

Our possession permit does not accord any privilege of taking wildlife from the wild; but the Director is authorized to issue permits to allow such taking for scientific, educational, exhibition, or propagation purposes. We are extremely cautious about issuing any such permits to take protected wildlife for exhibition or propagation purposes until all other channels of acquisition have been exhausted. The Commission has a policy of some years' standing which denies permits to possess fawn deer from the wild unless there is some special reason or justification.

Disease and health problems in captive wildlife should be carefully watched since there is an ever-present hazard that such animals may be the cause of introduction of a disease to wild populations. These hazards can best be controlled by a strict regulation of interstate transportation of both exhibit animals and stock for release in the wild or as shooting preserve stock. The findings of the Cooperative Study of Deer Diseases in the Southeast indicates that a blood disease became established in several states as a result of interstate deer stocking and well illustrates the need for caution in any such activity. Most states do not have adequate laws to deal with such a problem and the hazards of such introductions are not understood by most sportsmen.

Florida newspapers earlier this month carried accounts of the discovery of an infestation of African red ticks in an exhibit of African animals occupying a 160-acre compound. Concern has been expressed since this tick is a known carrier of several animal diseases; and the exhibit where it was discovered has been quarantined by the State Department of Agriculture.

We are particularly conscious of tick-borne diseases since Florida sportsmen still remember the slaughter of deer in a number of south Florida counties in an effort to eliminate carriers of Texas cattle fever which was originally introduced by cattle transported from Texas.

In summation, it is apparent that few states have adequate regulations to deal with the problems of wildlife in captivity. There seems to be a definite need for more standardized controls of such operations; although a revision to incorporate complete jurisdiction would be major in scope under the present authority of many commissions. There is a definite need for greater authority to control the interstate movement of wild animals both to deal with exhibits and to avoid the much greater hazard of disease introductions into wild populations. Regulations should vest authority in the state wildlife agency to permit control of all wildlife in captivity; to set specifications for animal health and welfare; and to control movement of all wild animals across state lines.

PROGRESS IN THE ENFORCEMENT OF THE BOATING SAFETY LAWS IN NORTH CAROLINA

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North Carolina's Boating Safety Act gave to the North Carolina Wildlife Resources Commission the responsibility of administering and enforcing the provisions of the Act. Since January 1, 1960, the effective date of the Act, the Wildlife Protection Division of the North Carolina Wildlife Resources Commission, charged specifically with the work of enforcement, has had its share of complaints, objections, charges of harassment of boaters and of over-enthusiastic performance of duty, paralleled by statements that "the time has come for strict enforcement." In general, however, fewer difficulties have been encountered with the administration and enforcement of the provisions of the Act than were anticipated. Public reception of our firm enforcement policy, and of the way in which our field personnel have followed this policy, has been excellent.

Immediately upon ratification of the Boating Safety Act on June 17, 1960, plans were made to establish effective equipment and numbering regulations under authority of the Act, to inform the public of the provisions of the Act and the regulations attendant thereto, and to train enforcement personnel so that they would have a thorough knowledge of the new law in all its intricacies

in order that they might be able to enforce its provisions efficiently and effectively and to the benefit of all the users of North Carolina's abundant supply of inland and coastal waters.

With the knowledge that it would be impractical and confusing to the boating public to have two agencies, *i. e.*, the United States Coast Guard and the Wildlife Protection Division, enforcing two different laws regarding equipment requirements for motorboats, the Wildlife Resources Commission, at its meeting of August 19, 1960, made an omnibus adoption of all Federal equipment requirements for motorboats as outlined in 46 CFR 25, and all future changes in these requirements as they are printed in the Federal Register. When the numbering and equipment regulations were established, the Commission had printed a large number of informative and easily read booklets entitled *North Carolina Motorboat Owner's Guide*, which gave a description of all but the most involved provisions of the law and regulations. These booklets were given wide distribution so that any interested person could obtain one easily. One of these booklets was also sent out with each certificate of number issued.

