

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninetieth and Ninety-first
Legislatures
OF THE
STATE OF MAINE
From April 26, 1941 to April 9, 1943
AND MISCELLANEOUS STATE PAPERS

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1943

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Ninety-first Legislature

1943

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-first Legislature

1943

Chapter 1

AN ACT Accepting from Percival Proctor Baxter the conveyance and Deed of Gift of twelve thousand (12,000) acres of land in township five (5) range nine (9) W. E. L. S. Piscataquis County, and the conveyance and Deed of Gift of Mackworth Island in the town of Falmouth, Portland Harbor, Casco Bay, and establishing the Mackworth Island Trust Fund.

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

N. E. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ of township five (5) range nine (9) W. E. L. S.

WHEREAS, Percival Proctor Baxter of Portland in the county of Cumberland, state of Maine, donated and conveyed to the state of Maine as trustee in trust certain real estate in townships three (3), four (4) and five (5) range nine (9) and in township three (3) range ten (10) W. E. L. S. all in Piscataquis county, state of Maine, (Mt. Katahdin)

1—by deeds dated March 3, 1931 (Chapter 23 of the private and special laws of 1931), February 2, 1933 (Chapter 3 of the private and special laws of 1933), January 17, 1939 (Chapter 1 of the private and special laws of 1939), July 22, 1940 (Chapter 122 of the private and special laws of 1939-40), January 8, 1941 (Chapter 1 of the private and special laws of 1941), January 12, 1942 (Chapter 95 of the private and special laws of 1941-42) all of which were accepted by acts of the several state legislatures in Trust and were approved by the respective governors March 4, 1931, February 9, 1933, January 19, 1939, July 26, 1940, January 15, 1941 and January 16, 1942, and also

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2—by deeds dated October 7, 1931 and November 9, 1938, which were accepted on behalf of the state of Maine by the forest commissioner with the approval of the governor and executive council and the attorney general all acting under the power conferred upon them by sections fifteen (15) and sixteen (16) of chapter eleven (11) of the revised statutes of 1930, all the said gifts and conveyances being subject to the trust and to the conditions therein specified, and all the said deeds having been recorded in the Piscataquis county registry; and

WHEREAS, the said Baxter now desires to convey and donate to the state of Maine as Trustee to be held by said state in Trust an additional area of approximately twelve thousand (12,000) acres the same being the northeasterly one-quarter ($\frac{1}{4}$) and the southwesterly one-quarter ($\frac{1}{4}$) of township five (5) range nine (9) W. E. L. S. Piscataquis County together with one-half ($\frac{1}{2}$) the right to cut and carry away the timber and grass from the public lot in said township;

NOW THEREFORE, the state of Maine by act of the legislature hereby accepts from the said Percival Proctor Baxter the deed of gift and conveyance of the northeasterly one-quarter ($\frac{1}{4}$) and the southwesterly one-quarter ($\frac{1}{4}$) of township five (5) range nine (9) W. E. L. S. Piscataquis county, the same containing twelve thousand (12,000) acres more or less together with one-half ($\frac{1}{2}$) the right to cut and carry away the timber and grass from the public lot in said township as described in the following deed of conveyance, the same to be forever held by the said state as trustee in trust for the benefit of the people of Maine for state forest, public park and public recreational purposes and also to be held forever by said state as trustee in trust subject to the conditions set forth and expressed in the following deed of conveyance.

DEED

KNOW ALL MEN BY THESE PRESENTS that I Percival Proctor Baxter of Portland in the County of Cumberland, State of Maine in consideration of one (\$1.00) dollar and other valuable considerations paid by the State of Maine the receipt whereof is hereby acknowledged and in furtherance of my desire to convey and donate to the State of Maine an extensive area of land in the Mount Katahdin region to be held forever by the State as Trustee in Trust for the benefit of the People of Maine do hereby remise, release, sell and forever QUIT-CLAIM unto the said State of Maine the following described land in township five (5) range nine (9) W. E. L. S. Piscataquis county, Maine—

the northeasterly one-quarter ($\frac{1}{4}$) and the southwesterly one-quarter ($\frac{1}{4}$) of township five (5) in the ninth (9th) range of townships west from the east line of said State in the County of Piscataquis in said State includ-

ing one-half (1/2) the right to cut and carry away the timber and grass from the public lot in said township.

