spend a large chunk of the family's recreational dollar. She wants to know where it's going and she wants to have her say. It's not Women's Lib it's just good sense, and just as good sense to know that if you're going to be selling to that market, then you'd better be selling in a way that they identify with.

The whole point of this is that they identify positively with good display. By positively I mean they buy it. I'm going to give you the name and address, in a sense, of the best retail display merchandiser in your community and he is your local supermarket dealer. It's no accident that these guys sell like crazy. They have a set of rules. I happen to be privy to some of those rules because our publishing company also has two magazines in that field. We've talked to those people a great deal about what they do. Let me tell you a couple of the things that they know. For example: they know that when a shopper walks into the store that his or her field or vision narrows — you know when you're walking along outside you're constantly sort of looking out the

side of your eye for automobiles, dogs, cats and other things - but when you walk into the store you're looking for something. Your field of vision narrows down to about 30 degrees. It narrows vertically to about 12 degrees. It takes some very simple mathematics to discover that if you've got a header sign, that header sign ought not to come down below 4 feet and probably not better be over 8 feet high and not more than 8 to 10 feet wide. Presuming that you have enough space in the store, the supermarket people will tell you that your primary sales message in a display - Buy Now, Christmas Sale, Spring Sale, Winter Savings whatever your big message is - it ought to be readable up to 25 feet away. If you're selling a product from a large important brand name merchant, that name brand ought to be visable up to 12 feet away and there shouldn't be anything on the display that isn't readable up to 5 feet away. Do you think that it's by mistake that supermarket shoppers have to pick up the cans and some of the merchandise to see what the price is? It isn't, because when they pick it up the merchandiser knows that his chances of selling that product go up 60%. Is there any mistake that there are signs all over the stores suggesting that people buy something, suggesting, have you got enough of this, do you have enough of that? You know you can do that pretty easily in your own store; have you got enough to cycle oil, how about paint, how about deck cleaner? These mass merchandisers know that 10% of all people who buy will buy an additional item if you simply suggest that they do it! Suggest fellows, and that's the way to up your sales 10%.

That's not to say that all merchandising and all display have to be regimented, lined up like a row of soup cans on a shelf. You all know and you've all seen the jumble table type of merchandiser.

There's a story that concerns this about the fellow who owned a hardware store and had a jumble table - anything on this table 97¢ - and it just did beautifully. He got a new kid working for him and the young fellow thought that he'd do it according to good display techniques. He took all the screwdrivers and put them together, all the pliers and put them together and he didn't sell anything. So the point is that you can sell from a jumble table. I knew a lady who ran her husbands marine store who simply took the slow movers every week, took the regular labels off, put a craft paper tie-on label on, marked it with the same price and put it on a jumble table. The stuff was no bargain but she sold it.

Everybody comes to us and asks how are we going to do this - what kind of a year are we going to have. We think that the buying climate is going to be pretty good this year. We think that people are still in the mood to buy although money is going to be tighter and more difficult to get. You've probably seen some signs of that in your floor plan arrangements. If you sell plastic boating products these may wind up in short supply. If they're in short supply that means you're going to be able to sell them more easily, perhaps more readily, but it also means that you are going to need to display these products to let people know that you have them.

I think that this year one of the big keys to continued profit in this cyclical industry of ours is going to be profit oriented kinds of display. I want to thank you for having me here. I've enjoyed coming and meeting with you. On behalf of Boating Industry, I'd like to wish you good sailing and better business and best display.

Thank you very much Dave for those wise words. I think that we can all benefit by them. I think that most of us can go back and look over our stores with this information in mind. Take your wife or girl-friend in, ask her idea on it. Get some ideas, it may help.

Unfortunately, when you put stuff out like this it sometimes tempts . the wrong people in your area. Last spring I got a phone call at 6:30 in the morning. To paraphrase Dave, "We've been ripped off." We had about \$6,000 worth of marine equipment, electronics, compasses and diving gear stolen from our store. I got in touch with the State Police and they went over there immediately. We have no local police in my town. Fortunately I had models; I didn't have serial numbers on everything, but this information was put out on teletype. It seems that that same morning the Portland Police Department was investigating a certain well-known-to-them character for something else. We had just started a program of marking all of our equipment with our name, putting it on the boxes and this very observant detective remembered he'd seen this teletype - merchandise stolen from D. K. Marine. He was looking around this boys apartment and saw a box with D. K. Marine on it. Thanks to the fine cooperation of the Portland Police Department we got back at least two thirds of what was stolen.

