

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1608, L.D. 2221, Bill, "An Act to Clarify the Governance of Mackworth Island Public Trust Lands"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Make Recommendations on the Governance of the Mackworth Island Public Trust Lands'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, recreational pressures on Mackworth Island are increasing and creating conflicts among the users of this public trust land; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Legislative intent. It is the intent of the Legislature that the Mackworth Island public trust be governed according to the terms in the Deed of Gift of Mackworth Island, Private and Special Law 1943, chapter 1, and other words and writings of Governor Percival Proctor Baxter that refer to Mackworth Island.

2 The Legislature interprets these documents to allow the use of
the island for a wildlife sanctuary, appropriate public
4 recreation and as a home for the Governor Baxter School for the
Deaf. Each of these uses must be balanced to provide prudent
6 management of the resources of the island, consideration for the
special needs of the deaf community and appropriate measures for
wildlife management.

8
Sec. 2. Draft management plan. The Bureau of Public Lands and
10 the Department of Educational and Cultural Services shall jointly
prepare a draft management plan for the Mackworth Island public
12 trust by October 15, 1990. This draft plan must include
recommendations for:

- 14 1. Managing and protecting the natural and historical
16 resources of the island, including the beaches, wildlife,
wetlands, shell heaps and pet cemetery;
- 18 2. Managing recreational pressures on the island, including
20 parking, pets, traffic, security and overuse;
- 22 3. An appropriate management structure or entity for the
Mackworth Island public trust in terms of a state agency, bureau,
24 independent authority or combination of agencies or bureaus that
is best suited to provide long-term management and care for the
26 island consistent with the wishes of Governor Baxter; and
- 28 4. Appropriate funding mechanisms and personnel to ensure
the long-term management and public enjoyment of the island and
30 its resources.

32 In carrying out their duties, the Department of Educational
and Cultural Services and the Bureau of Public Lands are governed
34 by the terms in the Deed of Gift of Mackworth Island, Private and
Special Law 1943, chapter 1, and shall give solemn consideration
36 to other words and writings of Governor Percival Proctor Baxter
that refer to Mackworth Island.

38
Sec. 3. Advisory board. The Mackworth Island Public Trust
40 Advisory Board is established to review the draft management plan
and recommendations for the Legislature developed pursuant to
42 section 2 of this Act. The advisory board shall meet as needed
to review the options and recommendations developed as part of
44 the draft management plan.

46 The advisory board consists of:

- 48 1. The Director of Baxter State Park or the director's
designee;

50

2 2. One member of the public, jointly appointed by the
President of the Senate and the Speaker of the House of
Representatives;

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6 3. One deaf member of the deaf community, not currently
affiliated with the Governor Baxter School for the Deaf,
appointed by the Governor;

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10 4. One member from a nonprofit conservation organization
with a proven concern for conservation, jointly appointed by the
President of the Senate and the Speaker of the House of
12 Representatives;

14 5. One representative of the family of the late Governor
Baxter or the representative's designee;

16
18 6. One member of the Policy Review Board of the Governor
Baxter School for the Deaf, appointed by the Governor; and

20 7. One member of the Legislature, jointly appointed by the
President of the Senate and the Speaker of the House of
22 Representatives.

24 Appointments must be made by August 1, 1990.

26 **Sec. 4. Advisory board administration.** The Director of Baxter
State Park or the director's designee shall serve as chair of the
28 advisory board. Minutes of all meetings must be kept and are
public records. The advisory board is not entitled to
30 compensation. The board shall meet as needed to carry out its
duties. Four members of the advisory board constitute a quorum.

32 **Sec. 5. Rulemaking.** The Department of Educational and
34 Cultural Services may adopt rules subject to the Maine
Administrative Procedure Act to manage public use of the island
36 to the extent that it affects students and faculty of the
Governor Baxter School for the Deaf.

38 **Sec. 6. Dogs.** Dogs are not allowed on the Mackworth Island
40 public trust during the school year of the Governor Baxter School
for the Deaf. At other times, the presence of dogs on the island
42 is subject to the Maine Revised Statutes, Title 7, chapter 719.

44 **Sec. 7. Cooperation.** On request, state agencies shall
cooperate with the Department of Educational and Cultural
46 Services and the Bureau of Public Lands.

48 **Sec. 8. Report.** On or before January 10, 1991, the Department
of Educational and Cultural Services and the Bureau of Public
50 Lands shall report to the Joint Standing Committee on Energy and
Natural Resources and the Office of the Executive Director of the

COMMITTEE AMENDMENT "A" to H.P. 1608, L.D. 2221

Legislative Council on the draft management plan, findings and recommendations pursuant to this Act, including the recommendations of the advisory board. This report must include recommendations for statutory change.

Sec. 9. Repeal. Sections 5 and 6 of this Act repeal March 1, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

FISCAL NOTE

All costs associated with this bill would be absorbed by the Department of Educational and Cultural Services and the Department of Conservation, Bureau of Public Lands, utilizing existing resources.'

STATEMENT OF FACT

This amendment requires the Department of Educational and Cultural Services and the Bureau of Public Lands to develop a draft management plan that includes recommendations to the Legislature concerning the governing and managing of the Mackworth Island public trust. The department and the bureau shall report their findings and recommendations to the Joint Standing Committee on Energy and Natural Resources by January 10, 1991. The Mackworth Island Public Trust Advisory Board is established to review the recommendations and options developed as part of this plan.

Rule-making authority is granted to the Department of Educational and Cultural Services to manage the impact of public use of the island on the Governor Baxter School for the Deaf. Dogs are restricted during certain times of the year on the island.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
3/12/90 (Filing No. H-909)