

Act Number:	09-105	
Bill Number:	824	
Senate Pages:	2200-2205, 2292-2294	9
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
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SENATE

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May 15, 2009

Calendar page 29, Calendar Number 274, File Number 353, Senate Bill 824, AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS AND YACHT BROKERS, favorable report of the Committees on Environment and Finance, Revenue and Bonding.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and passage of this bill.

THE CHAIR:

Acting on acceptance, sir, would you like to remark further?

SENATOR MEYER:

Yes, please, Mr. President. Colleagues, this is a bill that relates to the registration of classes of people who will be able, by their registration, to drive an unregistered boat -- unregistered yacht. Today in order to take out into the waters an unregistered yacht you have to be actually be registered. And there -- this bill relates to two classes of people who need to be registered and that is a yacht broker, like a real estate broker, who

sells this kind of yacht. He needs to be able or she needs to be able to take the yacht out and, therefore, needs to be registered.

And the second registration group is the marine, what's called the marine surveyor. Marine surveyors are engineers who are responsible for the, in part, for the construction of the yacht. And so they need to take it out in order to try it out and be sure that the yacht is safe.

So this bill provides for registration for those two groups of people, yacht brokers and marine surveyors. There is a technical amendment, Mr. President, and I respectfully request that the Clerk call LCO 6289.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 6289 which will designated Senate Amendment Schedule A. It is offered by Senator Meyer of the 12th District, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I move the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR MEYER:

Mr. President, this amendment is just a technical wording amendment because the wording in line 48 was misplaced. And I represent that it is just a technical wording amendment. It has no particular substance to it and I move it.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will you remark further on Senate A? If not, let me try your minds. All those in favor please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. Senator Meyer.

SENATOR MEYER:

If there are no questions, I would ask that this be placed on the consent calendar.

THE CHAIR:

Is there further discussion on Senate Bill 824 as

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amended by Senate A? Senator Meyer. Senator Maynard,
I'm sorry.

SENATOR MAYNARD:

Thank you, Mr. President. For the purpose of
question to the proponent of the bill.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes.

SENATOR MAYNARD:

Through you, Mr. President. Just for
clarification, I wonder if the proponent could let us
know if this bill is intended to affect, in any way,
commercial operators of vessels?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President. We looked at that
issue and been informed from the definitions in this
bill that it in no way affects commercial vessels, as
for example, ferries.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Thank you, Mr. President. I thank the proponent for his answer.

THE CHAIR:

Senator Meyer.

Is there any further discussion on Senate Bill 824 as amended by A? Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President. I stand in favor of the bill. When I first read this bill way back when, I was surprised that we didn't have this on the books already and quite frankly, there has been a lot of confusion out there on the waterways, and in particular, Long Island Sound being the closest body of water to us and I'm sure on the lakes as well, with marine police enforcement, people, when they come across a boat that's being taken out for a sea trial or a test of some sort -- and they honestly didn't really know what to do.

And in many cases they overacted and caused all sorts of trouble with those who were just trying to either maintain a boat, test it out, or in the case of a broker, selling it. So I stand in favor of it and it should hopefully pass unanimously. Thank you, Mr. President.

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THE CHAIR:

Thank you, sir. Will you remark further on Senate Bill 824 as amended by Senate A? Will you remark further? Senator Meyer.

SENATOR MEYER:

Mr. President, may this kindly be placed on the consent calendar.

THE CHAIR:

There is a motion on the floor to place the item on the consent calendar. Without objection, so ordered.

THE CLERK:

Calendar page 31, Calendar Number 321, File Number 411, Senate Bill 271, AN ACT CONCERNING FLOODPLAIN MANAGEMENT AND MILL PROPERTIES, favorable report of the Committees on Environment and Planning and Development. The Clerk is in possession of amendments.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Mr. President, I move acceptance of the joint committee's favorable report and passage of this bill and ask respectfully that the Clerk --

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Yes. Thank you, Mr. President. If the Clerk might move now to call the consent calendar, and read the items on that calendar and then call the calendar.

THE CHAIR:

Mr. Clerk, please call for a roll call vote on the consent calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber. Immediate roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber.

Mr. President, those items placed on the 1st Consent Calendar begin on calendar page 1, Calendar 647, Senate Resolution Number 27; calendar page 2, Calendar 648, Senate Joint Resolution Number 77; calendar page 5, Calendar 381, substitute for Senate Bill 1079; calendar page 22, Calendar Number 114 substitute for Senate Bill 894; calendar page 23, Calendar 138, substitute for Senate Bill 817; calendar 144, substitute for Senate Bill 849; calendar page 29, Calendar Number 274, Senate Bill 824; calendar page 31, Calendar 321, Senate Bill 271; calendar 323, Senate Bill 497; and calendar 365,

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Senate Bill 384; calendar page 32, Calendar 367,
substitute for Senate Bill 785; calendar page 37,
Calendar 490, Senate Bill 898; calendar page 40,
Calendar 556, Senate Bill 1061; calendar 558,
substitute for Senate Bill 1063; and calendar page 41,
Calendar 328, substitute for Senate Bill 814.