So with this in mind, in hopes that it doesn't happen to any of you, although I'm afraid it probably will the way things are going nowadays, I spoke to the then Lieutenant in charge of Detectives of the Portland Police Department. He said, "Sure, we'll be glad to have a speaker for you." Our next speaker is a detective and sergeant in the Portland Police Department. He has brought some slides to show us on some of the

things that we can do to prevent or cut down on this possible rip off.

It's with a great deal of pleasure that I present Sergeant Wesley Ridlon.

# PROTECTION AGAINST BURGLARY: Sgt. WESLEY RIDLON

I'm going to give you some information on how to hang on to your boats as a dealer and as an owner such as myself. I don't own a large boat. It's a 14 foot aluminum outboard but to me this represents a big investment as far as my economy is concerned and I have every intention of hanging onto it.

One of the best ways that I have found to hang on to my property is by engraving my social security number on my boat, motor and accessories. It's a program that the Portland Police Department started for home furnishings about a year ago and to our amazement it's worked very successfully. The ability to return the merchandise once it's been taken has been good. The marking of items may be something you'd like to recommend to your customers once they have purchased something.

I have put on my cottage door a tag that says that the identification program has been used. We've used it for private homes and it's somewhat of a deterrence. Granted, if someone is going to take something, they're going to take it regardless of whatever type of alarm system you may have for deterrence.

Many of you are faced with the problem of having your business establishments in a suburban setting where police protection is in some cases virtually non-existent. Yesterday I went out looking for another boat and I noticed that many of the places that I visited had boats that were sitting out in the open with no protection whatsoever. Some

of the urban suppliers had a chain link fence around their property —
if you have a marina obviously you've got one end that's open. In one
case I ran across dogs. These are things perhaps you'll want to take
into consideration for your protection against theft. If you have an
undercover showroom or area, light it, put in an alarm system. Granted,
any type of protection or security that you use is going to cost money
regardless of how you look at it. If you can afford a private security
agency then I might suggest this.

In some manner keep an inventory of the materials that you have on hand; keep a list with your serial numbers on it. If you live within the city of Portland, we'll gladly mark your items using an electric pencil.

In some areas police protection is not all that good and I'll be the first to admit it. In Portland we're fortunate that we do have an organized Police Department that is very efficient. We're not always a winner but we certainly try. Several cities have done away with the walking man — which will be the case in Portland within the next few months. We're using two-man cars with double spot lights. We still get out and check doors, but not frequently. We are almost completely mobile.

I would now like to show you a slide presentation dealing with burglary prevention in private residences. All of this information is applicable to your business establishments.

#### -Slide Presentation-

There are several items that I didn't mention. If you have an air conditioning set in your office be sure that you put a block of wood in the window case where the window slides up and down and screw it in. This way the window can not be opened and the air conditioner pushed out. We've found that this is something that people often neglect. Instruct your

employees when they leave to take the responsibility to lock the door behind them. All too often when checking buildings we find that doors have been left completely unlocked. Granted, rarely does a burgular try the front door; he usually breaks in a window or the back door or what have you. So take the responsibility of instructing your employees to make sure windows are closed and doors are locked when they are leaving.

Check your locks and see if they can be opened with a credit card.

We're having a series of break-ins where this is being done. Don't neglect sky-lights, ventilating holes or equipment that maybe on the roof. Very recently we had a shopping center broken into by taking a ventilating screen off and going in that way.

If you do have a boat yard that is away from everyone with perhaps the exception of a house across the road or beside it; try to work out something with the owners so that if somebody strange drives in, a truck, a station wagon, that they will automatically call the local police, Sheriff Department or State Trooper. Give the police a chance to at least look it over while they're still there. Operation Crime Check is a program that we're starting in Portland the first of the year. It is simply having someone else looking out for your property other than the police.

Hopefully I've been able to give you some ideas on how you can protect your property or your business. Are there any questions that I may be able to answer for you?

# QUESTIONS:

You mentioned the various kinds of door knob locks which require a key to lock it from the inside and the outside as well. Can these also

be opened with a credit card?

Not if they are the dead bolt type. If they are the latch type they can be opened.

Now some of you may have run up against a fire regulation that requires that you have a certain type of lock on a glass door. An example is the type of door used in shopping centers where they have a wide open area of glass. The Fire Department does require a particular type of lock to be used and these can be opened with credit cards. There again I would suggest an alarm system and once again whenever we suggest a security measure it's going to cost you money. Hopefully you will make up on it as far as your insurance policy goes.

