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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 9, 2020

**Testimony of Senator Antonio Hayes in Support of SB 88:
Abandoned Property in Possession of a Museum**

Chairman Smith and members of the Judicial Proceeding Committee,

The state of Maryland benefits from a robust community of historical museums that steward the state's connection to its heritage. According to a 2011 study conducted by the Maryland Historical Trust, there are approximately 200 such organizations in the state, and individuals and organizations entrust museums with objects of greater public benefit so they can be stewarded for future generations. Over time, these object donations develop into large collections that are irreplaceable teaching tools informing engaging programming and exhibits throughout the state.

These legacy museums are burdened by a critical but little-known issue. Over the years, objects accumulate in their collections that have no "provenance"—an official record that documents the objects' origins and the terms of the museum's ownership. This may result from past eras when record keeping was not professionalized, lost records, unsolicited objects left at a museum's doorstep, or myriad other scenarios.

Museum objects without official provenance documents—known as abandoned cultural property—cannot be loaned, conserved, or in many cases displayed. Not only are valuable financial and staff resources being used to store and care for objects that cannot be used, but the lack of legal recourse poses an ethical dilemma. Abandoned cultural property in museums occupies valuable space that should instead be used for objects that better fulfill a museum's mission to serve the public.

Either through clauses in existing abandoned property laws or specialized legislation, most states have long had a procedure in place to deal with this issue. Maryland is currently one of only four states with no process in place through which museums can formally claim title. **Senate Bill 88** proposes a way to improve collections by allowing Maryland museums to

ethically establish title to property that has been donated or left with them after a loan period has terminated and the lender could not be found. Adopting the proposed policy would enable Maryland museums to more appropriately use their resources and better serve their communities. In adopting this legislation, Maryland will strengthen its commitment to its cultural institutions and heritage sites by correcting an under-acknowledged, yet critical, issue.

I urge a favorable report on SB 88.

Respectfully,



Senator Antonio L. Hayes
Chair, Baltimore City Senate Delegation
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