

1. Develop a uniform policy with the States for the investigation and issuance of migratory bird propagating permits. Perhaps the initial investigation could be made jointly with the State personnel and the Game Management Agent and the same form used by both agencies.
2. Issue no permits to authorize the possession of migratory birds that have been acquired illegally such as birds that have been purchased from an individual not having a proper permit, or crippled birds picked up during hunting seasons since 1958.
3. Use the same administrative regulations for determining whether a permit should be issued.

STATE CONFORMANCE AND ENFORCEMENT OF THE NEW FEDERAL MOTOR BOAT LAW (PUBLIC LAW 85-911) ON COASTAL WATERS

By DAVID H. G. GOULD
*Supervisor, Coastal Fisheries Division
Georgia Game and Fish Commission
Brunswick, Georgia*

My speaking to you on this subject is somewhat like a man describing to a group of his friends the sex, physical characteristics, and personality traits of his yet unborn child. My home State of Georgia, like some of your States, has not yet enacted legislation to conform with the Federal Boating Act of 1958. However, we expect the passage of a Georgia Boating Act to be accomplished at our next legislative session which will convene in January. We realize, of course, that the mere enactment of a law is not an end in itself and that the desired effect can only be accomplished through its efficient application and intelligent enforcement. In order that we will be prepared to meet our responsibilities in this regard, we are endeavoring to anticipate some of the enforcement problems which we will be confronted with.

Congress' enactment of the Federal Boating Act of 1958 presented both an opportunity and a challenge to the individual States. This Act offers the States, for the first time in many years, an opportunity to take in hand a program which had previously been under the jurisdiction of the Federal government. To the State which chooses to avail itself of this opportunity, the Act hands down a challenge to accept not only the responsibility of establishing a comprehensive system of identifying its boats under a uniform system of numbering, but also the very important moral responsibility of providing itself with a framework of enforceable laws designed to further the public's interest, welfare and safety by providing for the protection and promotion of safety in the operation of boats on its public waters.

Numerous reports to the contrary, the effective date of the Federal Boating Act remains as originally established, April 1, 1960. The Congress passed an amendment which would have postponed the deadline date to April 1, 1961, but the President saw fit to veto their measure. This means that those States which have not yet enacted legislation to establish a State system of numbering vessels (and I believe that only four of us twelve Southeastern States have accomplished this to date), will have to not only enact such legislation prior to April 1, 1960, but must obtain Federal approval of their numbering systems no later than this date in order to assume control before the Coast Guard is required to enforce the Federal system.

A State's system for numbering vessels must meet the following standards in order to receive approval of the Secretary of the Treasury:

- (1) The system of numbering shall be in accordance with the overall system of numbering established by the Secretary.
- (2) The certificate of number and the number awarded shall be valid for a period not exceeding three years, unless canceled or surrendered, and may be renewed for additional periods.

(3) The number awarded shall be required to be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color, and type, as may be prescribed by the Secretary. No other number shall be permitted to be carried on the bow of such vessel.

(4) The certificate of number shall be pocket size and shall be required to be at all times available for inspection on the vessel for which issued, whenever such vessel is in use.

(5) The owner shall be required to furnish to a designated State official, notice of the transfer of all or any part of his interest in any numbered vessel, and of the destruction or abandonment of such vessel, within a reasonable time thereof. The owner shall be required to notify a designated State official of any change in his address within a reasonable time of such change.

(6) The State shall require that reports be made to it of accidents involving vessels numbered by it under its numbering system, and shall compile and transmit to the Secretary such statistics on such accidents.

(7) The State shall recognize the validity of a number awarded to any vessel by another State under a numbering system approved by the Secretary, or awarded a number by the Secretary under the Federal system, for a period of at least ninety days.

(8) In the case of a State having its numbering system approved after April 1, 1960, such State shall accept and recognize any valid certificate of number awarded by the Secretary under the Federal system for a period of at least one year, except where such a certificate would become void in a lesser period of time from the date of approval of such State system.

(9) The State may exempt any vessel or class of vessels from the numbering provisions of its system if such vessel or class of vessels has been made exempt from the numbering provisions of the Act by the Secretary under the authority granted him by the Act. (i. e. A vessel from a country other than the United States temporarily using the waters of a State; a vessel owned by the United States, a State of the United States or a subdivision thereof; a ship's lifeboat; a vessel belonging to a class of vessels, which the State exempts after determining that the numbering of such vessels will not materially aid in their identification, etc.)