It's indeed been a pleasure talking with you this afternoon.



We're going to change our subject a little bit now. The previous comments about plastic boats made me remember back a few years ago when the first fiberglass dingles were put on display at the New York Boat Show in the Grand Central Palace and I remember the sign above them saying "Totally Indestructable". The following fall we had two hurricanes. The next year, the same booth's sign instead of saying "Totally Indestructable" said "Easily Repairable". Our next speaker is well versed in the repair of fiberglass and without any more I'd like to introduce Jack Fraser.

### FIBERGLASS REPAIR: JACK FRASER

Thank you for the opportunity to come to this meeting this afternoon. I'm sure that there are some very well informed people in this audience that know much more than I about fiberglass and fiberglass repair. I started in 1937 in its infancy when we didn't have glass as a reinforcing agent, and I've been working with it off and on since then. I don't want to get into a particular repair or something so dull that you won't enjoy it, so I think I'll tell you what we do in my shop and then answer any questions.

My place is in Windham and we do a great deal of fiberglass repair on boats and related items. We get into plastics and the welding of plastics. The fiberglass boat and wooden boat constitutes 80% of our work today, repairing and refinishing. We do other work in this field - the making of patterns for foundries and machine shops. We also make a few plugs; they could be for a boat, canoe, camper van, burial vault, or pipe fitting. We generally take an impression of them and make the

moulds for either spray, hand layup, or vacuum forming. We usually make one or two master pieces, then the plug and the mould are delivered for manufacture. We're not interested in mass production; only in the original piece and setup.

We do a lot of machining in fiberglass today. We have a well-equipped machine shop and we do a lot of this, particularly in the radar field. We generally get four types of boats: wood, fiberglass, aluminum and steel. The fiberglass boat is perhaps the easiest to repair. We use primarily a polyester resin and glass as a reinforcing agent. The wooden boat is a 50/50 shot between polyesters and epoxies. Aluminum and steel boats are completely an epoxy repair job. Basically, we use two types of resins - polyester and epoxy. Polyester is much easier to handle. We find the epoxy resin is very toxic, and irritating if you're using it for a long period of time which isn't true of polyesters.

We usually work with 5 types of glass that come in various weights, thicknesses and widths. We start out with veil which runs approximately 4 thousandths in thickness and will carry a 95% resin content. It has tremendous uses in the chemical and electrical fields and is now starting to come into the boat repair field. Choppings and mat are next in line as reinforcing agents and these have about a 35% glass content. They are used quite extensively in the boating industry because of the low price range for materials. Seven and one half and a 10 ounce cloth layup will give a 50% glass content. We have several types of roving running to 24½ ounce and this normally will run a 65% glass content and give a high strength factor. We've done quite a few tests in the past two years for labs and industry and we continue to run 76-77% glass which nearly equals

mild steel in strength.

Gel - if there is any single thing in the repair of boats that presents a problem, it is gel. The blending of colors is difficult in order to match. The formulation of color was originally taken from the automotive industry where most colors are formulated with a percentage of many different pigments. We have many of the gel pigments and can match about 1/2 of the colors, so color rendition is tough. Concerning patching, one patch that comes into the shop is that of a little chip, a scratch or a graze. I think preparation is most important in cleaning this area. We usually wash the area first, then compound it to find the original color. We use a burr and air grinder to grind out the surrounding area of the gel where one is going to make the patch. Gel is mixed, put into this crack or crevice or whatever you are repairing. We find that by taking a piece of wax paper and laying it over the gel, then using a rubber squeegee to flatten the gel, you'll push a great deal of air and pin holes out of the gel, you'll have much less sanding. After this is dry, it's usually wet sanded with #400 and #600 weight paper, compounded and buffed. If you have a true match in your color you won't see it. Patching a hole in the hull or deck section of a boat of which I've done quite a bit of experimental work in the past four years has been continually tested with these patches. A good substantial patch cannot be made from one side of a boat under 20 feet having a hull thickness of under a quarter of an inch. You must back it up and go in from both sides. On boats up to 50 feet, we can get away with a patch on one side instead of two usually because the hull is thicker. A patch in a hole of a hull 4 inches in diameter on any boat necessitates grinding out all the fractured area, washing it completely, and then regrinding

it back into the gel an inch and a half on the surface. We go to the back side and grind and do a layup on that before the back sets completely because we're picking up a chemical bond between all our new layup material. We're only working with a mechanical bond to our old surface in the hull. We fill this surface up a fraction above the surrounding area, grind it off, wet sand it, and from this point on, it is a gel repair. With a bigger repair than a crack or a chip, you can go back to the same method of filling it with gel, covering it with wax paper and squeegeeing it out. Gel can be put on with a spatula, trowel, painted or sprayed on.

