

A First-hand Account Regarding Creation of the Maryland Boat Act

The following account was written by William Matthews, one of the first members of the BAAC and the first DNR staffer to work with the Committee. The text is an excerpt from a presentation Mr. Matthews made to the members of the Chesapeake Bay Yacht Club Association on the history of the Committee and the Maryland Boat Act.

In any discussion of the background of the Maryland Boat Act (Boat Act) and the Maryland Boat Act Advisory Committee (BAAC), the Chesapeake Bay Yacht Clubs Association (CBYCA) must be considered because it was an integral part of the Boat Act as well as of the Advisory Committee.

In the middle 50s, the Bonner Act was introduced into the United States Congress by Mr. Bonner, of North Carolina. This Act would allow the States of the Union to register and regulate motorboats upon their waters instead of the Coast Guard provided the various States passed a State Boat Act with a numbering system approved by the Coast Guard. If a State did not pass such an Act, the Coast Guard would still number the vessels principally using the waters of that State. If at any time the numbering provisions of the State Boat Act were not conducted under the regulations as set down by the Coast Guard, the Secretary of the Department under which the Coast Guard was operating could annul the State Boat Act and the Coast Guard would number the vessels from that State. At the present time (1978), all states and the District of Columbia have approved Boat Acts with the exception of Alaska, New Hampshire, and Washington.

Boatmen throughout the country on federal waters such as the Chesapeake Bay and its tidewater tributaries were very fearful of this Act. They were used to working with the Coast Guard and were very happy with the cooperation they received, but the Coast Guard wanted to get out of the "Boating Business". Of course, the Coast Guard would still enforce Federal Law on federal waters, but they wanted to get rid of the numbering of motorboats, which they had taken over from the Customs Service in either 1936 or 1940. The Boatmen also did not trust the States. They were afraid that boating would be administered by people who knew nothing about it, and enforcement would be done by unqualified personnel such as State Police and State Game Wardens who knew nothing about boating. Since the Bonner Act for the first time allowed a charge for registering vessels, they were also fearful that the States would use it as a moneymaking proposition. Their fears were well grounded because this is exactly what has happened in many States.

In 1957, because of this unrest among the boatmen, I wrote to the Commodores of five yacht clubs in the Baltimore area and asked if they would like to meet with me to discuss the boating situation. They all answered in the affirmative. I contacted Bill Schriver, who had a regular boating broadcast over WFBR, to see if we could meet in their studios and also invited him to be present. The first meeting was held in 1957 at WFBR in Baltimore. The Commodores felt that we should have an association of clubs so that a united front could be presented to the Legislature to protect the interest of all Boatmen. This Association was named by Bill Schriver as the Chesapeake Bay Yacht Clubs Association with me as its first President.

The Bonner Act was passed and became the Federal Boat Act of 1958 and immediately all States including Maryland began writing Boat Acts. The first Act put before the Maryland Legislature in 1959 was, as we expected, horrible. The monies collected were not set aside for boating purposes and one of the worst aspects was the "Classes of Vessels" contained different lengths of boats than those set up by the Coast Guard; since all of Maryland's Tidal Waters are federal navigable waters, we would have chaos. The Coast Guard would be enforcing one set of equipment, regulations, and the State a different set for the same vessel. Boating was to be administered by the Department of Tidewater Fisheries probably because someone thought if a person knew fishing, he had to know boating which is of course false.

A hearing was to be held and the call went out by CBYCA to all boatmen. There were so many people at the hearing they had to hold it in the House of Chambers and the floor of the House as well as the balcony was overflowing. I knew that unless there was some orderly means of presenting arguments the hearing would be chaotic; so, Dick Williams, Qualifications Officer of CBYCA, who knew the Speaker of the House, J. Marshall Boone, asked him if he wanted me to emcee the opposition. A few minutes later, Boone called me over and said, "Have you ever heard of the Bonner Act?" I said yes. He then said, "You think all those people out there know about the Bonner Act?" and when I answered in the affirmative, he said, "I doubt it." How wrong he was. He then said he would appreciate it if I could take charge of the opposition, which I did, and it was presented in an orderly manner. The Bill was defeated.

Before the next Legislature, things began to happen. Dr. H.C. (Curley) Byrd was Chairman of the Commission on Tidewater Fisheries, and Jerry Valliant was named Vice-Chairman. Jerry undertook to write a State Boat Act. He was well qualified. A native of Oxford, he had been around boats all of his life, both sail and power. He was the first Commodore of the Tred Avon Yacht Club and served as an officer in the Coast Guard during WWII and after the War was District Director of the U.S. Coast Guard Auxiliary with the 5th Coast Guard District. He served as Commander of the Salisbury Power Squadron, USPS and was District Commander of the Salisbury Power Squadron, USPS and was District Commander of District 5 USPS. On the political side, he had been elected as mayor of Salisbury.

