

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES
AS PASSED BY THE
Ninetieth and Ninety-first
Legislatures
OF THE
STATE OF MAINE
From April 26, 1941 to April 9, 1943
AND MISCELLANEOUS STATE PAPERS

Published by the Revisor of Statutes in accordance
with the Resolves of the Legislature approved June
28, 1820, March 18, 1840, March 16, 1842, and Acts
approved August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1943

State Papers Relating

to

Gifts of Ex-Governor Baxter

to

The State of Maine

(from July 22, 1940 to May 1, 1943, except those printed
in the 1941 Session Laws)

COMMUNICATION

STATE OF MAINE
EXECUTIVE DEPARTMENT

Augusta

July 23, 1940

To the President of the Senate and the Speaker of the House:

I herewith transmit a proposal from Honorable Percival P. Baxter, offering to donate further acreage of land for State Park purposes at Mt. Katahdin.

This communication is accompanied by a proposed Act accepting the gift of said land.

Respectfully submitted,

LEWIS O. BARROWS,
Governor. (S. P. 772.)

Which was read and ordered placed on file.

COMMUNICATION

To Honorable Lewis O. Barrows, Governor, and the Honorable Senate and House of Representatives of the Eighty-Ninth Legislature:

On the second day of February 1935 and on the seventh of January 1939, I donated and conveyed to the state of Maine as trustee in trust certain lands in townships three (3) and five (5), range nine (9), W. E. L. S. Piscataquis County (Mt. Katahdin) and these gifts were accepted by the eighty-sixth Legislature Private and Special Laws of Maine 1933 Chapter three (3) and by the eighty-ninth Legislature Private and Special Laws of Maine Chapter one (1) approved by the Governor February ninth, 1933 and January nineteenth 1939 respectively.

As I now desire to donate and convey to the state in trust an additional area of approximately four thousand one hundred seventy-four (4,174) acres being a portion of the southeast one-quarter ($\frac{1}{4}$) of township three (3), range ten (10), to be held forever in trust for state forest, public park and public recreational purposes I have prepared an Act of Acceptance of the said land and request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the state of Maine as trustee in trust for the people of Maine.

The land now offered to the State of Maine in township three (3), range ten (10) is located at the base of, and on the westerly slopes of Mt. Katahdin. On this area there has been erected a number of camps, Adirondack lean-tos, fire-places, lunch shelters and other structures for tourists and mountain climbers. This area of approximately four thousand one hundred seventy-four (4,174) acres is the most frequented section of the Katahdin region for the ascent of the mountain over the Hunt Trail starts therein at this camp site on Katahdin Stream and the Millinocket-Sourdnahunc road passes through this one-quarter ($\frac{1}{4}$) of the township.

You will be interested to know that the land already donated to the state and the land already acquired by me to be donated to the state from time to time now totals approximately seventy-four thousand five hundred thirty-three (74,533) acres and I shall not consider my Katahdin project completed until at least one hundred thousand (100,000) acres have been acquired by me and donated to the state for public park, forest and recreational purposes.

In conveying these lands to the state of Maine a definite trust is created and I have the utmost confidence that the word of this sovereign state as given by the Chief Executive and by the chosen representatives of the

people of Maine never will be broken and that this state never will violate the trust provisions under the deeds it accepts from me.

I now submit this Act of Acceptance to your Excellency and to your Honorable Bodies and ask for its passage and approval.

Respectfully,

PERCIVAL PROCTOR BAXTER.

July 22, 1940 (S. P. 773).

Which was read and ordered placed on file.

Order

ORDERED, the House concurring, that in order that the Records of the Gift by PERCIVAL PROCTOR BAXTER to the STATE OF MAINE as Trustee in Trust of approximately four thousand one hundred seventy-four (4,174) acres in township three (3), range ten (10), W. E. L. S. Piscataquis county (BAXTER STATE PARK) be complete and in enduring form, the communication dated July twenty-second 1940, addressed by said Baxter to Honorable Lewis O. Barrows, Governor, and to the Honorable Senate and House of Representatives, together with the message of Governor Barrows transmitting the said communication to the Legislature be printed in the Laws of Maine for 1939-40. (S. P. 775)

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

EXECUTIVE DEPARTMENT

Augusta

January 12, 1942.

