

## Annotated Code of Maryland

### Article - State Finance and Procurement

#### Title 5A. Division of Historical and Cultural Programs.

##### *Subtitle 3. Maryland Historical Trust.*

##### Part I. General Provisions.

#### § 5A-301. *Definitions.*

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Director" means the Director of the Maryland Historical Trust.
- (c) "Financial assistance" means action by the State or a State unit to award grants, loans, loan guarantees, or insurance to a public or private entity to finance, wholly or partly, an undertaking.
- (d) (1) "Historic property" means a district, site, building, structure, monument, or object significant to:
  - (i) the prehistory or history of the State; or
  - (ii) the upland and underwater archaeology, architecture, engineering, or culture of the State.
- (2) "Historic property" includes related artifacts, records, and remains.
- (e) "Preservation" or "Historic Preservation" means the identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, and reconstruction of a historic property.
- (f) "State Historic Preservation Officer" means the individual who administers the State Historic Preservation Program under the National Historic Preservation Act of 1966, 16 U.S.C. §§ 470-470mm.
- (g) "State unit" has the meaning stated in § 11-101 of the State Government Article.
- (h) "Submerged" means beneath or substantially beneath water.

- (i) "Terrestrial" means relating to land above the mean high tide line and above nontidal waters.
- (j) "Trust" means the Maryland Historical Trust.
- (k) "Undertaking" means a project that involves or may result in building construction, building alteration, or land disturbance.

### **Part V. Historical and Cultural Museum Assistance Program**

#### **§ 5A-349. Definitions.**

- (a) In this part the following words have the meanings indicated.
- (b) "Operating support" means money for necessary administrative, technical, or professional services, and related expenses.
- (c) "Panel" means the Museum Assistance Review Panel.
- (d) "Program" means the Historical and Cultural Museum Assistance Program.

#### **§ 5A-350.**

This part applies to a museum in the State that:

- (1) is organized on a nonprofit basis for essentially educational or preservation purposes;
- (2) cares for tangible inanimate objects that the museum owns or uses;
- (3) exhibits those objects to the public on a regular schedule; and
- (4) interprets the State's cultural heritage, history, natural history, or history of science and technology.

#### **§ 5A-351. Legislative findings and declarations**

- (a) The General Assembly finds that:
  - (1) museums present, interpret, and preserve unusual and significant objects of the State's heritage for the benefit, enjoyment, and education of the residents of the State;
  - (2) museums are unique and beneficial resources that supplement the State's educational system;

(3) museums are repositories and caretakers of irreplaceable cultural objects for the benefit of today's generation and generations yet to come;

(4) museums, including those located in small communities, play an important and cost-effective role in the State's leisure time and tourism industry;

(5) it is not feasible or desirable to display the entire history and heritage of the State in a single facility at one location;

(6) the history and heritage of the State should be displayed and interpreted to the public where the history happened and the heritage arose, so that centers of community pride may be created and tourist activity may be dispersed throughout the State; and

(7) the public interest is served by helping museums to become more accessible and by helping residents of the State and visitors to understand the State's diverse heritage.

(b) The General Assembly finds that the public interest is served by establishing a program of financial assistance to support the upgrade, care, research, interpretation, documentation, and display of the State's irreplaceable museum collections.

#### **§ 5A-352. . Establishment**

There is a Historical and Cultural Museum Assistance Program of the Trust.

#### **§ 5A-353. Purpose**

(a) The purpose of the Program is to provide political subdivisions and nonprofit organizations with financial assistance for museums.

(b) The Program shall make grants from the MHT Grant Fund under § 5A-328 of this subtitle to political subdivisions and nonprofit organizations for use by museums for:

(1) research related to collections, exhibits, or other educational activities;

(2) the care, conservation, interpretation, and documentation of collections;

(3) the planning, design, and construction of exhibits;

(4) educational programs and projects;

(5) the development of master plans for museums, including activities required to achieve accreditation by the American Association of Museums or another appropriate entity;

(6) minor structural modifications to existing museum facilities;

(7) the development of plans and specifications and the provision of architectural, engineering, or other special services directly related to the construction or rehabilitation of museum facilities; or

(8) operating support for any museum-related activity, including activities described in items (1) through (7) of this subsection.

(c) On or before December 31 of each year, the Trust shall report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly on the financial status and the activities of the Program for the preceding fiscal year.

**§ 5A-354. *Museum Assistance Review Panel.***

(a) There is a Museum Assistance Review Panel in the Program.

(b) (1) The Panel shall include as members:

(i) the President of the Senate or the President's designee; and

(ii) the Speaker of the House of Delegates or the Speaker's designee.

(2) The Secretary shall appoint the other members of the Panel.

(3) Of the members that the Secretary appoints:

(i) one shall be a representative of the Executive Branch with functions related to the purposes of the Program; and

(ii) the others shall fairly represent museums eligible for assistance under this part.

(c) (1) The Panel shall:

(i) advise the Secretary and the staff of the Trust regarding Program policies and activities;

(ii) review applications for grants under the Program and recommend approval or disapproval to the Secretary; and

(iii) seek the advice and recommendations of the State Archivist in reviewing grant applications that relate in any part to the care and preservation of, or access to, archival material.

(2) The Panel shall recommend approval of a grant only after a competitive selection process.

**§ 5A-355. Duties of Trust**

(a) The Trust shall administer the Program and coordinate the Program with federal, State, and private programs that complement or facilitate carrying out the Program.

(b) The Trust shall:

(1) survey the locations, resources, and needs of museums in the State;

(2) provide technical and general advisory assistance to museums that qualify or seek to qualify for grants under the Program; and

(3) encourage museums to develop long-range plans and to achieve accreditation by the American Association of Museums or another appropriate entity that accredits museums and helps them to meet professional standards.

**§ 5A-356. .**

The Trust may not make a grant to a museum that:

(1) currently is receiving operating support from the Maryland State Arts Council;

(2) is operated wholly or partly by the State; or

(3) has not existed as a nonprofit organization for at least 3 years before applying for the grant.

**§ 5A-357. Fundings**

In any fiscal year, the Secretary may reserve up to 20% of the money available in the MHT Grant Fund under § 5A-328 of this subtitle for unanticipated projects eligible for assistance under § 5A-353 of this subtitle.

**§ 5A-358.**

(a) The Department shall adopt regulations to carry out the Program, including:

(1) application and review procedures;

(2) procedures for adequate public notice of assistance available under the Program; and

(3) selection standards that the Panel shall consider in reviewing applications for grants.

(b) Selection standards under subsection (a)(3) of this section include:

- (1) the relative merits of the project or activities within identified statewide needs;
- (2) the extent to which the appropriate political subdivision contributes to support the project;
- (3) the potential for the project to stimulate increased tourism, museum attendance, or museum self-sufficiency; and
- (4) other relevant factors, such as the extent to which the project helps achieve equal geographic distribution of grant assistance throughout the State.

**§ 5A-359.** . *Penalty for misstatement of facts*

- (a) A person may not knowingly make or cause to be made a material misstatement of fact in a statement or report in or regarding an application for a grant or affecting a grant already made.
- (b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$5,000 or both.