Mr. President, that completes those items placed on
the 1st Consent Calendar.

THE CHAIR:

Please call for the consent calendar. The
machine will be open. Oh, Senator Looney. Yes, sir.

SENATOR LOONEY:.

Yes. Mr. President, just for purpose of
clarification. I believed I had earlier marked on
calendar page 21, 2 items on the consent. Initially
we had removed -- placed calendar 103, but I believe
we also had Calendar 82 on page 21, Senate Bill 761.

THE CHAIR:

No, sir. Those are not noted here on our
calendar.

SENATOR LOONEY:

Okay. We'd like to place that item on the
consent calendar, Mr. President, calendar page 21,
Calendar 82, Senate Bill 761.

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THE CHAIR:

There's a motion to place that item on the consent here. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

THE CLERK:

The Senate is now voting by roll call on the consent calendar. Will all senators please return to the chamber. The Senate is voting by roll call on the consent calendar. Will all senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

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**CONNECTICUT
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HOUSE**

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REP. MERRILL (54th):

Thank you very much, Mr. Speaker. I would move
that this item be passed temporarily.

SPEAKER DONOVAN:

The motion is to pass this bill temporarily. Is
there objection? Hearing none, the bill's passed
temporarily.

Will the Clerk please call Calendar 630?

THE CLERK:

On page 22, Calendar 630, Senate Bill Number 824,
AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS AND
YACHT BROKERS, as amended, a report by the Committee
on Finance.

SPEAKER DONOVAN:

Lead Chairman of the Environment Committee,
Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint
committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

Question is on acceptance and passage of the
bill. Will you remark, sir?

REP. ROY (119th):

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Thank you. What this bill does is provides temporary licenses for marine dealers, yacht dealers, much like a car dealer has so he can take a car out on the road to let a possible buyer get a feel for the car.

We're doing the same thing for the boats so that they're completely legal, and I urge passage.

Mr. Speaker?
SPEAKER DONOVAN:

Yes, Representative. You still have the floor.

REP. ROY (119th):

The Clerk has an amendment, LCO 6289. I ask that he call and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 6289, which is designated Senate A.

THE CLERK:

LCO Number 6289, Senate A, offered by Senator Williams, et al.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize. Any objection? Representative Roy, you may proceed with summarization.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, it's a technical amendment allowing the DEP to establish fees for licensing of such craft. I urge adoption.

SPEAKER DONOVAN:

Question for the chamber is adoption of Senate A. Remark on the amendment? Remark -- Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I agree with the gentleman's assessment of the amendment. It makes minor changes to the DEP regulations, and I urge passage.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Remark further the amendment, on Senate A. Remark further on the amendment, Senate A?

If not, let me try your minds.

All those in favor of the amendment please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

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Those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended? Remark further
on the bill as amended?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I'd like to encourage my
colleagues to support this bill. It's been -- came
out of the Environmental Committee unanimously, and
it's gone through the Finance Committee also
unanimously, and I urge passage.

Thank you, Mr. Speaker.
SPEAKER DONOVAN:

Thank you, Representative. Remark further on the
bill as amended? Remark further on the bill as
amended?

If not, staff and guests, come to the well of the
House. Members take your seats. The machine will be
open.
THE CLERK:

The House of Representatives is voting by roll
call. Members to the chamber. The House is taking a
roll call vote. Members to the chamber, please.

SPEAKER DONOVAN:

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Have all the members voted? Have all the members voted? If all the members have voted, please check the roll call board to make sure your vote's been properly cast.

If all the members have voted, the machine will be locked, and the Clerk will take a tally.

Representative Hamm, for what reason do you rise?
REP. HAMM (34th):

Mr. Speaker, may I be recorded in the affirmative?

SPEAKER DONOVAN:

Hamm in the affirmative.

Anyone else?

Will the Clerk please announce the tally?

THE CLERK:

On Senate Bill 824, as amended by Senate A in concurrence with the Senate.

Total number voting	86
Necessary for adoption	44
Yea	86
Nay	0
Absent and not voting	65

SPEAKER DONOVAN:

The bill passes in concurrence with the Senate.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
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1972 - 2325**

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cm ENVIRONMENT COMMITTEE

March 4, 2009
10:00 A.M.

REP. ROY: Thank you.

Deputy Commissioner of the DEP, Susan
Frechette.

SUSAN FRECHETTE: Good morning Senator Meyer,
Representatives Roy, Representative Chairmen,
and members of the Environment Committee. My
name is Susan Frechette, and I'm deputy
commissioner of the Department of
Environmental Protection.

