

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 422

H.P. 301

House of Representatives, February 7, 1991

Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Senator MILLS of Oxford and Representative LAWRENCE of Kittery.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

An Act to Protect Scuba Divers and Boaters.

---



2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 12 MRSA §7801, sub-§33 is enacted to read:

6 33. Operating a watercraft within the limits of a diver's  
8 down flag. A person is guilty of unlawfully operating a  
10 watercraft within the limits of a diver's down flag as defined in  
12 Title 25, section 2201 if that person operates a watercraft  
within a radius of 150 feet of the flag. A person guilty of  
unlawfully operating a watercraft within the limits of a diver's  
down flag area is subject to the forfeiture provided in Title 25,  
chapter 259.

14 Sec. 2. 25 MRSA c. 259 is enacted to read:

16 CHAPTER 259

18 SCUBA DIVING

20 §2201. Divers; flag required; watercraft distance; penalty

22 1. Definitions. As used in this chapter, unless the  
24 context otherwise indicates, the following terms have the  
following meanings.

26 A. "Diver" means any person who is wholly or partially  
28 submerged in the water and is equipped with a face mask and  
snorkel or an underwater breathing apparatus.

30 B. "Diver's down flag" means a flag that is constructed of  
32 rigidly supported material and is at least 12 by 15 inches.  
The flag must be red in color with a white diagonal stripe.

34 C. "Underwater breathing apparatus" means any apparatus,  
36 whether self-contained or connected to a distant source of  
38 air or other gas, by which a person wholly or partially  
submerged in water is enabled to obtain or reuse air or any  
other gas or gases for breathing without returning to the  
surface of the water.

40 2. Diver's down flag; display. While swimming on or under  
42 the surface of the water, a diver shall display a diver's down  
44 flag as a warning device to watercraft operators and must remain  
46 within a 150-foot radius of the down flag. The flag must be  
displayed on a watercraft or surface float and extend a minimum  
of 3 feet above the surface of the water. The flag must be  
free-flying and be lowered when all divers are aboard or ashore.

48 3. Watercraft; distance. A watercraft operator within  
50 sight of a diver's down flag shall proceed with caution and may  
52 not travel within a radius of 150 feet of the flag.

2 4. Violation. Any person who does not comply with any  
3 provision of this chapter commits a civil violation for which the  
4 following forfeitures may be adjudged:

5 A. For failing to display a flag while diving or for  
6 failing to stay within a 150-foot radius of the flag, a  
7 forfeiture of \$50; and

8 B. For operating a watercraft within 150 feet of a diver's  
9 down flag, a forfeiture of \$100.

12  
13  
14 **STATEMENT OF FACT**

15 This bill requires that divers use a flag to mark the area  
16 in which diving occurs. It prohibits a watercraft operator from  
17 traveling within a 150-foot radius of the flag. The bill  
18 provides a forfeiture of \$50 for a diver who does not display a  
19 flag or fails to stay within a 150-foot radius of the flag and a  
20 forfeiture of \$100 for an operator of a watercraft who travels  
21 within a 150-foot radius of the flag.  
22