The Honorable President of the Senate

The Honorable Speaker of the House of Representatives, 90th Legislature

Dear Sirs:

It gives me great pleasure to transmit herewith a letter from the Honorable Percival P. Baxter, of Portland, in which he again offers a substantial gift of land to be added to the Baxter State Park.

This Park, including Mount Katahdin, now comprises 35,000 acres. If

the 90th Legislature accepts this additional donation the total area of the Park will be 47,000 acres.

The continued generosity and devotion to his native state which has impelled former Governor Baxter to make such an incomparable gift to the people of Maine deserves and will receive their utmost appreciation.

I earnestly recommend the acceptance of this gift.

Respectfully submitted,

SUMNER SEWALL.

(S. P. 583)

Which was read and ordered placed on file.

Portland, Maine,

January 12, 1942.

To the Honorable Sumner Sewall, Governor, and the Honorable Senate and House of Representatives of the Ninetieth Legislature:

You are familiar with my plan to establish a State Park in the forest areas of the Mount Katahdin region, and you and your predecessors from time to time graciously have accepted the gifts of land which I have offered to our State.

I now offer you another area of twelve thousand (12,000) acres the same being the easterly one-half ($\frac{1}{2}$) of Township four (4) Range nine (9) W. E. L. S., Traveler Town. If you accept this gift the State will have received from me forty-seven thousand (47,000) acres. In addition to this I have acquired and now own sixty-five thousand nine hundred forty-five (65,945) acres which, when succeeding Legislatures are in Session will be donated to the State.

I wish you to understand my reason for making these gifts from time to time, rather than by deeding to the State at one Legislative Session all of my park land.

Some of you will recall that in 1931 shortly after my first gift to the State was completed, an attempt was made to take this land away from the State and transfer it to the National Government.

Naturally I was greatly disturbed by this proposal, and although I could

not believe that the State of Maine ever would break the sacred Trust it made with me, a Trust which provides that these lands forever shall be held by the State in Trust for Maine people, I immediately took steps to protect the State's interest.

After consulting with several of the leading judges and lawyers of our State a definite plan has been adopted under which I am to deed a considerable area to the State at each Legislative Session, each deed to be accepted in the form of a separate State law carefully worded into a binding and unbreakable Trust Deed. In this manner a long list of precedents is being established; precedents which, as time passes, will show that eight or ten different Governors and as many Legislatures, by laws duly passed and signed by these Governors, have entered into solemn pacts that create a succession of irrevocable trusts. These trusts, beginning with 1931, are printed in the Laws of Maine, and as each session enacts them they thus become public documents.

He would be a rash individual who in the years to come, even after I have passed away, would seek to take these lands from the State and would attempt to break these Trusts created not by one Governor or one Legislature but by several. While I live I can successfully oppose any such action; I seek to prevent it after I have gone.

From the above you will understand my plan. When you meet again in 1943 I shall be on hand with another deed, and so on year after year until the park is finally completed and accepted by the representatives of the people of Maine. It would be far easier for me to donate this land all at one time and I should prefer to do so. However, in order to safeguard this Park for the future, it seems wise to adhere to the plan I have outlined to you. In case of my decease all my remaining land under my will immediately becomes the property of the State of Maine.

At the present time I am negotiating for additional land to be added to the Park, for ultimately I want this Park to contain at least six (6) complete townships of approximately twenty-four thousand (24,000) acres each.

I now present to you an Act of Acceptance and request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the State as Trustee in Trust for the people of Maine.

PERCIVAL PROCTOR BAXTER.

(S. P. 584)

Which was read and ordered placed on file.

Order

ORDERED, the House concurring, that in order that the Records of the Gift by PERCIVAL PROCTOR BAXTER to the State of Maine as Trustee in Trust of approximately twelve thousand (12,000) acres in Township four (4), Range nine (9) W. E. L. S. Piscataquis County (BAXTER STATE PARK) to be complete and in enduring form, the communication dated January twelfth, 1942, addressed by said Baxter to Honorable Sumner Sewall, Governor, and to the Honorable Senate and House of Representatives together with the message of Governor Sewall transmitting the said communication to the Legislature be printed in the Laws of Maine for 1941-1942. (S. P. 582)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

STATE OF MAINE

Executive Department

Augusta

SUMNER SEWALL

Governor

January 13, 1943.