The Department has submitted testimony on a
number of bills before you today, and I am
here to testify on two of them in particular.
The first is the bill submitted by the
governor, Senate Bill 832, An Act Concerning
Boating Safety. This is a bill that the
governor introduced last year. It's a bill
that passed this committee unanimously, as
well as the Judiciary Committee, and it is a
bill we hope, with your support, to make a
reality this year.

It's a bill that increases penalties for
causing the death of another while boating
under the influence of alcohol. The current
penalties imposed for causing the death of
another while operating under the influence
are two years imprisonment and a fine of up to
\$5,000, and we are seeking to increase
penalties for jail imprisonment up to ten
years and fines of up to \$10,000, which the
governor and we believe is a more appropriate
response to the loss of life caused in these
circumstances, and given the committee's
unanimous support for this bill last year, we
hope that you will be able to support the bill
again this year.

The next bill that I would like to speak to is
the agency bill, Senate 824, which is An Act

Concerning Marine Dealers, Marine Surveyors and Yacht Brokers. It provides broader access to marine dealer registration numbers for qualified businesses. It essentially seeks to keep pace with current business practices for qualified marine surveyors and yacht brokers to allow them to put unregistered boats in the water to show them for sale or to assess the condition or sea worthiness of a particular boat. It's similar to dealer plates for automobiles, in that it will allow marine surveyors and yacht brokers to put a boat in the water on a temporary basis.

The present law requires marine surveyors and yacht brokers to have a showroom or an office, but current technology allows a lot of legitimate businesses to operate basically with a cell phone or with a laptop, and so they can operate without a fixed physical structure. We do recognize that, certainly, the potential for abuse could exist and we would seek to impose regulations as part of a law that would be passed to limit the number of marine dealer registration numbers so that in the first year of operation and in subsequent years, we would limit the number of dealer registration numbers that would be issued and we would require marine surveyors to have only one registration number at any given time. So that we would keep an eye on how many of these registrations are out there at any given time.

We do deal that this would be a benefit to the marine industry at this particular time, and we would ask for the committee's consideration of this bill.

So we would be happy to take any questions that you would have about either of these bills.

And, Bart, you boats are a classroom for the kids?

BART MANZI: Definitely are.

REP. ROY: Any other questions or comments? Seeing none, Bart, thank you very much.

BART MANZI: Thank you very much. Thank you for your support.

REP. ROY: Grant Westerson, followed by David Sutherland.

GRANT WESTERSON: Good afternoon, Mr. Chairman, SB832 HB6346 Senator Meyer and members of the committee, thank you for the opportunity to speak.

Grant Westerson, I'm with the Connecticut Green Trade Association. I left four pages of testimony for you to peruse. Just to follow on the previous speaker, we certainly support the notch program. It has done a marvelous job, and for the cost of the program, it certainly needs to be revisited again for another year. I also have a seat on the Long Island Sound Assembly, and we have spoken about this program a number of times. I wholeheartedly do support that, so please move that issue forward. That was Bill 848.

Bill 824 is a DEP department bill. It extends the use of dealer numbers, special dealer numbers to bring surveyors and to yacht brokers. I've been in the industry for 40-some-odd years and have had many, many numbers. They are a business tool, much as dealer plates are for auto dealership. They are well regulated. Us in the industry are the first people to turn somebody in for misuse. So it is a business tool and it certainly needs to be extended to the others.

The department has spent a lot of time looking at this and developing credentials and mandating how they should be used, and we certainly support that bill as well.

Bill 832 is another department bill. It is a governor's bill on boating safety. This bill changes the penalties for reckless boating when liquor is involved and someone loses their life, and I think it certainly is fair to say that it arose because of the fatality that we had on the Connecticut River not that long ago. Our industry 100 percent supports this change. I think it's something that should be moved forward promptly. Whatever we can do to minimize accidents on the river, we do. But this addresses the penalties and the fines for the people that misuse the waterways, and we certainly support that.

The last bill, 6346, I urge you to not support. This is a bill that's popped up periodically over and over again. As a matter of fact, this year the exact same bill has three different bill numbers on it floating around up here it will be. There is no demonstrated need for it. I have given you my bullet points within my testimony, and if I can answer any questions on this, or any of the other three, thank you very much.

REP. ROY: Thank you, sir.

Any questions or comments for Grant?

Senator Meyer?

SENATOR MEYER: Yeah, House Bill 6346 you are opposing, and it relates to marine structure. Can we just get your position on that, why you oppose that bill?



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 4, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

Raised Bill No. 824, AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS AND YACHT BROKERS

Thank you for the opportunity to present testimony regarding Raised Bill No. 824 – AN ACT CONCERNING MARINE DEALERS, MARINE SURVEYORS AND YACHT BROKERS. We appreciate the Committee's willingness to raise this bill on behalf of the Department of Environmental Protection. This bill seeks two important changes to boating law. First, this bill grants broader access to marine dealer registration numbers for qualified businesses that are currently denied such access. Second, this bill enables the Commissioner to set and change certain fees relevant to marine dealers. We strongly support these changes.