(10) The States may charge fees in connection with the award of certificates of number and renewals thereof.

(11) The States may require that the operator of a vessel required to be numbered hereunder shall hold a valid safety certificate to be issued under such terms and conditions as may be provided by State law.

It is very gratifying to those of us who are concerned with the proper utilization of our water resources—and certainly boating recreation has today come up to share the limelight of importance right along with fishing—to note that most States have not only expressed their willingness to accept the responsibility of establishing numbering systems for the identification of vessels, but have also announced plans to pass laws dealing with reckless operation of boats, water skiing, safety equipment, etc. Most of the twenty-seven States which have already passed boat numbering bills have also made provisions pertaining to the safe operation of boats.

The need for an intensified program for the promotion of safety in boating operations has long been recognized. Perhaps the boating populations on coastal waters have been more conscious of the requirements set forth by the Motor Boat Act of 1940 (portions of which will be repealed effective April 1, 1960) which required certain safety equipment, navigation lights, etc. Most boat operators are very conscientious in observing all safety measures set forth by the Coast Guard and other boating organizations—whether required or merely recommended. But, of late, we have seen a new membership in the boating fraternities which are composed mostly of young adults (or old adults just “acting like”) who enthusiastically seek their recreation on our waters in their time-payment plan boats and outboard motors. The problems presented by these young folks are generally brought about not intentionally but through a lack of consideration for others, negligence, and/or ignorance.

In considering the enforcement of our boating laws, the brunt of our efforts will no doubt need be directed towards these people who so sorely need "proper counseling." Past experience has indicated that law enforcement is not nearly so difficult an occupation when dealing with a person who has actually gone out and really broken a law "sho 'nuff," as it is with the one who has just kind of bent it a little bit and "didn't know it wasn't alright." In regards to this situation, we will no doubt find that, as with our conservation laws, we'll have to try them out and see how they fit and if they don't fit so good, we'll just have to make them over.

A good enforcement program deserves—perhaps requires—a good public information program. It has been said that a well informed public is a law-abiding public. You gentlemen are aware of the importance of an informed public and certainly don't need to have me emphasize it to you. But it is such an integral part of enforcement that I don't feel that its mention can be properly avoided. Tell them what the law is and why it is, and you'll have a much more effective enforcement program. There will be violations, certainly. But when you apprehend these violators, you'll find that you have the majority of the people backing you up in the Court. These boating safety laws will be for the welfare of the boating public and it will be in their interest to cooperate with the program and observe the laws. Of course, sometimes this kind of psychology doesn't work—like when I tell my young son that the dose of castor oil is really for his own good—it doesn't make it any easier to pour it down his throat.

As well as can be determined, by the writer of this report, the enforcement of the boating laws, on coastal waters will not differ from the enforcement of them on inland waters so far as conformance with the Federal requirements are concerned. A State may establish separate or different provisions for the operation or equipment requirements for vessels on its inland and coastal waters if it chooses. Some States may have already made this differentiation. Physical conditions under which the enforcement of these laws is conducted will, of course, vary considerably between the inland and coastal waters. It is assumed that those States being fortunate in having coastal waters under their jurisdiction have already a group of enforcement officers who are acquainted with the pleasingly unique characteristics of these "beautifully alive" marine waters and who are possessed of those staunch qualities generally associated with people from these distinguished areas of our great nation.

One distinction which an enforcement program of these boating laws on coastal waters may have from one conducted on inland waters is the prevalence of documented vessels on coastal waters. This will also be true in those States having extensive river systems. The Federal Boating Act requires the numbering of every undocumented vessel propelled by machinery of more than 10 horsepower excepting those vessels mentioned previously in this report. All vessels not used exclusively for pleasure and which are 5 net tons or over must be documented by the Bureau of Customs. This, of course, affects all commercial fishing vessels of a 5 net tons size or larger. Many yachts in coastal waters are documented if they are over 20 gross tons or if they are more than 5 gross tons and wish to avail themselves of more expeditious travel between our country and foreign parts and certain advantages facilitating financing and transfers of title. The importance of this distinction is not considered to be of very formidable proportions.

A very diligent effort has been expended in the preparation of this report to refrain from proffering advice on how to enforce these regulations. I refuse to pose in the character of an advisor on enforcing boating laws. Such an identity does not befit me well, for, lo, in the not too distant future it may be my turn to ask of you the profound question, "How do you go about enforcing the d - - - d things?"