The Honorable President of the Senate

The Honorable Speaker of the House

Ninety-first Legislature

Dear Sirs:

It is my great pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland, in which he generously offers substantial gifts of land for public purposes.

Baxter State Park, including Mount Katahdin, now comprises 47,000 acres. If it is the pleasure of the Ninety-first Legislature to accept this present offer, the area of the Park will be brought to 59,000 acres.

Mr. Baxter's generosity in undertaking to set up and give to the State one of the most magnificent natural recreational areas in the nation for our benefit and that of our children should command the deepest appreciation and gratitude.

Included with this present gift of additional land to the Katahdin tract,

Mr. Baxter proposes to give to the State, Mackworth Island located in the town of Falmouth in Portland Harbor.

Looking forward to the time when there will be maintenance costs in connection with the various structures on this property Mr. Baxter advises that he plans the establishment of a trust fund, to which he now donates \$10,000 as the initial gift. During his lifetime he wishes to retain his use of this Island without expense to the State.

Mr. Baxter has lived many years on this Island and believes its dedication to appropriate public use will prove of real benefit to the people of Maine.

It is well that we view these matters with vision and imagination, for the future may show human needs of great urgency which are not clearly perceptible today.

I, therefore, commend this proposal to your very thoughtful consideration, and urge acceptance of these gifts as being in the public interest.

Respectfully submitted,

SUMNER SEWALL.

(S. P. 27)

January 13, 1943.

To the Honorable Sumner Sewall, Governor
and the Honorable Senate and House of Representatives of the ninety-first Legislature of the State of Maine:

Governor Sumner Sewall and many of the members of this Legislature are familiar with my plans to donate to the State an extensive area of land in the Mount Katahdin region, the same to be held in Trust by the State for certain public purposes.

During the past thirteen years from time to time the State has accepted from me a total of forty-seven thousand (47,000) acres and I now offer you the gift of an additional area of twelve thousand (12,000) acres, which if accepted will give the State fifty-nine thousand (59,000) acres, all of which is located in Piscataquis County.

In order that those of you who were not members of the ninetieth Legislature may understand why these donations are made separately over a period of years instead of being transferred under a single deed, I refer you to a communication dated January 12, 1942, addressed by me to Governor Sewall and the ninetieth Legislature and published in the Legislative Record of the Special Session of that date, page 15 Senate Record and page

33 House Record under date of January 13, 1942. By joint order of the Senate and House this communication was ordered published in the Laws of Maine and Mr. Smith Dunnack, the Revisor of Statutes, informs me it will be printed in the Laws of Maine for 1943.

It will be recalled that shortly after I made my first gift of Katahdin land to the State certain persons attempted to take this from the State and transfer it to the National Government. Those responsible for this proposed breach of Trust have since assured me that never again will they seek to break this Trust and that they are content to abide by the Trusts created by the several acts of the Maine Legislature. However, in the future other persons may make a similar attempt and this I seek to guard against.

My plan to create a long line of precedents whereby one Legislature after another accepts my gifts in Trust by laws duly passed and printed in the Laws of Maine for successive years, have been approved by several of the leading judges and lawyers of our State. Under this plan each gift becomes a sacred trust accepted by those who directly represent the people. Each Legislature to protect these Trusts in the years to come erects a barrier similar to the barrier erected by its predecessor, a barrier against a breach of Trust.

Before I finish my work at least ten Maine Legislatures and as many Maine Governors will have placed their seal of approval on my plans and thus they will have made these Trusts absolutely unbreakable. Certainly he is a bold and reckless person who, even after I have deceased, attempts to induce this State to violate the Trust provisions created under a long series of Deeds and Acts of Acceptance extending from 1931 almost until 1950.

I have acquired and now own fifty-four thousand (54,000) acres in addition to the fifty-nine thousand (59,000) acres above referred to, making a total of one hundred thirteen thousand (113,000) acres, and each year hereafter beginning with 1944 I shall continue to deed to the State of Maine certain portions of this fifty-four thousand (54,000) acres until it all has been so transferred. In case of my decease before my work is completed, whatever portion of this fifty-four thousand (54,000) acres has not been given to and accepted by the State will pass under my Will and thus become a part of what by State law is BAXTER STATE PARK.

This Park project has become my life work and before it is completed I hope to secure an additional thirty-one thousand (31,000) acres which will comprise six entire townships totaling one hundred forty-four thousand (144,000) acres. To do this requires time and patience for just at present the owners do not care to sell their lands. Even though I may not

succeed in completing this in my life time, I have made provision in my Will so that in due time my plans will be carried through as I desire.

