



Maryland
DEPARTMENT OF PLANNING
MARYLAND HISTORICAL TRUST

HEARING DATE: February 12, 2020

BILL NO: HB0021

COMMITTEE: Economic Matters

POSITION: Letter of Information

FOR INFORMATION CONTACT: Adam Gruzs (410) 767-4613

TITLE:

Abandoned Property in Possession of a Museum

BILL ANALYSIS:

House Bill 21 outlines the process by which a museum may acquire title to property that is: (1) on permanent loan to the museum or that was loaned for a specific term that has expired; (2) on loan with no specific expiration date; (3) undocumented and held by the museum for at least 3 years; or (4) an unsolicited donation found on museum property by giving notice that the museum is terminating the loan of the property. The bill further empowers a museum to apply conservation measures to property on loan to the museum without receiving the lender's permission or giving the lender formal notice if certain conditions are met.

POSITION AND RATIONALE:

As drafted, this bill identifies three distinct categories of property: loaned property, undocumented property, and unsolicited donations. Currently, § 17-405, which concerns the authority of a museum to apply conservation measures, expressly applies only to property on loan to a museum and is silent with respect to undocumented property held by the museum for at least three years and unsolicited donations found on museum property. If enacted, this might create an ambiguity as to a museum's authority to apply conservation measures to artifacts in its possession.

For these reasons, Planning respectfully recommends that § 17-405 be amended to explicitly allow museums to apply conservation measures to all three categories of property addressed in this bill.

HB0021

BY: Department of Planning

AMENDMENTS TO HOUSE BILL 21
(First Reading File Bill)

AMENDMENT No. 1

On page 5, strike in their entirety lines beginning with line 15 on page 5 down through line 22 on page 5, and substitute:

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MUSEUM MAY APPLY CONSERVATION MEASURES TO PROPERTY:

(1) ON LOAN TO THE MUSEUM WITHOUT RECEIVING THE LENDER'S PERMISSION OR GIVING THE LENDER NOTICE, UNLESS THERE IS AN AGREEMENT OTHERWISE BETWEEN THE MUSEUM AND THE LENDER;

(2) THAT IS UNDOCUMENTED PROPERTY; OR

(3) THAT IS AN UNSOLICITED DONATION.

(B) THIS SECTION IS APPLICABLE IF THE MUSEUM DETERMINES THAT:

(1) ACTION IS REQUIRED TO PROTECT EITHER THE PROPERTY OR OTHER PROPERTY IN THE CUSTODY OF THE MUSEUM; OR

(2) THE PROPERTY IS A HAZARD TO THE HEALTH AND SAFETY OF THE PUBLIC OR THE MUSEUM STAFF.

On page 5, in line 23, strike (B) and substitute (C).