

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2221

H.P. 1608

House of Representatives, January 24, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

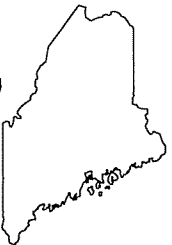
Presented by Representative ADAMS of Portland.

Cosponsored by Representative REED of Falmouth, Representative JOSEPH of Waterville and Senator ESTY of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Clarify the Governance of Mackworth Island Public Trust Lands.



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

2
4 Sec. 1. 5 MRSA §12004-I, sub-§3-A is enacted to read:

6 3-A. Con- Mackworth Island Not Authorized 12 MRSA
servation Public Trust §560-A
 Advisory Board

8
10 Sec. 2. 12 MRSA §560-A is enacted to read:

12 §560-A. Mackworth Island lands

14 The Director of the Bureau of Public Lands shall have care,
16 custody, control of and the responsibility for the management of
18 those Mackworth Island properties described in the Deed of Gift
20 of Mackworth Island, Private and Special Law 1943, chapter 1,
22 with the exception of all property of the Governor Baxter School
24 for the Deaf as defined in Title 20-A, section 7503, subsection
26 2.

28 1. Advisory board. Mackworth Island Public Trust Advisory
30 Board is established to provide the Bureau of Public Lands and
32 the Governor Baxter School for the Deaf with advice, information
34 and public input regarding the governance of the Mackworth
36 Island public trust and wildlife sanctuary. The advisory board
38 shall consist of:

40 A. The Director of the Bureau of Public Lands or the
42 director's designee;

44 B. The Superintendent of the Governor Baxter School for
46 the Deaf or the superintendent's designee;

48 C. The Director of Baxter State Park or the director's
50 designee;

D. Two Legislators, appointed jointly by the President of
 the Senate and the Speaker of the House of Representatives;
 and

E. Two members of the public appointed by the Governor,
 one of whom shall be a legal resident of the Town of
 Falmouth, who shall serve staggered 2-year terms.

44 The board shall annually elect its own chair and secretary.
46 Minutes of all meetings must be kept and are public records.
48 The board shall serve without compensation and shall meet at
50 least twice annually. The Director of the Bureau of Public
 Lands may call special meetings as necessary and shall call a
 special meeting upon petition of any 2 members.

2 In performing its functions, the board shall be governed by the
3 terms in the Deed of Gift of Mackworth Island, Private and
4 Special Law 1943, chapter 1, and shall give solemn consideration
5 to other words and writings of Governor Percival Proctor Baxter
6 which refer to Mackworth Island.

8 Sec. 3. 20-A MRSA §7503, sub-§2, as enacted by PL 1981, c.
9 693, §§5, 8, is repealed.

10 Sec. 4. 20-A MRSA §7503, sub-§2-A is enacted to read:

12 2-A. Location and facilities. For the purposes of this
13 section, the school is defined as the land, buildings, roadways
14 and outdoor recreational facilities specified in paragraphs A, B
15 and C. All other Mackworth Island property held by the State
16 which is not listed must be held forever by the State as a
17 public trust and as a wildlife sanctuary and shall be governed
18 exclusively by the Director of the Bureau of Public Lands under
19 the powers authorized in Title 5, chapter 202.

22 The school shall be located on Mackworth Island in Cumberland
23 County and the lands and facilities of the school are:

24 A. All permanent buildings on Mackworth Island in use
25 prior to January 1, 1989, including buildings used for
26 student housing or educational purposes, recreational
27 buildings, school administrative offices, maintenance
28 buildings and permanent storage buildings;

30 B. All roadways and parking areas on Mackworth Island
31 which were paved prior to January 1, 1989; and

32 C. All permanent outdoor recreational facilities
33 constructed and maintained by the school prior to January
34 1, 1989.

36 All property within 50 feet of the buildings and facilities
37 listed in paragraph A are controlled by the school, except that
38 the property controlled by the school may not extend closer than
39 100 feet to the island's average high-tide waterline.
40 Responsibility for maintenance, safety and repair of any
41 property that is located in an area in which the 50-foot zone
42 and the 100-foot zone overlap must be negotiated by the school
43 and the Bureau of Public Lands.

46 STATEMENT OF FACT

48 Mackworth Island, the former summer home of the Baxter
49 family, was donated to the State as a public trust land by
50 Governor Percival Baxter in 1943. In 1953, Governor Baxter

2 donated funds for a school for the deaf on the island, later
named the Governor Baxter School for the Deaf in his honor.
Baxter School became part of the Department of Education in 1971.

4
6 In his deed of gift accepted by the Legislature in Private
and Special Law 1943, chapter 1, Governor Baxter stipulated that
Mackworth Island be forever used for public purposes and be
8 maintained as a wildlife sanctuary.

10 This bill clarifies which parts of Mackworth Island are to
be administered by the Governor Baxter School for the Deaf and
12 places the administration of Mackworth's other areas with the
Bureau of Public Lands.

14
16 This bill also establishes the Mackworth Island Public
Trust Advisory Board, an unpaid, public advisory board to give
advice and public input regarding the use of the Mackworth
18 Island public trust in the spirit of Governor Baxter's wishes.