I'm not sure whether I've touched on all points in the repair field, but possibly someday we could have a round table discussion on particular repairs. If you have any questions, I'll try to answer them.

## QUESTIONS:

If you have a boat that has styrofoam inside of it that's been soaked with water how do you proceed to dry out the water or repair it so you can properly repair the hole in the hull?

Good question. It will certainly take overnight and longer to dry out the styrofoam. Sometimes you can't get it all dried out and the only way is to grind out the wet foam below the fractured area. We would do an interior patch from the outside, then the outside layup. In some cases we drill a 3/8 inch hole through our patch and pour this with foam to fill and reinforce this area.

Regarding the use of polyester as opposed to epoxy. What would you say is the general application? What would be the percentage that you

would use one over the other? Is there any particular type of material that epoxy is used more generally with?

I think that there are less limits to epoxies, and you can use them for practically any repair. Epoxies are potent and toxic and are rough to work with over long periods of time. Epoxies are much more expensive. I would say we use 90% polyesters to 10% epoxies in the shop.

Would you use polyesters on ABS or would you use epoxy?

I have repaired them with both. I think quite often it depends upon how you clean and grind the surface. You have to wash and get a good etched surface in order to have a proper mechanical bond. It's an old rule in the industry that you can put polyester on and epoxy over it, but you generally can't put epoxy on with polyester over it. This will change in the future with new resins becoming available.

What thicknesses of polycloth do you use? What's been your experience with polycloth in using that as a substitute for glass?

I haven't had too much experience with it, because the labs and the people we work with stay with glass. I think it does have many good applications, but I know too that glass has a higher strength factor. Polycloth has a higher coefficient of expansion and contraction than glass, therefore it could have many good uses for boats with wooden hulls that expand and contract. Polycloth handles and wets out harder. The applications were pretty much in overhead and vertical work that I did and I'd rather go to glass any day even though it's heavier. We laid about 1500 pounds of mat and roving overhead a month ago and I prefer it because it stays in place and is easier to handle.

Do you layup heavy plates and sheets?

You people might be interested to know that we have made a lot of test pieces. When we talk strength factors, we can talk in excess of 200 tons. Normally one thinks of layup time (open) as 45 minutes or an hour for general type of work. For high strength layups we have used up to nine hours set up time and naturally can compact and handle the glass better. We also get a higher glass ratio. The last 24 panels we made were approximately 1.1 inches thick, 4 feet wide and 7 feet 8 inches long. These panels had a strength factor to support a 200 ton constant load. In use they are supporting a 100 ton load at 116 degrees temperature.

What is your feeling on sandwiching wood as a reinforcing agent in fiberglass hulls?

I personally am not satisfied with it. The expansion and contraction coefficient of the wood and glass layup is not the same. You are bound to get a separation in time. One job that we get in the shop is a reinforced hull of either balsa or other woods. The woods start to expand from a fracture, water gets in to separate the bond. You've lost your strength factor and it constitutes a complete tearing out of that area and refinishing.

How do you protect yourself against fire in a place that uses a lot of fiberglass and chemicals which are quite volatile?

We've been very fortunate. One thing that helps us is that we have a very high ceiling. Blowers give good circulation of air along with this factor. One keeps a clean shop along with the added protection of fire extinguishers.

Do you ever go out and do repairs in the field? Would you take men and equipment out and do a job on a boat somewhere?

Yes, but I prefer not to. I was mentioning earlier today that we went over to a South Portland shippard and repaired a 65 foot Vagabond. It had two sections in the steel hull and two sections in the bow about 7 feet wide and 14 feet long on each side that were totally gone. That was completely replaced in epoxies and glass.

Thank you very much.





Paul Luke, Inc.

According to our program this would normally conclude the main program. However, about a month ago I had a gentleman come in my office. I understand he visited about 14 or 15 other yards. Anyway, he handed me his card and I saw the State of Maine Seal and I thought, "What have I done now?" It turned out that he was from the Bureau of Vocational Education and was inquiring about what help we needed from their various vocational training schools around the state; what could these training schools do for marine industry. He asked me to give him a couple of minutes today so I'm going to call on Dana Darling, Coordinator for Business and Industry of the Bureau of Vocational Education.