This conveyance is made subject to the following reservations and conditions namely said land shall forever be retained and used by said State for state forest, public park and public recreational purposes, shall forever be left in the natural wild state and shall forever be kept as a sanctuary for wild beasts and birds.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to the State of Maine as Trustee to be held forever in Trust for the benefit of the People of Maine for and as a state forest, public park and for public recreational purposes, the same forever to be kept in its natural wild state and as a sanctuary for wild beasts and birds all as above defined and subject to the above mentioned reservations and conditions, and I the said Percival Proctor Baxter covenant with the said State of Maine that I will WARRANT AND DEFEND the said premises to the said State against the lawful claims and demands of all persons claiming by, through or under me.

IN WITNESS WHEREOF I the said Percival Proctor Baxter being unmarried have hereunto set my hand and seal this thirteenth day of January in the year of our Lord one thousand nine hundred and forty-three.

Signed and Sealed
in the presence of

CHARLES J. NICHOLS

PERCIVAL PROCTOR BAXTER (SEAL)

State of Maine }
Cumberland } SS

Portland, January 13, 1943.

Personally appeared the above named Percival Proctor Baxter and acknowledged the above instrument to be his free act and deed.

Before me

FRANK I. COWAN
Notary Public
(Notarial Seal)

MACKWORTH ISLAND, TOWN OF FALMOUTH, CASCO BAY

WHEREAS, Percival Proctor Baxter also desires to convey and donate to the state of Maine as trustee to be held by said state in trust the island called Mackworth Island situated in the town of Falmouth in Portland Harbor, Casco Bay, the same being one hundred (100) acres more or less

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in extent, together with Mackworth or Half-way rock situated southerly of said island and also together with the bridge connecting said island with the mainland of said Falmouth, the right-of-way leading from said Falmouth end of said bridge across the Look Estate so called as defined in deed from Ensena L. and Frederick H. Wilson to said Baxter dated July 27, 1911 and recorded in Cumberland registry book 879, page 108, and certain pole rights as described in deed from Emma L. Webber to said Baxter dated August 2, 1916 and recorded in said registry book 975, page 119;

NOW THEREFORE, the state of Maine by act of the legislature hereby accepts from said Percival Proctor Baxter the deed and gift of said Mackworth Island, said Mackworth or Half-way rock, said bridge, said right-of-way and said pole rights all as described in the following deed of conveyance the same to be held forever by the said state of Maine as trustee in trust for the benefit of the people of Maine for state public purposes, and also to be held forever by said state as trustee in trust subject to the conditions and reservations set forth and expressed in the following deed of conveyance.

DEED

KNOW ALL MEN BY THESE PRESENTS that I Percival Proctor Baxter of Portland in the County of Cumberland, State of Maine, in consideration of one dollar and other valuable considerations paid by the State of Maine, the receipt whereof is hereby acknowledged and in furtherance of my desire to convey and donate to the State of Maine, Mackworth Island with the buildings thereon, Mackworth or Half-way rock and the bridge, right-of-way and pole rights all as hereinafter described to be held forever by the State of Maine as Trustee in Trust for the benefit of the People of Maine, do hereby remise, release, sell and forever **QUIT-CLAIM** unto the said State of Maine the following described real estate in the town of Falmouth, Portland Harbor, Casco Bay:—

Mackworth Island with the buildings thereon the same being one hundred (100) acres more or less in extent together with Mackworth or Half-way rock situated southerly of said Island and also together with the bridge connecting said Island with the mainland of said Falmouth, the right-of-way leading from said Falmouth end of said bridge across the Look Estate so called as defined in deed from Ensena L. and Frederick H. Wilson to Percival Proctor Baxter dated July 27, 1911, recorded in Cumberland Registry Book 879, Page 108, and the pole rights as described in deed from Emma M. Webber to Percival Proctor Baxter dated August 2, 1916, recorded in Cumberland Registry of Deeds Book 975, Page 119.