Raised Bill No. 824 establishes definitions for "yacht broker" and "marine surveyor", and allows yacht brokers and marine surveyors to have access to marine dealer registration numbers, which are the boating industry's equivalent of automobile "dealer plates".

Yacht brokers arrange for the showing and sale of a vessel for a commission. Marine surveyors assess the condition of marine equipment or the seaworthiness of a vessel. These independent businesses are currently excluded from the ability to obtain marine dealer registration numbers because they do not maintain a fixed office and showroom, which the law currently requires as a prerequisite for receiving such numbers. These businesses must pay vessel registration fees and sales tax if they intend to operate an unregistered vessel on the water for the purpose of demonstrating or assessing it. Such expenses can be considerable and are not borne by other marine dealers.

In the past, the requirement to maintain an office and a showroom was an assurance to the State that a marine dealer was operating legitimately. However, advancing technologies such as wireless mobile telephones and mobile computers have enabled legitimate businesses to emerge that are proving to be viable without the benefit of a fixed physical structure. To these businesses, the requirement to maintain such a structure in order to qualify for marine dealer registration numbers is an impediment to business. We now seek to remove this impediment.

Marine dealer registration numbers grant broad rights to the holder. As we remove this impediment for yacht brokers and marine surveyors to access marine dealer registration numbers, we are aware that unqualified businesses or individuals may try to obtain them. To

prevent such potential abuse, access to these numbers by newly enfranchised yacht brokers and marine surveyors will be carefully controlled. New collateral regulations will limit the yacht broker to one marine dealer registration number in their first year, and will impose performance criteria for renewal. Marine Surveyors will be limited to one number at all times and will be required to maintain their professional certification.

Ultimately, this bill enables the yacht broker to demonstrate an unregistered vessel on the water and a marine surveyor to assess a vessel in marine conditions, while passing the responsibility of paying sales tax and registering the vessel to the eventual owner. The ability to provide these additional services will have a positive effect on this segment of the boating industry by assisting in the sale of vessels and surveying services.

In addition, this bill establishes the Commissioner's right to collect a reasonable fee to offset the State's cost related to the examination and processing of each application for marine dealer registration numbers, and amends the law to allow the Commissioner to reset the existing fee for each marine dealer registration number, new or renewed, by regulation instead of by legislation.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at 424-3401.

CONNECTICUT MARINE TRADES ASSOCIATION20 Plains Road
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March 4, 2009

Environment Committee
Legislative Office Building
Hartford, CT 06106Re: **Raised Bill No. 824 AAC Marine Dealers, Marine Surveyors, and Yacht Brokers.**

Chairmen Meyer and Roy;

Distinguished members of the Environment Committee, the Connecticut Marine Trades Association (CMTA) urges you to support **Raised Bill No. 824 AAC Marine Dealers, Marine Surveyors, and Yacht Brokers.** The Recreational Marine Industry in Connecticut has over 450 businesses employing 10,000 hard working people, all across the state. Boating is a significant part of our state's tourism efforts and is responsible for the collection of a significant amount of sales and use taxes.

This bill is a Department of Environmental Protection bill that addresses some necessary statutory changes to definitions and the issuance and uses of marine dealer registration numbers. These numbers, issued by DEP and long used by marine dealers and marine engine manufacturers, are important business tools in their daily operations. Like automobile dealer plates there are specific criteria and requirements for their uses and who may apply for them. Any powered vessel used for navigation must be legally registered or documented somewhere prior to use. Launching an unregistered power vessel is a violation which complicates the job of a Marine Surveyor when contracted to inspect and sea trial a prospective vessel for sale by the buyer.

This bill adds Marine Surveyors to the allowable number applicants and specifies the parameters of their use by them. It also defines the qualifying criteria that one must possess to be considered a credentialed Marine Surveyor and thereby have the ability to apply for on dealer number for professional uses. It also specifies the proper paperwork necessary to the permitted uses of the number and the record keeping requirements to ensure that there are no instances of misuse of the numbers. Additionally there are some changes to the statutes with references to Yacht Brokers that better define their proof of business situations. This is a necessary upgrade to this section and its passage has been overdue

We urge you to support **Raised Bill No. 824 AAC Marine Dealers, Marine Surveyors, and Yacht Brokers.** It is an important business tool and needs your prompt attention and consideration. Thank you for the opportunity to comment on these issues and please know that we are available to discuss them at any time.

Sincerely,

John S. Johnson
Legislative ChairGrant W. Westerson
Executive DirectorLinda A. Kowalski
The Kowalski Group