Jerry called on more experience in writing the Boat Act. Captain Henry Sweet was contacted. Captain Sweet was a Master Mariner, a retired Captain in the U.S. Customs Service, a former Commander of the Salisbury Power Squadron and an attorney. As a matter of fact, he wrote the Federal Boat Act of 1940. These two men were authors of the present Boat Act.

After each draft of the Boat Act was completed, it was submitted to CBYCA for suggestions and criticisms. Many conferences were held before it was submitted to the Legislature. The CBYCA also held conferences with Governor Tawes and were promised by him if the Boat Act passed, boatmen would administer it and boatmen would run boating. Therefore, when it was submitted to the Legislature, the CBYCA backed the legislation.

At one of the legislative hearings, Bob Cochran, program Director of WMAR TV and an active member of the Baltimore Yacht Club and CBYCA, pointed out that since the Bill basically authorized the Tidewater Fisheries Commission to pass regulations governing boating there was no requirement that these regulations be approved by people who know boating. This resulted in

the proposed legislation being changed to include the Boat Act Advisory Committee with expressed intent that this Committee would act as the "Board of Directors" for the boating administrator and boating would be a semi-autonomous division of the Department of Tidewater Fisheries. It was pointed out that when Maryland began registering automobiles, the present Department of Motor Vehicles was a part of the Board that licensed horseshoers and the boatmen wanted boating run by boating experts. With all these assurances, the Boat Act of 1960 passed.

Now that the Act was passed, there had to be regulations written which was done by the First Boat Act Advisory Committee. Jerry Valliant was Chairman, Captain Henry Sweet was appointed to represent the U.S.P.S., Captain McClain "Clainey" Welsch represented the U.S.C.G. Auxiliary, there was a person from Deep Creek Lake whose name I have forgotten, and I was appointed to represent CBYCA. We met at the home of Captain William Sayer, Chief of the Office of Boating Safety U.S. Coast Guard; Helen Roberts who said she represented CBYRA was also present. Basically, the first regulations were written by Jerry Valliant, Captain Henry, Clainey Welsch and myself with the assistance of Captain Sayer. They were very simple and exactly like the Coast Guard's. As a matter of fact, the regulations on Rules of the Road, classes of vessels and equipment requirements on vessels merely refer to the Coast Guard regulations. The Committee approved them unanimously and they were adopted by the Commission and went into effect, I think, July 1, 1960.

As a member of the Committee, I conferred with and advised Curley Byrd and Jerry Valliant and at their request I wrote the first edition of the BOATING HANDBOOK, which was to be placed in every registration that was mailed so the boatmen would know the rules and regulations. The Commission of Tidewater Fisheries offered me the position of administering the Boat Act to have complete charge of everything concerning boating with the exception of enforcement. I accepted and in lieu of giving my former position one-month notice, I worked every other day in Annapolis for two months and began full-time with the Department on September 1. Naturally when I accepted the position with the State, I resigned as President and Commodore of CBYCA, and Dick Williams of the Baltimore Yacht Club was elected in my place and also appointed to the Boat Act Advisory Committee.

The Boat Act Advisory Committee met regularly, not only acting as my Board of Directors, but also approving all regulations. The Commission would pass the regulation if approved by a Committee or turn it down and disapprove. In other words, they knew that the expertise in boating was on the Committee and not on the Commission, so they always took the Committee's "advice". In addition to regulations, the Committee approved or disapproved suggested changes in the Boat Act. I would draft a suggested change and then submit it to the Committee and if it was approved, it would be submitted. They spent many long hours working on Legislation, and I well remember an all-day session.

No boating funds were expended unless they came through the Boating office. This included the expenditures for marine police. As a matter of fact, it was the Boat Act Committee that pushed radar equipment for boats, and I was the one who got the commission to purchase Boston whalers and runabouts instead of the horrible runabouts they had. Whenever there was legislation that the Department wanted passed in boating, there were members of the Boat Act Committee present testifying for it because it passed by them before the Department put it in. Only

representatives of Statewide Boating Organizations were members of the Committee in the beginning and no members at large. There was one exception to this and that was Deep Creek Lake. They always had a member at the Deep Creek Lake area that they seldom showed at meetings. There was one thing I made sure of and that was CBYCA would have an official representative on the Committee. I think that Phil Goldsborough was the CBYCA first official representative.

The word got around the boating fraternity that boatmen were running boating and the BAAC was protecting their interest. If they had complaints, they should go to a member of the Committee and it would be discussed. When the title tax was proposed, CBYCA and the Boat Act Committee were very leery of it and it looked like votes were going to oppose it in the Legislature. However, when the Director of the Department came to Commodore Simon and myself and told us to assure CBYCA that the Boat Act Committee would approve all Waterway Improvement Expenditures, CBYCA backed the Department, as did the BAAC. (No project has ever been brought before the Committee.)

I know the boatmen are restless, as are members of the Boat Act Committee and in my mind the only way to bring back the confidence of the Boatmen is to bring back the Boat Act Advisory Committee to its original conception and have a separate boating division or administration or whatever you want to call it run by a boating expert to carry out the policies set forth by the Committee.