CHAPTER 19

PROPERTY DEPOSITED WITH MUSEUMS AND HISTORICAL SOCIETIES

§601. Property deposited with museums

1. Property to be considered abandoned; definition. Any tangible property held by a museum within the State that is held for 3 years or more without a written gift or loan agreement, or after expiration of a written loan agreement, and to which a person has not made claim is considered to be abandoned and, notwithstanding Title 33, chapter 45, becomes the property of the museum, as long as the estimated market value of the material is less than $100 or the museum has complied with subsection 2. The estimated market value must be determined by a qualified appraiser, and a written copy of the determination must be retained in the museum's permanent records.

As used in this section, "museum" means an organization that is operated by a nonprofit corporation, public agency or educational institution primarily for educational, scientific, historic preservation, cultural or aesthetic purposes and that owns, cares for, exhibits, studies, archives and catalogues tangible property and includes, but is not limited to, historical societies, archives and art, history, science and natural history organizations.
[PL 2019, c. 498, §17 (AMD).]

2. Notice. With respect to property under subsection 1 with a value of $100 or greater, for the property to become the property of the museum, the museum shall first exercise due diligence in attempting to notify the owner via certified mail, return receipt requested, to the owner's last known address and via electronic communication if appropriate. If an address is unavailable or these attempts fail, the museum shall cause to be published in at least one newspaper of general circulation in the county in which the museum is located at least once a week for 2 consecutive weeks a notice and listing of the property. The notice must contain:

A. The name and last known address, if any, of the last known owner of the property; [PL 1981, c. 258 (NEW).]

B. A description of the property; [PL 2011, c. 263, §1 (AMD).]

C. A statement that if proof of claim is not presented by the current owner to the museum and if the owner's right to receive the property is not established to the museum's satisfaction within 65 days from the date of the 2nd published notice, the property is considered abandoned and becomes the property of the museum; [PL 2011, c. 263, §1 (AMD).]

D. The date of the loan of the property, if known, or the approximate date the property came into the custody of the museum; [PL 2011, c. 263, §1 (NEW).]

E. The name of the museum; and [PL 2011, c. 263, §1 (NEW).]

F. The name, address and contact information of the appropriate museum official or office to be contacted regarding the property. [PL 2011, c. 263, §1 (NEW).]
[PL 2011, c. 263, §1 (AMD).]

3. Title to property. If property is abandoned under subsection 1, including property with respect to which notice under subsection 2 is required if no claim has been made to the property within 65 days from the date of the 2nd published notice, title to the property vests in the museum, free from all claims of the previous owner and of all persons claiming through or under the previous owner.
[PL 2011, c. 263, §1 (AMD).]

4. Emergency conservation measures. Unless a written loan agreement provides otherwise, a museum may apply conservation measures to, or dispose of, undocumented property or property on loan to the museum without the owner's permission if:

A. Immediate action is required to protect the undocumented property or property on loan; or [PL 2011, c. 263, §1 (NEW).]

B. The undocumented property or the property on loan has become a hazard to the health or safety of the public or to the museum's staff and at least one of the following applies:

(1) The property poses an immediate risk of harm to the museum's staff or collection or to the general public, in which case the museum may dispose of the property without delay and shall notify the owner of the action taken within 30 days;

(2) The museum is unable to reach the owner through available means of communication and action with respect to the property is necessary within 30 days; and

(3) The museum contacts the owner and the owner does not agree to the protective measures the museum recommends and does not, or is unable to, terminate the loan and collect the property within the time the museum determines the action is necessary. [PL 2011, c. 263, §1 (NEW).]

[PL 2011, c. 263, §1 (NEW).]

5. Protection for reasonable actions. Unless a written loan agreement provides otherwise, a museum that applies conservation measures to or disposes of loaned property in accordance with subsection 4:

A. Shall acquire and may enforce a lien on the loaned property in the amount of the costs incurred by the museum; [PL 2011, c. 263, §1 (NEW).]

B. Is not liable to the owner for damage to, or loss of, the loaned property as long as the museum had a reasonable belief at the time the action was taken that the action was necessary; and [PL 2011, c. 263, §1 (NEW).]

C. Is not liable to the owner for damage to, or loss of, the loaned property due to conservation measures applied, as long as the museum exercised reasonable care in choosing and applying the conservation measures. [PL 2011, c. 263, §1 (NEW).]

[PL 2011, c. 263, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 258 (NEW). PL 2003, c. 20, §T16 (AMD). PL 2011, c. 263, §1 (AMD). PL 2019, c. 498, §17 (AMD).

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