

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 226

H. P. 160

House of Representatives, January 19, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. White of Guilford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Revising the Laws Relating to Baxter State Park.

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

Sec. 1. R. S., T. 12, § 901, amended. Section 901 of Title 12 of the Revised Statutes, as repealed and replaced by section 17 of chapter 226 of the public laws of 1965, and as last amended by section 3 of chapter 557 of the public laws of 1969, is further amended to read as follows:

§ 901. Designation; payments to forestry district

All the lands in Townships 2, 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 conveyed 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~~ **Wilderness 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~~ **Wilderness Park Authority**. The authority shall make payments to the Maine Forestry District in lieu of taxes on the basis of 6¢ per acre per year for all land within the Baxter ~~State~~ **Wilderness 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 shall receive moneys available from trust funds established by the donor of the park and shall include fees collected, income from park trust funds invested by the Treasurer of State and other miscellaneous income derived from the park 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 dated July 6, 1927, as from time to time amended, created by said Baxter for the purchase or other acquisition of additional land for said Baxter ~~State~~ **Wilderness** Park, and the authority is authorized to expend such sums so received for such purposes.

Sec. 2. R. S., T. 12, § 902, amended. The first sentence of section 902 of Title 12 of the Revised Statutes is amended to read as follows:

The public reserved lots in the area known as Baxter ~~State~~ **Wilderness** Park shall be forever held in trusts, and are here declared to be so held, as part of said park not only as respects the interests conveyed to the State by Percival Proctor Baxter but as respects the basic title originally owned by the State.

Sec. 3. R. S., T. 12, § 903, amended. The first sentence of section 903 of Title 12 of the Revised Statutes is amended to read as follows:

The Baxter ~~State~~ **Wilderness** Park Authority may from time to time establish such rules and regulations as it deems necessary for the protection and preservation of said park and of the monuments or structures thereon, for the protection and safety of the public and for the proper observance of the conditions and restrictions expressed in the deeds of trust of the park to the State.

Sec. 4. R. S., T. 12, § 904, amended. The first sentence of section 904 of Title 12 of the Revised Statutes is amended to read as follows:

The Baxter ~~State~~ **Wilderness** Park Authority shall appoint agents or representatives to carry out this subchapter.

Sec. 5. R. S., T. 12, § 905, amended. Section 905 of Title 12 of the Revised Statutes is amended to read as follows:

§ 905. Police supervision; power to arrest

Said ~~wilderness~~ park authority shall exercise police supervision over Baxter ~~State~~ **Wilderness** Park. The agents or representatives of the Baxter ~~State~~ **Wilderness** Park Authority, designated for that purpose by said park authority, are authorized and empowered to arrest with or without warrant any person within the State who is committing, or to detain, until a warrant has been obtained, any person within the State who has been seen by said agents or representatives committing any offense against the state laws, or any violation of any rule or regulation of the Baxter ~~State~~ **Wilderness** Park Authority

within said park, but no dwelling house shall be searched for the purpose of such arrest without a warrant, and then only in the daytime, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant.

Sec. 6. R. S., T. 12, § 906, amended. Section 906 of Title 12 of the Revised Statutes, as amended by section 20 of chapter 226 of the public laws of 1965, is further amended to read as follows:

§ 906. Restrictions on powers and duties of park authority

The powers and duties of the Baxter ~~State~~ **Wilderness** Park Authority shall not be so construed as to interfere or conflict in any way with the powers and duties of the Maine State Park and Recreation Commission, Department of Inland Fisheries and Game or the Forestry Department and their duly appointed wardens or rangers, and the enforcement of the inland fisheries and game and forestry laws in respect to Baxter ~~State~~ **Wilderness** Park or to the State generally.

STATEMENT OF FACT

The basic intent to change the name Baxter State Park to Baxter Wilderness Park is to distinguish the park as a separate entity from the State Park and Recreation Commission. In a letter to former Governor John H. Reed, dated May 20, 1960, confirmed by the Council and on file in the Secretary of State's office, the donor, former Governor Percival P. Baxter, states, "I ask that this Park be separately administered free from any connection with the larger State Park Commission."

During legislative sessions there has always been some misunderstanding of the distinction between Baxter Park and the State Park and Recreation Commission and the change in name is for clarification.

Starting July 1, 1971, Baxter Wilderness Park will be maintained and operated entirely from moneys made available by established trust funds by the donor of the park with no funds requested from the General Fund. In addition, maintenance and operation of the park shall include fees collected, park trust funds invested by the Treasurer of State and any other miscellaneous income derived from the park.