PLEASE NOTE

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This document is not the official version of the Act. The Act and the amendments as printed under the authority of the Queen’s Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the Table of Public Acts.

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CHAPTER M-14
MUSEUM ACT

1. In this Act

(a) “acquire” means to acquire by purchase, gift, devise, bequest or otherwise;

(b) “Board” means the Board of Governors of the Museum;

(c) “Foundation” means the Prince Edward Island Heritage Foundation;

(d) “Minister” means the Minister of Education, Early Learning and Culture;

(e) “Museum” means the Prince Edward Island Museum and Heritage Foundation. 1983,c.34,s.1; 1993,c.29,s.4; 1995,c.26,s.1; 2000,c.5,s.3; 2009,c.73,s.2; 2010,c.31,s.3; 2015,c.28,s.3.

2. The Minister is responsible for the administration of this Act. 1983,c.34,s.2.

3. (1) A museum is established to be known as the Prince Edward Island Museum and Heritage Foundation.

(2) The Museum is a body corporate and shall be administered and conducted in accordance with this Act.

(3) The membership of the Museum, subject to clause 12(d), shall be composed of all persons who have paid the prescribed membership fee. 1983,c.34,s.3.

4. The purpose of the Museum shall be to study, collect, preserve, interpret, and protect the human and natural heritage of Prince Edward Island for the use, benefit and enjoyment of the people of the province. 1983,c.34,s.4.

5. (1) The work of the Museum shall be under the direction and control of a Board of Governors consisting of not fewer than six and not more than eight members appointed by the Lieutenant Governor in Council, one of whom shall be designated as the chairperson.

(2) The Lieutenant Governor in Council shall give consideration to the geographical and cultural representation on the Board in making appointments to the Board.
(3) The members of the Board holding office immediately prior to the coming in force of subsection (1) shall continue to hold office until their terms expire.

(4) Subject to subsection (3), the term of office of a member of the Board is three years.

(5) The Minister
(a) is, by virtue of his or her office, a member of the Board in addition to the members appointed under subsection (1); and
(b) may delegate his or her role as a member of the Board to an officer in the public service of the province.

(6) The Board shall elect a vice-chairperson and a secretary-treasurer from among its members.

(7) A Board member may be re-appointed to one additional consecutive term.

(8) A member of the Board or officer of the Museum shall, in exercising his or her powers and discharging his or her duties
(a) act honestly and in good faith with a view to the best interests of the Museum;
(b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and
(c) comply with this Act and the bylaws of the Museum.

(9) A majority of the members of the board constitutes a quorum of the Board. 1983,c.34,s.5; 1994,c.42,s.1; 2002,c.35,s.1; 2004,c.9,s.1.
(g) enter into agreements to advance the purposes of this Act;
(h) acquire, hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, and cultural interest;
(i) support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical, architectural, and cultural interest by municipalities and by associations whose objects are similar to those of the Museum;
(j) identify, mark, acquire, preserve and develop sites of significance to the human history and the natural history of the province;
(k) publish or cause to be published such information relating to its collection and activities as the Board considers advisable;
(l) perform such other functions as the Lieutenant Governor in Council may require. 1983,c.34,s.8.

8.1 The Civil Service Act R.S.P.E.I. 1988, Cap. C-8 applies to the Executive Director and employees of the Museum. 2004,c.9,s.4.

9. (1) The Lieutenant Governor in Council, after consultation with the Board, shall appoint a Executive Director who shall be responsible for the affairs of the Board and shall report thereon to the Board.

(2) The Executive Director shall be paid out of the funds of the Museum such remuneration as the Lieutenant Governor in Council may determine on the recommendation of the Public Service Commission. 1985,c.34,s.1; 2004,c.9,s.3.

10. The Board may enter into agreements with community corporations engaged in the operation of branch museums. 1994,c.42,s.3.

11. (1) Any person owning land in the province who wishes to impose limitations or restrictions on the use to which his land and structures thereon may be put, by himself, his heirs, successors or assigns, or any of them may make application, on such form as the Museum may provide, to the Museum for the purpose of entering an agreement with the Museum respecting such limitation or restriction on the use of his land.

(2) After receipt of an application under section (1), the Museum, or such committee thereof as may be appointed by the Board, shall review the application and on the basis of such criteria as shall be established by bylaw shall accept or reject the application.

(3) The Museum may enter into agreements with persons who make application under subsection (1); such agreements shall be in the form of covenants or easements and shall be worded in such manner as shall be prescribed by the Board.
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2. The Board may, with the approval of the Lieutenant Governor in Council, make bylaws generally for the conduct of its business and for the control and direction of the work of the Museum and in particular

(a) to regulate the use of Museum buildings and their contents;
(b) to protect Museum buildings and the fittings, furniture, and contents thereof from injury, destruction or mischief;
(c) to enable the officers and servants of the Board to exclude from the said buildings persons violating against the bylaws;
(d) to establish the conditions of membership of the Museum;
(e) to establish procedures for recommending directors to the Lieutenant Governor in Council;
(f) to establish such honorary offices as it considers desirable.

1983,c.34,s.11.

3. (1) The Board shall make an annual report to the Minister and such other reports as the Minister requests.
(2) The Minister shall lay a copy of the annual report before the Legislative Assembly within fifteen days after it is submitted to him or, if the Legislative Assembly is not then sitting, within fifteen days of the opening of the next session of the Legislative Assembly. 1983, c.34, s.12.


15. (1) Agreements entered into by the Foundation are assigned to the Museum.

(2) The paid up members of the Foundation shall be members in good standing of the Museum.

(3) The assets and liabilities of the Foundation are transferred to and become the assets and liabilities of the Museum.

(4) In any instrument or enactment a reference to the Foundation shall be construed as a reference to the Museum. 1983,c.34,s.14; 1988,c.45,s.1.