

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date April 23, 1976

To Joseph E. Brennan Dept. Attorney General  
From Sarah Redfield, Assistant Dept. Attorney General  
Subject General Provisions Concerning the Responsibilities of the  
Maine Forest Authority

## The Statutory Provisions.

The Maine Forest Authority (hereinafter "MFA") was established in 1970 and consists of five members: the Director of the Bureau of Forestry, the Commissioner of Inland Fisheries and Wildlife, the Director of the Bureau of Parks and Recreation, the Attorney General, and a member of the public (currently Hartley Baxter), see 12 M.R.S.A. §1701.

The MFA is designated as the State agency to receive certain monies from the trust funds established by Governor Baxter, 12 M.R.S.A. §1701. The MFA is authorized by statute to purchase, with these funds and with funds realized by the sale of timber from MFA lands, or to receive gifts of land "for recreational and reforestation purposes". Any real property so acquired is to be held in trust for the benefit of the people of the State "for development, improvement, use, reforestation and scientific forestry and the production of timber and sale thereof", 12 M.R.S.A. §1702.

The MFA is also specifically authorized by statute to sell timber from its lands and to establish fees for the use of the area by the public, 12 M.R.S.A. §§1703, 1704. Revenues from timber sales are to be used for the timber management of the property; revenues from use fees are to be used for the maintenance and protection of the property and for salaries of personnel. The fee revenues are to be shared with the municipality or county in which the land is located, 12 M.R.S.A. §1705.

## The Trust Provisions.

The funds for the MFA are derived from three sources:

- (1) pursuant to the THIRD clause of the intervivos trust of Percival Proctor Baxter dated July 6, 1927, as amended;
- (2) pursuant to the Baxter State Park Trust Fund, 12 M.R.S.A. §1701;
- (3) revenues.

The first category of funds involves principal of the funds held by the Boston Safe Deposit and Trust Company as trustee. The principal may be used by the State of Maine for the purchase of additional lands in Baxter State Park or for the purchase of "other lands for recreational or reforestation purposes". The intervivos trust particularly mentions

"large areas of unproductive forest lands, burned over, cut and rocky, which are of little or no market value and which may be purchased at a low figure and allowed to reforest itself or remain as it is for scenic, recreational purposes and for experimental scientific forestry."

Baxter stated it was his hope that these lands would become "model forests" harvested and reforested by the State.

The second category of MFA funds involves the income from the funds held in trust by the Boston Safe Deposit and Trust Company. The income is to be paid, at least quarterly, to the Baxter State Park Trust Fund as created by Chapter 21 of the Private and Special Laws of 1961. These funds are to be used for the care, protection and operation of Baxter State Park and for other forest lands acquired by the State with funds and for the purposes indicated in the first category.

The revenues from the operation of the forest lands acquired by the MFA are the third category of funding. Pursuant to the trust, this money is to be used for the care, extension, and management of MFA lands. The revenues from fees, as discussed above, are provided for by statute and not specifically by the terms of the trust instrument.

The responsibilities of the MFA, then, parallel those of the Baxter State Park Authority.

The Baxter intervivos trust provides that the principal of the fund may be used for acquisition of Baxter State Park land or forest land. The income is to be used for the maintenance of both categories of land. Baxter himself did not specify a State agency which should administer the funds; these agencies were created by the Legislature and the responsibilities divided according to type of land: funds for purchase and maintenance of Baxter State Park land under the control of the Baxter State Park Authority; and funds for purchase and maintenance of forest land under the control of the MFA. Of course, as a practical matter, the Baxter State Park Authority constitutes the majority of the MFA.

Current Status.

It is my understanding that the MFA has purchased two parcels of land: one parcel of 200 acres in Mount Chase Plantation and another of 200 acres in Harpswell. Apparently the MFA had not formally met since 1973.

Recommendations.

(1) Convene a meeting of the MFA and elect a chairman and secretary, 12 M.R.S.A. §1707.

(2) Adopt regulations governing the use of MFA lands, 12 M.R.S.A. §1704 (draft attached).

(3) Have staff of the member agencies

(a) prepare an analysis of the current financial status of the trust funds and determine the availability of funds for acquisition of MFA lands.

(b) prepare a management plan for the existing MFA lands and an analysis of potential income therefrom.

(c) prepare a set of guidelines for the purchase of additional MFA lands consistent with the trust provisions and availability of financing.

(d) develop a list of possible sites for acquisition.

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MAINE FOREST AUTHORITY  
REGULATIONS

1. General

1.00 Statutory Authority. These regulations are adopted pursuant to 12 M.R.S.A. §1704.

2. Rules of Practice (Reserved)

3. Public Access

3.00 Authority representative. For the purposes of these regulations the Director of Baxter State Park shall be considered the representative of the Maine Forest Authority.

3.01 Permit required. Unless otherwise provided herein, no person shall enter the lands of the Maine Forest Authority without a permit from the representative thereof.

3.02 Day use. Access to the Maine Forest Authority lands, on foot, for day use for hiking, fishing, picnicing, snowshoeing or skiing is permitted except when the area is posted as "closed" by the representative of the Maine Forest Authority.

3.03 Camping. Camping is permitted within the lands of the Maine Forest Authority with permission from the representative thereof upon payment of a fee of \$2.00 per person per day; provided however that no camping permit shall exceed two weeks in length.

3.04 Fires. No person shall build or light fires except at authorized areas and then only in those places provided or designated for such purposes and shall before leaving such fire, totally extinguish same. "Fires" shall include without limitation, open fires and gasoline, propane and other types of stoves or heating devices.

No person shall throw away or discard any burning cigarettes, cigars, matches, or any other burning material on Maine Forest Authority lands. State laws with regard to fire control shall be strictly enforced. Any fire not contained as herein provided shall be reported to the nearest ranger or State authority at once.

- 3.05 Washing. Washing of the person or articles shall be prohibited in any waters except where expressly authorized.
- 3.06 Litter. No trash, waste or other litter shall be deposited or caused to be deposited in any place within the Maine Forest Authority lands other than in official containers or at authorized dumps. All refuse, litter and waste must be packed out. Plastic or similar tarpaulin as used for shelters shall be removed from the site as any other litter.
- 3.07 Wildlife. No person shall feed any wildlife within the Maine Forest Authority lands.
- 3.08 Pets. No pets or other domestic animals are allowed within Maine Forest Authority lands.
- 3.09 Fishing and hunting. Fishing and hunting are allowed in Maine Forest Authority lands consistent with the general laws and regulations thereof of the State of Maine.
- 3.10 Liquor and drugs. General laws of the State pertaining to alcoholic beverages and drugs apply within the confines of the Maine Forest Authority lands.
- 3.11 Property. No person shall deface, paint, damage, mutilate or remove any structure, marker, fauna, flora or any other natural feature of the Maine Forest Authority lands. Possession of paint or marking materials without authorization or the tampering, altering or removal of any signs or markers is prohibited.
- 3.12. Special Research Studeis. Request for research studies in ecology, flora, fauna, geology and other projects such as survival, testing of clothing and mountain climbing equipment must be submitted in writing to the Authority in Augusta, Maine for approval.

Requests for specimen collections will be reviewed in relation to the forestry management of the land and the scientific values involved. Approval for such collections may require that specimens shall only become a part of public collections.

4. Forest Management (Reserved)