At the same time the Wildlife Protection Division requested that Mr. Dexter Watts, Assistant Director, Institute of Government, University of North Carolina, who assists the Wildlife Resources Commission in a training capacity, make a study of the boating laws and regulations so that a training program for enforcement personnel could be established. Mr. Watts made a very thorough evaluation of these laws and prepared written discussions of them, including elements of violations, proof needed, weaknesses, proper warrant wordings, and applicability. With this material, administrative personnel of the Wildlife Protection Division, in company with personnel of the Institute of Government, held a series of one-day schools in the field during the month of December, 1959, in order that field personnel might be at least moderately familiar with the safety equipment, lighting and safe operation laws for motorboats and be able to answer intelligently the public's questions regarding these matters. Questions from field personnel at these brief sessions aided also in intelligent planning of later, more comprehensive schools on these same matters.

These more comprehensive schools were in the form of three one-week training sessions held at the Institute of Government during the months of February and March, with approximately one-third of the field personnel attending each session. During these sessions the personnel were given a thorough course of instruction in the boating laws and regulations and their applicability and weaknesses, their authority and responsibilities under the law, proving of regulations in court, expected defenses from persons cited for violation of these laws and regulations, wording of warrants, and the Division's enforcement policy relating to motorboats.

The Division's policy as outlined at these schools, and as it still stands, can be summarized very quickly; strict enforcement, with every definite violation taken into court, but with no cases made where complete proof of the violation is not available. It was believed by administrative and field personnel of the Division that sooner or later a firm stand on enforcement of the boating laws and regulations would become necessary, and that the sooner this hurdle was cleared the better. All field personnel were so instructed. They were instructed that *only* when there was doubt about unsuitability of an item of required boating equipment, or when there was a borderline case or less of reckless or drunken operation of a motorboat would a warning be given, so that no justifiable complaints of favoritism or of insincere enforcement could be made.

During February and March administrative and field personnel of the Division, accompanied by personnel of the Education Division of the North Carolina Wildlife Resources Commission, made personal contact with leading boat owners and operators, marina and boat dock operators, commercial fishing groups, local officials and civic organizations to solicit their aid in informing all persons concerned of the new laws, and to answer for them any questions about the laws or our plans for administering and enforcing them. During this same period personnel of the Education Division conducted an intensive campaign via newspapers, radio and television to acquaint the public with the provisions of the laws.

During the month of March, 1960, a series of courtesy boat inspections was held in each area in which there was any significant amount of boating activity, and in each area in which there was a significant number of boat owners. These courtesy inspections were designed to indicate to the public that the personnel of the Division were eager to assist them in their boating problems, and to answer for them any specific questions regarding required boating equipment, motorboat registration and numbering, and motorboat operation. It is believed that these courtesy boat inspections also had the effect of nullifying most complaints by defendants later that "I didn't know I was supposed to have it." We had done our part, even if they had not shown enough interest to avail themselves of this service.

None of these courtesy boat inspections were held on or after April 1, 1960. April 1, as the deadline for approval of state numbering systems, was the date set for the beginning of our enforcement program. It was thought that attempting to establish a strict enforcement program prior to that date would be impractical because of the large number of boats from other states using North Carolina's waters, and the confusion and ill-will which could result from attempting to enforce boating laws on boats from states where no boating laws were yet in effect. Also, it was thought to be unwise to attempt any courtesy boat inspections after the date set for strict enforcement, as each person found violating the boating laws would have the built-in excuse "I was just looking for you, I wanted my boat inspected." Accordingly, all courtesy boat inspections were scheduled for the "educational" period, that period prior to the beginning of strict enforcement.