## BUREAU OF VOCATIONAL EDUCATION: DANA DARLING

There are two reasons why I am here today. One is to let you know that the Bureau of Vocational Education in Augusta now has a coordinator of Business and Industry which is to say that I do the leg work. Our primary objective is to find out from industry where the holes in the labor market are. My office is my car and I've been to a number of your yards and I've talked with most of you that we've visited on this Marine Survey.

Many of you who have businesses, whether you like it or not will probably see my face in the door in the future. All we're asking is where do you have trouble finding people. We're not out trying to get commitments, we're not out looking for equipment or money, or statistical evidence. We're just trying to get a pulse on what we can do in our VII's and in our regional technical centers at the secondary level

of education. This spring we were in 24 yards from Mr. Miller's in Southwest Harbor to Mr. Dion's in Kittery asking this question, "Tell us where you have trouble finding people." What came out right off the top was marine mechanics. Not an engine mechanic, you can find an auto mechanic or diesel mechanic, but a marine mechanic. Give us somebody who is able to cope with a marine installation, who knows heat exchangers and cooling systems. I'll get us on common ground here and say that I am a mariner by trade so that as I was talking with you I could understand and it isn't as though we're trying to put something together in a sterile situation.

The other reason is just an update for those of you who responded. The report is complete; it's 60 some pages and it deals with 5 occupations. We tackled this business of marine technician, vessel engineers, vessel operators and then we added the two that you told us that you wanted, the marine mechanic and the general vessel repairman as found in many yards along the coast. I'm not talking about the seasonal labor that comes in when you need them in the springtime to get the boats overboard and comes back in the fall when you're hauling up and storing. I'm talking about the man who has the aptitude and the basic skills and can develop into the type of craftsman that you want employed in your yard and who has enough common sense to work with boats.

At SMVTI the recommendation has been made, it is in their hands, that their Engine Department go into marine mechanics. This would be a two year program. If you will recall when we did this survey we asked you to respond to a list of skills and subject areas and to tell us, for your outfit, which was essential for employment, which was helpful,

which was not required. We took the frequency responses and we have submitted to SMVTI a core curriculum of subject and skill areas. I won't bother to go into them here. We have submitted to the Deck Department the same thing for a vessel repairman. It's up to them to provide the time frame in which this is going to be done, when they'll have their first class entering and so forth. As it looks now what will develop will be the acquisition of 2 or 3 small craft, 30 to 40 feet, in dire need of repair which nobody in his right mind would want to take very far from the dock. For our purposes the boats would be ideal. We could take these young people onto the boats, take them through step-by-step and give them some idea of the skills and work attitudes that they're going to have to have. Then upon completion of two years hopefully we can start to make some inroads into your demands for marine mechanics. This is what our function is.

I want to say that all too often somebody walks in the door as I did and cons you out of two hours of your time for education's sake and you never hear from him again. Sometimes you wonder what happened and you never find out because nothing ever comes of it. I want to tell you that we appreciated your involvement, we are utilizing it, it's all in the report. It's been submitted, it's under consideration and I am very confident that you will see a program of this type set up in the very near future.

Are there any questions that I can respond to concerning this or my role?

## QUESTIONS:

Do you contemplate working with any other boat building course?

Yes, we have a policy that we go wherever any one of the Directors of VTI's or the regional centers ask us to go and we do whatever they want. Peter Pierce who is the Director at Washington County has asked us to come up in some other programs and I imagine we will get into that. Just what he wants, I don't know.

One last point. Please think of me as a line to the vocational system in the state. We haven't had one. People who have had questions on what's offered in a program or at a particular center or who they could talk to about adult education have had to call Augusta. You must know what that's like. I work for the Bureau and I call Augusta and can appreciate some of the frustrations that you have sometimes. If you have a question on something or if you want to talk to me about any programs you might be interested in or something you'd like to see come up - I'm available. My office is my car and I'll go anywhere in the state. Please give me a call either on day programs or adult education.

## CONCLUSION

This completes the planned symposium. Again I would like to thank all of our speakers, many of whom have come quite a distance to be here today. I also want to thank Wally Baker for filling in for me while I was trying to get down here this morning.

The next order of business is a short business meeting of the Maine Boat Builders and Repairers Association followed by a short business meeting of the Maine Marine Trades Association.

The next Boating Business Workshop is planned for October, 1974.

Please forward any suggestions that you may have regarding this workshop

to:

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- List of Members of the: 1. Maine Marine Trade Association
  - 2. Maine Boat Builders & Repairers Association
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