

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 545

S.P. 218

In Senate, February 12, 1991

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland

Cosponsored by Representative AULT of Wayne and Representative MACOMBER of South Portland.

STATE OF MAINE

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

An Act to Promote the Safety of Scuba Divers.



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 100 yards 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. Divers' flags; display. While swimming on or under the
42 surface of the water, a diver shall display a diver's down flag
44 in the area in which the diving occurs as a warning device to
46 watercraft operators. 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 100 yards 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 forfeiture may be adjudged:

5 A. For failing to display a flag while diving, a forfeiture
6 of \$50; and

7 B. For operating a watercraft within 100 yards of a diver's
8 down flag, a forfeiture of \$100.

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12 **STATEMENT OF FACT**

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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 100-yard radius of the flag. The bill
18 provides a forfeiture of \$50 for a person who does not display a
19 flag while diving and a forfeiture of \$100 for an operator of a
20 watercraft who travels within a 100-yard radius of the flag. The
21 bill also enacts a new subsection in the Maine Revised Statutes,
22 Title 12, section 7801 prohibiting the operation of a watercraft
within 100 yards of a diver's flag.