Prior to April 1, several of the questions received in the office from boat owners and operators recurred quite frequently, giving some indication of the difficulties which might be experienced by field personnel when strict enforcement was begun. Most of these queries were of four general types, as follows:

1. Must a boat livery operator number and equip his boats with life-saving devices and lights if no motors of more than 10 hp are rented with them?
2. Why must I number my boat under the state system when I already have a United States Coast Guard number on it? Surely, Federal law prevails over State law.
3. May I register my boat with the state and retain my old United States Coast Guard number under the state system?
4. What type fire-extinguisher/muffler/flame-arrestor/lights/life-saving devices will I need for a boat of this type?

All such questions which came to the Raleigh office were answered there, and every effort was made to inform field personnel of the questions asked and the answers given.

A not unforeseen problem was created by the strict enforcement program; this was the flood of applications for certificates of number which reached the Motorboat Registration Section of the North Carolina Wildlife Resources Commission's Finance and Personnel Division. Inability of this section to keep pace with the rush of applications led to the necessity for the issuance of temporary certificates of number, printed on postal cards and mailed to the applicants immediately upon receipt of applications, and used as a certificate of number until the regular certificates of number could be printed and mailed. This also led to another problem, that of persons failing to place numbers on their motorboats upon receipt of the regular certificate of number, but attempting to continue to use the temporary certificate. Close scrutiny by field personnel of the date shown on the temporary certificates, leading to some persons being taken to court charged with failure to comply with the numbering provisions of the Act, soon ended this problem.

Some problems regarding life-saving devices arose after the strict enforcement was begun. The greatest of these were caused by: 1. lack of understanding by the public of exactly what was meant by "United States Coast Guard Approved Life-Saving Device" and 2. misleading labelling and advertising by some manufacturers of non-approved life-saving devices, tending to indicate by such statements as "Approved for Government Use" that the devices were United States Coast Guard approved. A number of persons who had purchased such equipment and in good faith were using it in an attempt to satisfy the requirements of the Boating Safety Act were convicted in state courts of fail-

ing to comply with the life-saving devices requirements of the law. This led to the adoption by the North Carolina Wildlife Resources Commission of the policy that all life-saving devices which were of a type approved by the Coast Guard and which were so constructed that they were substantially the equivalent of approved devices, and were in good and serviceable condition, would be recognized by our personnel as meeting the requirements of the law until January 1, 1962, *i. e.*, until an educational program could inform the public as to what was and what was not United States Coast Guard approved, and until an attempt could be made to obtain legislation to ban such misleading labelling and advertising in the state.

One of the minor and easily remedied difficulties arose from the desire of purchasers of previously unnumbered boats to try out their boats immediately. Obviously, there would be a delay of a few days between the purchase of an unnumbered boat and the date on which a certificate of number could be obtained, and new owners were understandably unhappy at not being allowed to try out their new boats immediately upon purchase. Accordingly, by Commission policy, a new owner was allowed to operate a previously unnumbered motorboat for the twenty days immediately following the date of purchase on the strength of a dated, notarized bill of sale. This allowed the new owner to operate his new possession immediately, and gave ample time for him to obtain a certificate of number.

Another and as yet unsolved problem is the late receipt of applications to hold boat races, regattas, etc., particularly when the event is to be held on navigable waters, making United States Coast Guard approval necessary. The Coast Guard has been very co-operative in dealing with this problem, going so far as to receive a request only a few days before the scheduled date of the event, and sending approval by telegram. However, it seems that the only real solution to this problem is the refusal of approval to those parties who do not make application within the time provided by law, and particularly to those who make application for an event so near to the scheduled date of the event that no real investigation of the plans for the event can be made.

As we come to the end of the 1960 boating season, the greatest of our problems has been finances. In North Carolina during this year we have numbered less than 37,000 boats at \$3.00 each. Of the funds received, \$50,000 was allotted to enforcement as part of Protection Division's annual budget of \$920,000. As the legislature in establishing the Boating Safety Act specified that no boating funds could be used for fish and game law enforcement, and that no funds derived from the sale of hunting and fishing licenses could be used for boating law enforcement, less than 5% of the time of personnel of the Division could be spent on boating enforcement. This means, in effect, that only in unusual circumstances could these personnel work on boating law enforcement separately from their routine duties in game and fish law enforcement. Such unusual circumstances included policing of boat races, regattas, etc., work in an area at such times as there was a large amount of boating activity and little or no hunting or fishing activity, investigation of boating accidents, investigation of applications for authorization to hold boat races, regattas, etc., and investigations of complaints of violations of the boating laws. It is hoped that in the future, as more funds become available for enforcement, a more reasonable percentage of our time may be devoted to as important an assignment as promotion of public safety through boating enforcement.

