

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 45

(Chair, Environment and Transportation Committee)(By  
Request - Departmental - Natural Resources)

Environment and Transportation

Education, Energy, and the Environment

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Natural Resources - Sale, Barter, or Exchange of Mounted Specimens From  
Decedent's Estate

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This departmental bill establishes an exception to the existing prohibition against selling, offering for sale, bartering, or exchanging any game bird or mammal taken from the wild. Under the bill, the prohibition does not apply to a legally acquired mounted specimen of a game bird, excluding a migratory game bird, or game mammal, if the original owner is deceased and the specimen is part of the personal property of an owner whose estate is being liquidated or distributed.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** The Department of Natural Resources (DNR) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

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Analysis

**Current Law:**

*Prohibition against Selling Game Birds or Mammals*

Generally, a person may not sell, offer for sale, barter, or exchange, at any time within the State, any game bird or mammal taken from the wild in the State or in another state,

territory, or country. However, the prohibition does not apply to the legally acquired (1) meat, pelt, carcass, or mounted specimen of any beaver, coyote, fisher, fox, mink, muskrat, nutria, opossum, otter, raccoon, skunk, or long-tailed weasel; (2) hide, hair, tail, or feet of deer, squirrel, or rabbit (excluding a mounted specimen); (3) feathers, skin, or feet of upland and forest game birds (excluding a mounted specimen); (4) unless prohibited by federal law, feathers of wetland game birds; or (5) antlers of deer legally acquired in another state and manufactured into an article of commerce in another state.

Title 10 of the Natural Resources Article defines “game birds or mammals” as the species defined as forest game birds and mammals, fur-bearing mammals, upland game birds and mammals, and wetland games birds or any part, egg, offspring, or dead body of any of them. “Migratory game bird” means any wetland game bird, dove, or woodcock or any part, egg, offspring, or dead body of any of them.

#### *Property of a Deceased Person*

Under the Estates and Trusts Article, all property of a decedent (deceased person) is subject to the estates of decedents law, and upon the person’s death must pass directly to the personal representative (a fiduciary who settles and distributes the estate of the decedent in accordance with the terms of any will and the estates of decedents law) for administration and distribution. “Property” is all real and personal property of the decedent and any right or interest in the property, which does not pass, at the time of the decedent’s death, to another person by the terms of the instrument under which it is held, or by operation of law.

#### *Personal Representative’s Power to Liquidate and/or Distribute the Estate*

The personal representative has various statutory powers to administer the property of a decedent’s estate, including the power to sell property and distribute the cash proceeds to the heirs (persons who are entitled to property of a decedent that is not distributed by will) or legatees (persons who receive property under the terms of a will). Also, the personal representative may, subject to the terms of the will and the needs of administration, distribute property (including personal property) of an estate in kind, instead of in cash, to the heirs or legatees.

**Background:** DNR advises that mounted specimens associated with an estate currently can only be donated or disposed of and few places exist that will take them as a donation. According to DNR, the intent of the statute is to prohibit monetizing wildlife, to protect against poaching and exploitation; however, the department does not view the sale of mounted specimens under the bill’s exception as a major risk to the resource.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 284 (Chair, Education, Energy, and the Environment Committee)(By Request - Departmental - Natural Resources) - Education, Energy, and the Environment.

**Information Source(s):** Comptroller's Office; Judiciary (Administrative Office of the Courts); Register of Wills; Department of Natural Resources; Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2024  
km/sdk Third Reader - February 16, 2024

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Natural Resources - Sale, Barter, or Exchange of Mounted Specimens  
From Decedent's Estate

BILL NUMBER: HB0045

PREPARED BY: Brian Eyler

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESS

**OR**

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL  
BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

Auctioneers could benefit from this bill if they are allowed to sell taxidermy mounts on behalf of estates. However, the impact would be minimal.