In the Act submitted herewith I have recited the several Deeds and conveyances made by me to the State in order that the record thereof may be clear and understandable to future generations of Maine people.

IT NOW IS MY DESIRE to make a second gift to the State of Maine and in the Deed and Act that accompanies this communication I have included MACKWORTH ISLAND, situated in the Town of Falmouth in Portland Harbor, Casco Bay, together with MACKWORTH or HALF-WAY ROCK southerly of said Island and also together with the Bridge to said Island, a right-of-way from the bridge to the State Highway, and certain Pole rights leading to said Island.

This Island means everything to me. For fifty-six (56) years I have spent the happiest days of my life there and I want the people of Maine to own and enjoy this Island in the years to come. This Island must never be exploited for private gain nor would I ever sell it for any price. My giving this Island to the State is not the result of any sudden impulse, because for twenty-nine (29) years there has been a provision in my Will that upon my decease it becomes the property of the people of Maine. In order, however, to make doubly sure that my wishes are carried out I now offer Mackworth Island as a gift to the State to be held forever in Trust by the State for State public purposes. A man does well to attend to these matters while living, rather than to leave them for others to do after he has gone.

Mackworth Island in many ways is unique. It was first settled by Arthur Mackworth, an Englishman, in 1631. This man lived there many years and became the leading citizen of the Casco Bay area. He often went to Boston to represent his fellow colonists in matters that came before the King's authorities in the Massachusetts Colonial government. According to ancient deeds the Island is "one hundred acres more or less" in extent. It lies at the mouth of the Presumpscot River on the westerly border of the Town of Falmouth and within less than one-half a mile from the easterly line of the City of Portland. For unknown centuries this Island was the home of the Indian and many unusual relics have been unearthed there. In the Museum here at the State Capitol is a collection of arrow heads and implements taken over a period of years from the Indian camp sites on the Island. Some time ago I donated this collection to the State and Mr. Joseph Wilson, curator in charge of the Museum, has made of it a most interesting display.

About one-quarter of the Island is well wooded with pine and spruce, one-quarter is pasture-land and the remainder is excellent land for such

crops as usually are found in southwestern Maine. I, myself, have planted in excess of 50,000 pine and spruce on this Island. There also is an orchard of about seventy-five fruit trees, apples, pears, cherries, plums and peaches. There are extensive clam flats on the northerly side and a good depth of water for boating on the southerly and easterly shores. Moreover the Island has several beaches suitable for bathing. The Island also has ample water supply from its own springs but these are not now in use because two large pipe lines bringing water from Sebago Lake cross the Island and carry water to the outlying Islands of Casco Bay now being fortified by the U. S. Army and Navy. These water lines are tapped on the Island for use there, and telephone and electric services also come to the Island over the bridge that connects it with the mainland. The buildings on the Island consist of a complete set of farm buildings, house, barn and other structures together with three residences, one brick and two wooden, all in good repair. This Island with the surrounding waters by State law is a wild life sanctuary and I have provided that it always shall so remain. A small colony of pheasants and one of partridges live there and occasionally one or two deer swim across the channel from the mainland and remain for a few days.

The uses to which this Island can be put by the State are numerous. In the deed I offer you it is provided that the Island always shall be used for State public purposes only. It is well adapted for recreational and educational purposes, for a hospital, for a home for sick or under-privileged children, for forestry, park or agricultural experimental purposes, or for any of the numerous activities of the State which require a large area in the country conveniently located near the advantages of a City. Its use for children would be especially pleasing to me. Certainly I ask that it never be used for penal or corrective institutions nor for any purpose connected with the enforcement of the laws of the State relating to criminals. The deed includes the bridge and right-of-way connecting it with State Highway No. 1, also certain pole rights and a rocky islet south of the Island.

As this Island is my home I wish to live there for some time to come and so have provided in the Deed of Gift and Act of Acceptance that the State may lease this to me for a period of fifteen (15) years with the right on my part to renew the same for a similar term. During the period of the lease, as Lessee I shall assume all expenses in connection with my occupation of the Island, including insurance and repairs on the buildings and bridge. It further is provided that in case at any time I no longer shall desire to occupy the Island I may terminate the lease. In such case and also upon my decease the lease terminates and the State then takes immediate possession.