The following statistics will indicate the results of our enforcement program for the period April 1, 1960, through September 30, 1960:

Boats checked	40,743	
Prosecutions	1,400	or 3.44% of boats checked
Convictions	1,367	or 97.64% of prosecutions
Not Guilty and Nolle Prosequi	33	or 2.36% of prosecutions
Number of Cases in Which Fines Imposed	809	or 59.18% of convictions
Amount of Fines Collected	\$ 4,339.44	
Amount of Court Costs Collected	\$ 10,778.56	

Number of Cases Made by Type of Violation:

Registration and Numbering Violation	549	or 39.22% of total
Life-saving Devices Violation	563	or 40.21% of total
Equipment Violations	50	or 3.57% of total
Lighting Violations	67	or 4.79% of total
Drunken or Reckless Operation	38	or 2.71% of total
Skiing Violation	123	or 8.79% of total
Miscellaneous	10	or .71% of total

We attribute the high percentage of cases found guilty to two things: 1. the training program for all enforcement personnel which was begun prior to the effective date of the Boating Safety Act and 2. the adherence of our personnel to what we believe is always *good enforcement policy*—never take any case to court unless proof of each of the elements of the violation is present.

You will notice that the number of cases involving drunken or reckless operation of a motorboat is low. This is due to the fact that in many areas of North Carolina these cases may be tried only in the Superior Courts, where dockets are already crowded. Accordingly, many of the cases of this type which were made during the year are still awaiting trial, and therefore are not reported here.

You will notice also that the amount of fines collected is extraordinarily low for the number of cases found guilty. The amount of fines imposed was considerably greater than the amount shown above, but a large number of fines were suspended and do not appear in the amount of fines collected. We attribute the low amount of fines collected to: 1. the fact that the Boating Safety Act and its attendant regulations are new, and the courts are apprehensive of levying large fines for violations of a new law, and 2. the courts still do not consider violations of the boating safety laws as serious offenses.

At the end of our first season of enforcement of the boating safety laws, we are pleased with the public reception of our program. We are receiving excellent support from the boating public, legislators, and public officials, all of whom are offering their assistance in attaining our mutual goal, that of making boating a safe pastime and business.

We feel that an over-cautious approach to the administration and enforcement of the Boating Safety Act would have destroyed the people's confidence in the ability of our organization to do an effective job of enforcement, and would have made the problem of enforcement painful and more difficult at such time as public opinion made firm enforcement necessary. In short, we feel that our policy of adequate training of personnel, demonstration to the public of our desire to help them, and a program of firm, fair and impartial enforcement has paid off; we are over the hump. The public now identifies us with boating law enforcement, and accepts and approves of our policy of firm enforcement. We have won the confidence and approval of the public through a program for which some persons predicted doom, and for whose advocates they predicted ignominy.

We realize, of course, that our problems are not all solved. We are still plagued by occasional tragic, senseless boating accidents caused by a lack of adherence to the laws of the state; by occasional inadequacies in the laws such as the lack of enforced avoidance by high speed boats and water skiers of areas being used by swimmers and fishermen; by courts apathetic to the laws; by funds inadequate to operate an enforcement program commensurate with the importance of boating safety; and by occasional lack of understanding by some members of the public of the importance of the work which we are doing. We believe, however, that with the public confidence and approval attained, legislative changes soon will allow us to improve our boating safety program to the point that it will be a model program, and one of which any state would be proud.