

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 412

(Delegate Elmore, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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**Natural Resources - Oyster Dredge Devices - Termination Date**

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This bill extends, through September 30, 2009, a temporary authorization to possess or use a “devil catcher,” “devil diver,” or similar device on any dredge boat as established by Chapter 166 of 2004.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The Department of Natural Resources (DNR) regulates oyster harvesting in State waters. Any person who owns or is in charge of operating any dredge boat must have a license to catch oysters by dredge boat. A person may not catch oysters in the waters of the State or possess any scoop, dredge, handscrape, or similar instrument having a tooth bar more than 42 inches in length on rock bottoms or 44 inches in length on mud bottoms, or of a weight exceeding 200 pounds.

Chapter 166 of 2004 temporarily repealed a provision prohibiting a captain of a dredge boat or any other person from possessing or using “devil catchers,” “devil divers,” or similar devices on a dredge boat. Chapter 166 also requires DNR to report on the environmental impacts of the use of the devices by September 30, 2007.

Chapter 166 terminates September 30, 2007.

**Background:** A “devil diver” is a metal plate attached to a dredge at an angle so that, as the dredge is pulled through the water, water pressure directs the dredge downward, and, once on the bottom, keeps the dredge down to catch oysters. The plate encourages the dredge to follow the contours of the bottom, thereby making the dredge easier to use. The plate also directs the dredge to the bottom more quickly, allowing the dredge to be used in deeper water. DNR has advised, however, that the use of a devil diver does not increase the harvest of oysters.

The use of devil divers was prohibited by Chapter 475 of 1927.

The report required by Chapter 166 of 2004 has not yet been prepared.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2007  
mam/ljm Revised - Other - February 27, 2007  
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