It long has been my intention, subject to the vicissitudes of business, to

establish a fund to be donated to the State, the same to be held in Trust by the State and to be used in the discretion of the Governor and Council for some State public purpose in connection with the State's ownership of this Island. In order now that a beginning be made in this direction I hereby offer to the State of Maine the sum of ten thousand (\$10,000) dollars and in the accompanying Act it is provided that this sum, together with such gifts as later may be added to it by me, be accepted by said State as a Trust Fund as therein stated.

In offering you the gift of my Island I ask you to look beyond the present and into the future. Some may raise objections to its acceptance and may say "What will the State do with it". I am confident such a short-sighted view will not prevail.

As I look into the years ahead, I see great social changes coming. There is no stopping them, nor would I do so. Our State is destined to expand its activities far beyond what it now is doing. It will assume added responsibilities for the care of children, the sick, the crippled, the needy. New institutions will be established, new methods adopted for the care of the unfortunate and defective. The State is bound to play a far more important part than ever in the regulation and conduct of our lives and methods of living. Whether some persons approve or not, all of us will be profoundly affected. The good things of life are destined to be more widely distributed and we should prepare for the changes that are sure to come. My gifts though perhaps not now fully appreciated will, in the future, be regarded as valuable contributions to the public welfare. In this connection it is significant to recall certain incidents of the past.

Almost sixty years ago my late father James Phinney Baxter donated a public library building to the City of Portland. He was a pioneer in public giving. It is hard to believe, but certain persons of influence objected to the acceptance of the gift by the City. They openly opposed it. "What shall we do with it; it may cost the City something to maintain it" was the cry. Never for a moment, however, did my father regret having made the gift. He brushed aside this opposition and completed his task.

Again my father laid the plans for the construction of the Baxter Boulevard in Portland with which you all are familiar. Again those without vision opposed him and said "What shall we do with it". He drove ahead, however, and lived to see the project so far advanced that no one dared stop it. Today the Boulevard is the City's chief natural attraction.

In my own life I have had a similar experience. Twenty-six years ago when I first conceived the idea of a State Park at Katahdin there was determined opposition. I was attacked as a dreamer and branded as a socialist. Several of our newspapers came out against me, "We don't want a Park, leave things as they are; what shall we do with it", again was

heard. Session after session I fought on and made speech after speech up and down the State. It was a long road to travel, but to-day the State Park is acknowledged to be one of the State's great natural attractions and the people of the future will appreciate it even more than do those of to-day.

In accepting the gifts I now offer there is no reason for anxiety as to what the State will do with the Island. In the ordinary course of events my life may continue for a number of years, and during the period of my occupancy of the Island under the lease, all expenses are assumed by me. Meanwhile I hope to increase the Trust Fund which is established under the Act and which is a part of the Gift.

As an example of what increases may mean, I remind you that my first gift of Katahdin land thirteen years ago was an area of but 6,000 acres. To-day, a total of 113,000 acres have been acquired by me for this project, with more to come.

I have a vision of what this Island is to be in the future. It will be a haven for those, young and old, who need refreshment in body and in spirit. From it will radiate kind and wholesome influences that will go far toward making Maine a better State in which to work and live.

In this communication I have gone into some detail so that all may understand my purpose. I desire to do something worth while for my native State and want the People of Maine to enjoy both the Park at Katahdin and my Island in Casco Bay. I ask you men and women who for the time being guard our destinies, to take the broad, long vision and accept that which I now offer to my fellow citizens.

Respectfully,

PERCIVAL PROCTOR BAXTER.

Order

ORDERED, the House concurring, that in order that the records of the gift by Percival Proctor Baxter to the State of Maine as Trustee in Trust of approximately twelve thousand (12,000) acres in township five (5) range nine (9) W. E. L. S. Piscataquis County (Baxter State Park), and the gift of Mackworth Island together with the ten thousand (\$10,000) dollars Trust Fund given for said Island, be complete and in enduring form, the communication dated January 13, 1943, addressed by the said Baxter to the Honorable Sumner Sewall and the Honorable Senate and House of Representatives of the Ninety-first Legislature, together with the message of Governor Sumner Sewall transmitting the said communication to this Legislature, be printed in the laws of Maine for 1943. (S. P. 30)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.