This conveyance is made subject to the following reservations and conditions namely;

said State forever shall maintain the small cemetery for animals and the bronze tablets on the boulder therein situated on the easterly point of said Island;

said Island, rock, bridge, right-of-way and pole rights forever shall be retained and used by said State of Maine for State Public Purposes only, but the same never shall be used for corrective or penal institutions, nor for any purpose connected with the enforcement of the laws of the State relating to criminals;

said Island and the surrounding waters as described in Revised Statutes chapter 38 section 85 as amended by chapter 184 of the laws of Maine 1935 forever shall be maintained as a sanctuary for wild beasts and birds;

said State by the hand of the Governor and Executive Council may lease said Mackworth Island and the bridge leading thereto to said Baxter in accordance with the terms of a lease hereinafter described;

said Island is and shall be subject to four (4) easements as follows—

1—easement for certain pole rights granted to the Cumberland County Power and Light Company by deed dated July 3, 1916, recorded in Cumberland County Registry Book 971, Page 465;

2—easement for a water pipe line granted to the United States of America by deed dated June 22, 1918, recorded in Cumberland County Registry Book 1005, Page 150;

3—easement for a water pipe line granted to the Portland Water District by deed dated July 25, 1929, recorded in Cumberland County Registry Book 1341, Page 319;

4—and an easement shall be granted by said State to the United States of America for the construction of a twelve (12") inch water main across the Island; the deed for said easement shall be signed by the Governor acting for and in the name of said State, and whatever sum shall be paid to said State as damages for said easement shall be paid to the said Baxter;

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to the State of Maine as Trustee to be held forever in Trust for the benefit of the People of Maine the same forever to be used for State public purposes all as above defined and subject to the above mentioned reservations and conditions and I the said PERCIVAL PROCTOR BAXTER COVENANT with the said State of Maine that I will WARRANT AND DEFEND the said premises to the

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State of Maine against the lawful claims and demands of all persons claiming by, through or under me.

IN WITNESS WHEREOF I the said PERCIVAL PROCTOR BAXTER being unmarried have hereunto set my hand and seal this thirteenth day of January in the year of our Lord one thousand nine hundred and forty-three.

Signed and Sealed
in presence of
CHARLES J. NICHOLS.

PERCIVAL PROCTOR BAXTER (SEAL)

STATE OF MAINE }
CUMBERLAND } SS

Portland, January 13, 1943

Personally appeared the above named PERCIVAL PROCTOR BAXTER and acknowledged the above instrument to be his free act and deed.

Before me

FRANK I. COWAN
Notary Public (Notarial Seal)

WHEREAS, in the above described deed and conveyance it is provided that the state may lease to the said Baxter the island and bridge described therein,

NOW THEREFORE, the governor and executive council of the state acting for and in behalf of said state are hereby authorized and empowered to execute and deliver to said Baxter a lease of said island and bridge of the following tenor—

LEASE

This Indenture made this thirteenth day of January, 1943, WITNESSETH that the State of Maine by the hand of its Governor and Executive Council hereunto duly authorized by Act of the Ninety-first Legislature does hereby let, demise and lease to Percival Proctor Baxter, Mackworth Island situated in the Town of Falmouth, Casco Bay, Maine, and the bridge leading thereto from the Falmouth shore near Martin's Point so-called;

TO HOLD for the term of fifteen (15) years beginning January 13, 1943, and ending January 12, 1958, subject to termination previous to that date as herein provided, and lessee shall have the right to renew this lease upon the same terms and conditions for an additional period of fifteen (15) years beginning January 13, 1958 and ending January 12, 1973, subject to termination previous to that date as herein provided, provided lessee gives

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written notice of his intention so to renew said lease at least sixty (60) days before January 12, 1958, yielding and paying therefore an annual rental of one (\$1.00) dollar in advance on the thirteenth (13th) day of January of each year during the term of this lease and any renewal thereof.

