

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 78

H. P. 72

House of Representatives, Dec. 5, 1933.

Referred to Committee on State Lands and Forest Preservation and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Rush of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
THIRTY-THREE

**AN ACT Creating the Baxter State Park Commission, and Defining Its
Powers and Duties.**

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

Sec. 1. Baxter State Park Commission established. There is hereby created a "Baxter State Park Commission" of 5 members. This commission shall consist of the governor, the forest commissioner, and the commissioner of inland fisheries and game, who shall each serve during his term of office, and 2 other members to be appointed by the governor with the advice and consent of the council, one to serve for 2 years and one to serve for 3 years, and thereafter vacancies in the civilian membership shall be filled by appointments for 3 year terms. The governor shall either act as chairman or shall designate one other member to act as such. The members of the commission shall serve without compensation and one of said commissioners shall be a resident of either the town of Greenville in the county of Piscataquis, or the town of Millinocket in the county of Penobscot.

Sec. 2. Powers and duties of the commission. The Baxter State Park Commission shall have the following powers and duties:

I. They shall have the supervision, direction and control of all that portion of Township 3, Range 9, W. E. L. S. in Piscataquis county, con-

taining approximately 5,960 acres of land, donated and conveyed to the state of Maine in trust for state forest, public park and recreational purposes by Percival Proctor Baxter (Governor 1921-1925), by the following Deeds: Percival Proctor Baxter to the state of Maine, March 3, 1931, accepted by said state by chapter 23 of the private and special laws of Maine of 1931; Percival Proctor Baxter to the state of Maine, October 7, 1931, accepted by said state, in accordance with the provisions of sections 15 and 16 of chapter 11 of the revised statutes of Maine, 1930; and Percival Proctor Baxter to the state of Maine, February 2, 1933, accepted by said state by chapter 3 of the private and special laws of Maine, 1933, the areas thus conveyed having been designated and named "Baxter State Park" by the state of Maine, in chapter 103 of the resolves of Maine, 1933, and all other lands which may hereafter become a part of the said Baxter State Park.

2. They may receive moneys by gift or legacy and shall hold the same as trustees for the purposes stated in this act. The expenditures of all moneys so received, and of all legislative appropriations, for the maintenance or improvement of said park, or for the erection or preservation of any monument or structures of any description, or for the building or improving of trails, and other ways upon or across said park, shall be under the direction of said commission, whose income and expenditures shall be audited in the manner now provided by law. All equipment of the state in charge of the state highway commission which is adapted for use on said park shall, upon order of the governor, be available, free of charge, to said commission, when not otherwise in use.

3. The said commission may, from time to time, establish such rules and regulations as they deem necessary for the protection and preservation of said park, for the protection and safety of the public, for the proper observance of the conditions and restrictions expressed in the deeds of trust of the park to the state, and of the monuments or structures thereon. Before promulgating the same, they shall be submitted to the attorney general, and if he shall certify that in his opinion they are in conformity with law, they shall thereupon, together with paragraphs 4 and 5 of this section, be published once a week for 2 successive weeks in a newspaper published and printed in whole or in part in either Penobscot county or Piscataquis county, and posted in at least 4 places on said park, whereupon they shall take effect. A certificate of such publication and posting shall be executed by one of the members of said commission and filed with the secretary of state, who shall record the same.

4. Whoever violates any of the rules and regulations of said commission, promulgated in conformity with the provisions of paragraph 3 of

this section, shall be punished by a fine of not more than \$50 and costs, or by imprisonment for not more than 30 days, or by both said fine and imprisonment.

5. Whoever wilfully mutilates, defaces or destroys any monument or marker lawfully erected within the boundaries of said park, or any notice, rule or regulation of said commission, posted in conformity with the provisions of paragraph 3 of this section, shall be punished by a fine of not more than \$50 and costs, or by imprisonment for not more than 30 days, or by both said fine and imprisonment.

6. Trial justices and municipal courts within their counties shall have original and concurrent jurisdiction with the superior court in all prosecutions under any provision of this act. Any person arrested as a violator of this act may be taken before any trial justice or any municipal court in the county where the offense was committed, or in any adjoining county. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county.

Sec. 3. Powers and duties of commission limited. The powers and duties of the Baxter State Park Commission as set forth in this act shall not be so construed as to interfere or conflict in any way with the powers and duties of the inland fisheries and game commissioner or forest commissioner and their duly appointed wardens, in the enforcement of the inland fish and game and forestry laws in respect to the Baxter State Park or in respect to the state generally.

Sec. 4. Limitation on interpretation of R. S., c. 11. The provisions of chapter 11 of the revised statutes of Maine, which are inconsistent with or repugnant to the powers and duties of the said commissioners as set forth in this act, shall not be so construed as to apply to the Baxter State Park.