

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1791

H. P. 1422 House of Representatives, January 6, 1970
The Committee on State Government suggested.
BERTHA W. JOHNSON, Clerk
Presented by Mr. Vincent of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

AN ACT Creating the Maine Forest Authority and Conforming the Powers of the Forest Commissioner and the Baxter State Park Authority to a Certain Inter Vivos Trust Created by the late Percival Proctor Baxter.

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

Sec. 1. R. S., T. 12, c. 217, additional. Title 12 of the Revised Statutes is amended by adding a new chapter 217, to read as follows:

CHAPTER 217

MAINE FOREST AUTHORITY

§ 1701. Creation; designation; membership

The Maine Forest Authority, hereinafter in this chapter called "the authority", is created and designated as the agency of the State of Maine to receive such sums as are from time to time paid to the State by the trustee under clause THIRD of a certain inter vivos trust created by the late Percival Proctor Baxter for the purchase of forest lands for recreational and reforestation purposes, and by said trustee and by the trustees of the Baxter State Park Trust Fund created by chapter 21 of the private and special laws of 1961 for the care, protection and operation of such lands so purchased or otherwise acquired.

The authority shall consist of 4 members, viz: the Forest Commissioner, the Commissioner of Inland Fisheries and Game, the Director of the Maine State Park and Recreation Commission and the Attorney General, each of whom shall serve ex officio. The members shall meet as often as necessary to properly administer this chapter, and shall annually elect one of their

number as chairman. Three members shall constitute a quorum for the transaction of business. The authority shall maintain a record of its doings.

§ 1702. Powers; duties

The authority is authorized on behalf of the State to purchase, with the funds paid to it by the above-named trustee and with moneys realized by the sale of timber in the manner provided, and to accept gifts and devises of, real property for recreational and reforestation purposes; and shall hold the same 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. Title to such property shall be approved by the Attorney General, and shall be taken in the name of the State.

The authority may provide for the protection of such property so acquired against damage by insects, fire and other hazards.

The authority may employ, subject to the Personnel Law, such employees as are necessary to carry out its duties under this chapter.

§ 1703. Sale of timber

The authority may from time to time when in its discretion sound forestry practices so require, solicit bids for contracts for the harvesting and purchase of any timber standing on property acquired under the authority of this chapter, and for the reforestation of the property upon which the harvesting occurs. Advertisement for bids shall be published 3 weeks consecutively in some newspaper of statewide circulation, the date of the last publication being at least 14 days before the date set for the receiving and opening of bids. The advertisement shall contain a description of the area in which the timber lies, an estimate of the amount of board feet to be derived therefrom, and the time and place for the receiving and opening of bids thereon.

Each bid shall be accompanied by a deposit in the form of a certified check payable to the Treasurer of State in an amount equal to 10% of the bid. At the time and place specified in the notice, the authority shall publicly open the sealed bids and shall award the contract to the highest responsible bidder. Deposit checks, except in the case of the successful bidder, shall be returned to the bidder. The authority may reject any and all bids and shall reject any bid not accompanied by a check proper as to form and amount.

§ 1704. Regulations

The authority may, with respect to any property acquired under the authority of this chapter, adopt, amend and repeal regulations for the following purposes:

1. Forestry management standards. Establishing the standards of forestry management to be employed therein.
2. Public access. Controlling the nature and degree of public access thereto, and establishing reasonable fees for such access.

Such regulations shall be adopted, amended and repealed by the authority in the same manner as are rules of practice before other state agencies.

§ 1705. Disposition of revenues; revenue sharing

Revenues derived from the sale of timber shall be used for the care, extension and management of property acquired under the authority of this chapter.

Revenues derived from public-access fees shall be used for the protection of such property from fire, insects, disease and other hazards; for the maintenance of such property; for the protection and safety of the public; and for the salaries of personnel employed for such purposes. The Treasurer of State shall annually return 25% of the revenues derived from such fees to the municipality within which such property lies, to be used for the maintenance of public ways and for public education within such municipality. If any parcel of such property lies within 2 or more municipalities, such percentage shall be prorated among such municipalities according to the acreage of the parcel in each. If any parcel of such property lies in unorganized territory, such percentage shall be returned to the county, in which the parcel lies, for general county purposes. If any parcel of such land lies partly within a municipality and partly within unorganized territory, such percentage shall be prorated between the municipality and the county according to the acreage of the parcel in each.

§ 1706. Existing law enforcement jurisdiction not impaired

The powers of the authority shall not be construed to interfere or conflict with the powers and duties of the Maine State Park and Recreation Commission, Department of Inland Fisheries and Game or Forestry Department and their duly authorized wardens or rangers in the enforcement of the inland fisheries, game and forestry laws with respect to property acquired under the authority of this chapter.

Sec. 2. R. S., T. 12, § 512, amended. The first paragraph of section 512 of Title 12 of the Revised Statutes, as amended by section 12 of chapter 226 of the public laws of 1965, and by chapter 144 of the public laws of 1969, is further amended to read as follows:

The commissioner may, with the advice and consent of the Governor and Council, purchase, when funds are available from bequests or trusts **other than bequests made or inter vivos trusts created by the late Percival Proctor Baxter**, or accept on the part of the State gifts of, parcels or tracts of land for forest purposes. The title to lands acquired under this section shall be investigated and approved by the Attorney General.

Sec. 3. R. S., T. 12, § 901, amended. Section 901 of Title 12 of the Revised Statutes, as amended by section 17 of chapter 226 of the public laws of 1965 and chapter 504 of the public laws of 1967, is further amended to read as follows:

§ 901. Designation; payments to forestry district

All the lands in Townships 3, 4, 5 and 6, Range 9 W.E.L.S. and in Townships 3, 4, 5 and 6, Range 10 W.E.L.S., Piscataquis County, and Township 6, Range 8 W.E.L.S., Penobscot County, that have been donated and con-

veyed to the State of Maine in trust by Percival Proctor Baxter and all lands in said Townships 2, 3, 4, 5 and 6, Range 9 and in Townships 3, 4, 5 and 6, Range 10, and in Township 6, Range 8 and all lands in Piscataquis and Penobscot Counties that hereafter shall be donated and conveyed to the said State by said Baxter in trust for state forest, public park and public recreational purposes are named and shall hereafter be named "Baxter State Park" in honor of the donor, and the same hereafter shall forever be so designated on the official maps and records of the State. They shall be under the joint supervision and control of, and shall be administered by the Forest Commissioner, the Commissioner of Inland Fisheries and Game and the Attorney General, and the said commissioners and Attorney General shall have full power in the control and management of the same, under the title of Baxter State Park Authority. ~~The authority shall make payments to the Maine Forestry District in lieu of taxes on the basis of 6c per acre per year for all land within the Baxter State Park area for the prevention, control and extinguishment of forest fires.~~ The authority shall receive by appropriation from the General Fund not less than the fees collected in the park from the previous biennium for maintenance and operation of the park.

The authority is further designated the agency of the State to receive such sums as are, from time to time, paid to the State by the trustee under clause THIRD of a certain inter vivos trust created by said Baxter for the purchase or other acquisition of additional land for said Baxter State Park, and the authority is authorized to expend such sums so received for such purposes.