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**Veto Message: Governor Kunin
1988 (H.45)**

An act relating to the exemption of sailboards from requirements pertaining to flotation devices.

STATE OF VERMONT
Executive Department.
Montpelier, Vt., May 27, 1988

The following communication relating to the veto of H.45 was received from the Governor:

The Honorable Ralph G. Wright, Speaker of the House
House of Representatives
State House
Montpelier, VT 05602

Dear Speaker Wright:

I am returning herewith to the House, unsigned and without my approval, House Bill 45, entitled:

An act relating to the exemption of sailboards from requirements pertaining to flotation devices.

If this bill were to become law, it would set sailboards apart from all other watercraft, and, for this type of watercraft alone, would announce that the use of personal flotation devices ("PFDs") is no longer required in Vermont.

I cannot in good conscience accede to such a policy change. Based upon research conducted by my office, I am convinced that, like seatbelts, PFDs offer important safety protections and can, indeed, save lives in collision or other emergency situations. The need to require PFD use by sailboarders is particularly great now that the sport is catching on in general popularity and attracting a wide

range of participants. While it may well be true that the strong, experienced swimmer is unlikely to need the extra assistance of a PFD, that is surely not the case for a novice.

I am aware that the greatest measure of protection for sailboarders is provided by their actually wearing PFDs, and that the current statutory provision, found in 23 V.S.A. § 3306(b), interpreted strictly, requires only that PFDs be "carr[ied]" on board sailboards. However, I understand that many sailboarders choose to comply with the carrying requirement by donning PFDs rather than strapping them to the mast. I am convinced that to allow H. 45 to become law would send a message that PFDs are unnecessary for the sport of sailboarding. Because of my strong concern for safety, that is a message I am unwilling to convey

The General Assembly has wisely determined through J.R.S. 81 that the entire body of Vermont's boating laws should be reviewed. Among the specific issues assigned to the committee for study is the "regulation of sailboards". This assignment provides an excellent opportunity to change the law regarding PFD use by sailboarders. It would make more sense to enact a statutory provision that tailors a sailboard-PFD requirement to fit the needs of this particular sport. I commend consideration of such a new enactment to the committee created by J.R.S. 81 which will report to the General Assembly on or before January 15, 1989.

In the meantime, I believe that current law should remain intact so as to avoid creating a hiatus through which human lives could slip. Accordingly, I am declining to approve H.45.

Sincerely yours,

/s/ Madeleine M. Kunin,
Governor

*Note: Pocket Veto- The General Assembly adjourned May 20, 1988, 7 days before the veto message was received.

Sources: *Journal of the House*, May 20, 1988 (pages 1316-1317)