

10/11/12

Massachusetts rocks the boat over 2-tier fees

Charging tourists more isn't unusual, and locals are riled over new laws

By Martha T. Moore
USA TODAY

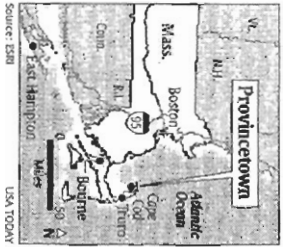
Want to park in the public lot in Provincetown, Mass., the charming, crowded town at the tip of Cape Cod? That'll be \$50 for an annual sticker please. Oh, you're not a local? Make that \$250.

Higher fees for out-of-towners are common in places that make money on tourism but get overrun in the process. If you want to stir up trouble, try changing the system.

That's what's happening in Provincetown, where locals have lost the privilege of paying less than half as much as outsiders to moor their boats in the scenic harbor. Massachusetts has leveled the fees.

"When people go home, I'm still paying out of my property taxes to have the police watch your boat. I'm paying for the harbormaster to be there," says Alex Brown, a Provincetown lobsterman who owns the 23-foot Sea-Star. "Why should an out-of-town resident come in and burden us?"

In summer, Provincetown's year-round population of 3,400 swells to more than 30,000 people. Almost a million people visit Cape Cod annually, swamping the year-round population of



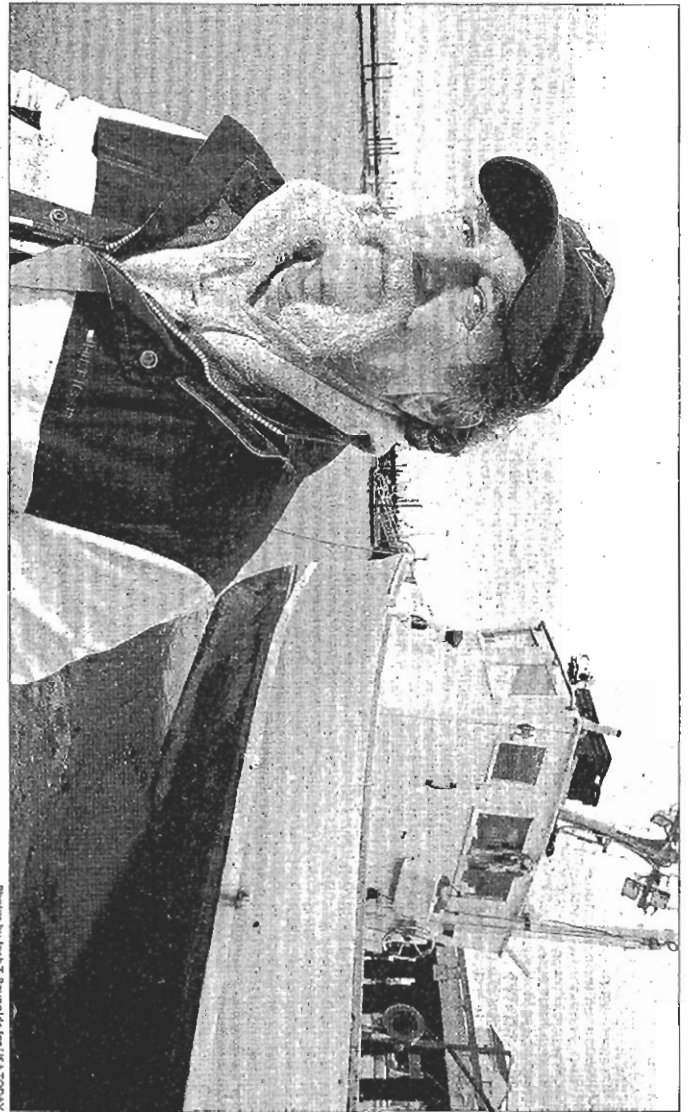
Source: ESRI USA TODAY

fewer than 250,000. Because year-rounders pay local taxes and visitors generally don't, many vacation spots charge higher fees to non-residents.

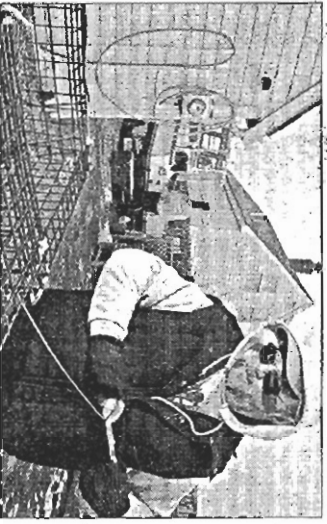
► Digging for claims in Bourne, Mass., also on Cape Cod, costs locals \$35 for a permit but non-residents \$135.

► A Wisconsin hunting and fishing license is \$60 — but drive up from Chicago and you pay \$275.

► A round of golf on the public course in Aspen, Colo., costs residents \$22.50, but out-of-towners pay \$45-\$85 depending on the time.



Non-residents, said Diacchio complained when Provincetown ignored a law barring towns from charging outsiders higher mooring fees. Photos by Jean T. Reynolds for USA TODAY



Resident Alex Brown says that mooring fees aren't fair. "Why should an out-of-town resident come in and burden us?" he asks.

summer pay \$275. And boat owners pay differing fees to moor their boats or yachts in East Hampton: \$7.50 per foot for non-residents; \$15.00 per foot for Massachusetts doesn't allow those differences anymore. A law passed with little notice in 2004, sponsored by a boat-owning state senator in the last hours of the legislative session, prohibits discrimination in mooring fees on the basis of res-

idence. State Sen. Michele Morrissey, who wrote the bill, says non-residents shouldn't be charged more than locals because, like all boat owners, they pay an excise tax of 1% of the boat's value to the city where the boat is kept. As a result, "boat owners are property-tax payers," he says. Morrissey moors his 30-foot powerboat Class Action, in his hometown of Quincy, which doesn't charge mooring fees.

Provincetown and other towns ignored the new law. Officials thought they had a shot at getting it repealed, town manager Keith Bergman says.

That didn't happen, and Provincetown was taken to task by an out-of-town sailor, David Diacchio. He lives in nearby Truro and moors Harbor Home III, his 34-foot catamaran, in Provincetown. He protested to the state Department of Environmental Protection.

"They knew it was illegal; they charged us anyways. They don't get to keep the money," says Diacchio. He paid \$300 annually, compared with the residents' rate of \$125.

The state ruled in his favor in December, and so far Diacchio says he has been refunded half the \$350 he says he is owed. On Monday, the town board of selectmen approved new fees, which cut out-of-towners' cost for a large boat to \$175 from \$300 and raised residents' fees to \$175 from \$125.

Mooring fees and the excise tax don't cover the costs of operating the harbor, Bergman says. "It's the property tax payers that make up the difference, thank you very much."

The issue is contentious because it addresses just one of several fees that are different for residents and non-residents in towns on Cape Cod, including beach access and shellfishing permits. And it strikes at the heart of the Cape economy: making money from outsiders.

The two-tiered fee "fundamentally acknowledges that residents should be treated better than non-residents. They're the financial engine that makes the town tick," says Christopher Snow, a Provincetown lawyer and boat owner. "It irks me that non-residents are basically pushing a statute that is costing the general taxpayer dearly to subsidize."

Selectwoman Michele Courtney says there is an annual argument over how much of the town's \$500,000 revenue from a hotel room tax should be devoted to town services rather than tourism marketing. "It's great that we have tourists that come here," she says, "but you can't expect the taxpayers to pick up the cost of that."