Lessee at his expense shall make such repairs on the leased premises as he deems advisable and at his expense shall insure the said premises for the benefit of lessee in such amounts as lessee in his discretion may determine. The leased premises shall be free from all taxes.

This lease may be terminated at any time by lessee by written notice given by the lessee to the Governor and Executive Council of the State, and in case of the decease of lessee this lease thereupon shall terminate, and upon such termination, either by notice from or by decease of lessee said State thereupon shall take immediate possession of the leased premises and shall administer them under the provisions of the Trust created in the deed to said State and the Act of Acceptance thereof.

IN WITNESS WHEREOF the said State of Maine by the hand of its Governor and Executive Council hereunto duly authorized by Act of the Ninety-first Legislature, and the said Percival Proctor Baxter have set their hands and seals this thirteenth day of January, 1943.

In the presence of

STATE OF MAINE

By

Governor

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.....

(STATE SEAL)

Executive Council

PERCIVAL PROCTOR BAXTER

(SEAL)

MACKWORTH ISLAND TRUST FUND

WHEREAS, PERCIVAL PROCTOR BAXTER desires to establish a TRUST FUND the same to be held by the state of Maine as trustee in trust the principal and income thereon to be used by the state of Maine in the discretion of the governor and executive council for some state public purpose in connection with said MACKWORTH ISLAND;

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NOW THEREFORE, the state of Maine by act of the legislature hereby accepts from PERCIVAL PROCTOR BAXTER the preliminary gift of ten thousand (\$10,000.) dollars and the same, together with such additional gifts and bequests as the said Baxter later may make to the state for said purpose, shall be held by said state as trustee in trust as a separate and distinct trust fund to be known as the MACKWORTH ISLAND TRUST FUND, the principal and income thereon to be used by said state of Maine, in the discretion of the governor and executive council, for some state public purpose in connection with said Mackworth Island. Until such time as this fund shall be used by the state as herein provided this fund shall be safely invested by the governor and executive council in bonds of the United States of America or of the state of Maine or shall be deposited in savings banks of the highest standing, the income thereon to be added to and become part of said trust fund.

Effective July 9, 1943

Chapter 2

AN ACT Amending the Charter of Congregational-Christian Conference of Maine.

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

P. & S. L., 1871, c. 526, § 1, amended. The 2nd paragraph of section 1 of chapter 526 of the private and special laws of 1871, as amended, is hereby further amended to read as follows:

'This corporation may be appointed to act as trustee or custodian of any trust property devised or bequeathed to any church, parish, or other religious bodies or associations; and it is authorized and empowered generally to receive, take, and hold by deed, devise, bequest, gift, or otherwise, whether heretofore or hereafter made, both personal and real estate, in trust or as donee, to the amount of ~~five hundred thousand dollars~~ \$1,000,000 to be used and applied in promoting and securing the objects and purposes of this corporation, but in so holding, managing and selling or otherwise dealing with the trust property of this corporation, it shall act through and by a board of 3 trustees who shall be nominated by the board of directors and shall be elected by the corporation, and whose duty it shall be to receive, hold, manage, invest, reinvest and disburse all trust funds and the income therefrom which may belong to the corporation under the direction of the board of directors as provided by the by-laws, but in accordance with and under the provisions of the gift and acceptance of such trust property. All papers may be signed and sworn to by the treasurer or by any other officer designated by the corporation for that