

MAINE STATE LEGISLATURE

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NINETY-SEVENTH LEGISLATURE

Legislative Document

No. 30

S. P. 41

In Senate, January 12, 1955.

Read three times under suspension of rules. Passed to be engrossed without reference to committee in concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Senator Butler of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Interpreting the Trust Deed of Percival Proctor Baxter to State of Maine January 12, 1954 (Piscataquis Registry Book 309 Page 86) and Interpreting the Phrases "Natural Wild State" and "Sanctuary for Wild Beasts and Birds" in Deeds from Said Baxter to Said State of Maine.

Be it enacted by the People of the State of Maine, as follows:

WHEREAS in the Deed and Conveyance IN TRUST of a certain area of land in township six (6) range nine (9) Piscataquis County dated January 12, 1954 (Piscataquis Registry book 309 page 86) the State of Maine as Grantee assumed a duty "to convey to the Bangor Hydro Electric Company its successors and assigns by a metes and bounds description the sites selected for such purposes as are set forth in the above mentioned deed of the Eastern Corporation to the said Bangor Hydro Electric Company dated January 4, 1954 and the said State by the acceptance of this deed agrees to make such conveyance when requested to do so by said Bangor Hydro Electric Company its successors and assigns," and

WHEREAS it was understood at the time of the delivery of said deed that the duty of the said State to convey to said Bangor Hydro Electric Company the said "sites selected" referred solely and was limited to conveying such "sites selected" as lie entirely within the boundaries of the area in township six (6) range nine (9) Piscataquis County described in said deed of January 12, 1954;

WHEREAS it is in the public interest to clarify said duty as it was originally understood,

NOW THEREFORE the paragraph in said deed relating to the above mentioned duty of the State of Maine shall be construed as if it contained the words "FROM THE LAND INCLUDED IN THIS CONVEYANCE THE STATE'S

INTEREST IN" after the word "description" in the paragraph outlining the duty of the State, this being the intention of both parties to said deed so that said paragraph shall read as follows:

"The within conveyance to the State of Maine is made expressly subject to the duty of said State to convey to the Bangor Hydro Electric Company its successors and assigns by a metes and bounds description FROM THE LAND INCLUDED IN THIS CONVEYANCE THE STATE'S INTEREST in the sites selected for such purposes as are set forth in the above mentioned Deed of the Eastern Corporation to the said Bangor Hydro Electric Company dated January 4, 1954, and the said State by the acceptance of this Deed agrees to make such conveyance when requested to do so by said Bangor Hydro Electric Company its successors and assigns."

"NATURAL WILD STATE" and "SANCTUARY FOR WILD BEASTS and BIRDS"

WHEREAS it is in the public interest to have a correct interpretation of the phrase "natural wild state" and of the phrase "sanctuary for wild beasts and birds" in the above mentioned Deed of January 12, 1954 as well as wherever they appear in all the former Deeds and conveyances made to the State by Percival Proctor Baxter relating to Baxter State Park:

NOW THEREFORE it is mutually understood by the Grantor and Grantee in said Park Deed that the following paragraphs express the intent of the Parties as to the interpretation of said phrases, and the same are accepted as applying to all the said Deeds and Conveyances.

NATURAL WILD STATE

The State of Maine is authorized to clean, protect and restore areas of forest growth damaged by ACTS OF NATURE such as blowdowns, fire, floods, slides, infestation of insects and disease or other damage caused by ACTS OF NATURE in order that the forest growth of the Park may be protected, encouraged and restored.

The State is authorized to build trails and access roads to camp sites, to use timber from this area for fire control and firewood and to construct shelters and lean-tos for mountain climbers and other lovers of nature in its wild state.

This area is to be maintained primarily as a Wilderness and recreational purposes are to be regarded as of secondary importance and shall not encroach upon the main objective of this area which is to be "Forever Wild."

The existing leases of the land and buildings at Kidney Pond, Daisey Pond and on the shores of the Matagamon Lakes may be continued by and in the discretion of the Baxter State Park Authority.

SANCTUARY FOR WILD BEASTS AND BIRDS

The State is authorized to maintain the proper balance of nature among the different species of wild life; to control predators that may become a menace to other species; to control disease and epidemics of the wild life of the Park. Such

control shall be exercised by the Baxter State Park Authority. The destruction of any specie of wild life shall be carried on exclusively by the Personnel of said Authority and of the Forest and Fish and Game Departments.

All work carried on by the State in connection with the above shall be in accordance with the best forestry and wild life practices and shall be undertaken having in mind that the sole purpose of the donor in creating this Park is to protect the forests and wild life therein as a great wilderness area unspoiled by Man. Nothing shall be done for the purpose of obtaining income but should there be incidental income it is to be used solely for the care, operation and pro-

IN WITNESS WHEREOF said Percival Proctor Baxter by his signature hereto has indicated his approval subject to the approval of the State of Maine. tection of this Wilderness area.

Signed in the presence of
ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER

NOW THEREFORE the State of Maine by Act of the Legislature accepts the within interpretations of the above clauses and the same are to be considered as applying to all the Deeds and Conveyances of Trust heretofore made to the State by said Baxter. Whatever action is taken by said State in accordance with these interpretations shall not be considered as a breach of the Trust conditions and retrictions in the said Deeds and Conveyances.

STATE OF MAINE: SS
CUMBERLAND :

Portland, December 1, 1954.

Personally appeared the above named Percival Proctor Baxter and acknowledged the within instrument to be his free act and deed.

Before me

ALICE M. GURNEY,
Notary Public.

(Commission expires in 1957)