

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES  
AS PASSED BY THE  
Ninety-first and Ninety-second  
Legislatures  
OF THE  
STATE OF MAINE

From April 10, 1943 to April 21, 1945  
AND MISCELLANEOUS STATE PAPERS  
From April 10, 1943 to May 24, 1945

---

Published by the Revisor of Statutes in accordance  
with Chapter 10 of the Revised Statutes of 1944.

---

KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1945

---

---

STATE PAPERS RELATING

to

Gifts of Ex-Governor Baxter

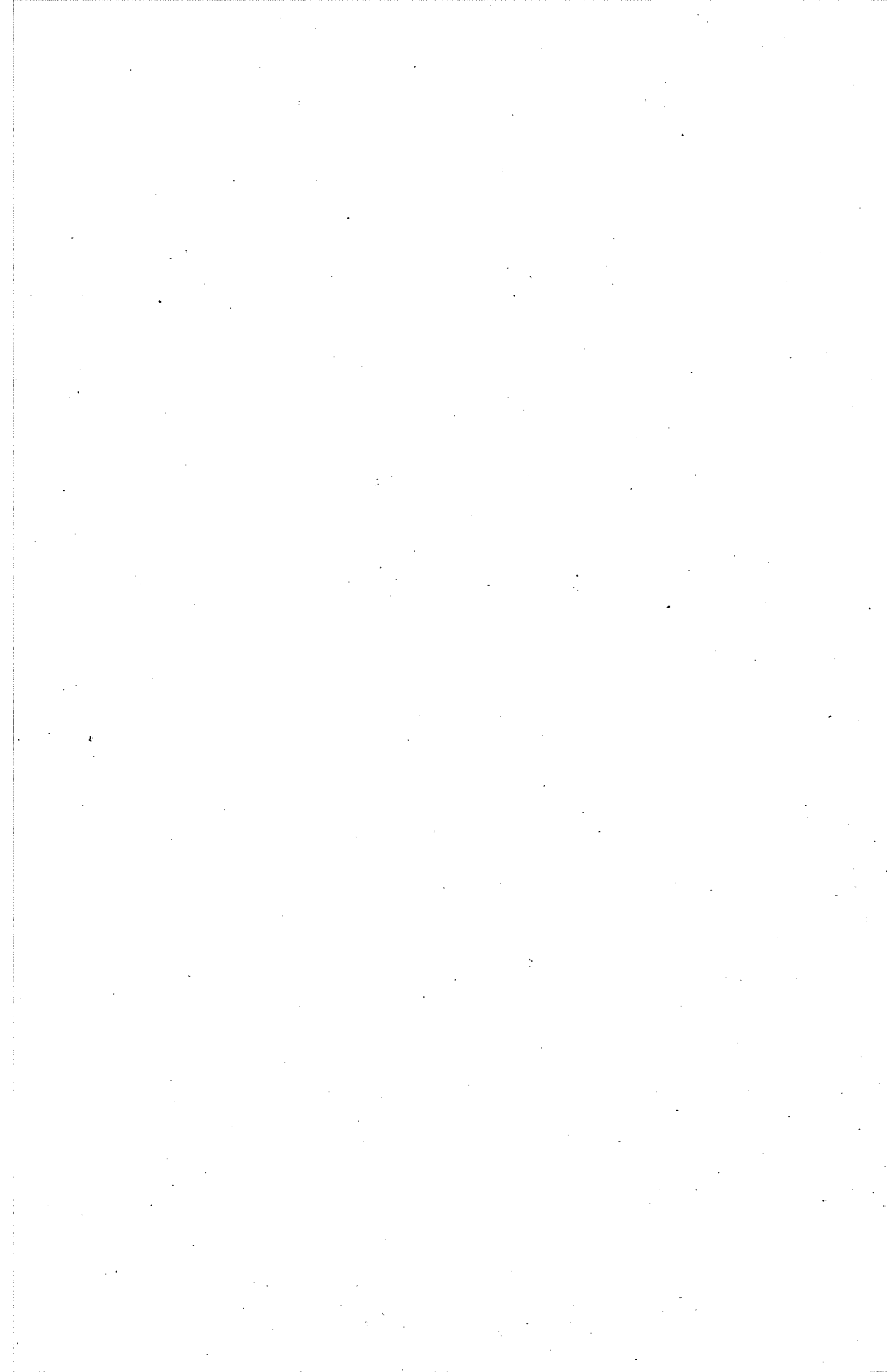
to

The State of Maine

(from May 2, 1943 to May 1, 1945)

---

---



COMMUNICATION

STATE OF MAINE  
EXECUTIVE DEPARTMENT

Augusta

April 17, 1944

The Honorable President of the Senate  
The Honorable Speaker of the House  
Ninety-first Legislature.

Dear Sir :

It is my pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland, in which he offers a substantial gift of land to the State.

If it is the pleasure of the 91st Legislature to accept this gift of 24,682 acres of forest land, the area of the Baxter State Park will be brought to 84,000 acres.

I commend this offer to your thoughtful consideration and urge acceptance of this gift as being in the public interest.

Respectfully submitted,

SUMNER SEWALL,

Governor. (S. P. 503)

Which was read and ordered placed on file.

## COMMUNICATION

April  
seventeenth  
1944

To the Honorable Sumner Sewall, Governor  
and the Honorable Senate and House of  
Representatives of the Ninety-first  
Legislature of the State of Maine—

Once again I come to you with the request that, if you deem it for the best interest of our State, you accept from me the gift of twenty-four thousand six hundred eighty-two (24,682) acres of forest land to be added to and become a part of Baxter State Park in the Mt. Katahdin region.

The area now offered the State is township five (5), range ten (10) W. E. L. S. Piscataquis County. This township contains twenty-four thousand seven hundred two (24,702) acres, of which an area of twenty (20) acres in the southwest quarter is owned by Charles A. Daisey. If you accept this gift the State will have received from me approximately eighty-four thousand (84,000) acres. When the Legislature meets in January, 1945, I plan to be present with a gift of additional land for the Park.

In the Deed accompanying this communication you will notice that the timber rights on this township are reserved until August 7th, 1965 to the corporation from which I purchased this land. Naturally I preferred to buy this area without such a reservation, but was unable to do so. The Eastern Corporation very properly wished to conserve its timber supply for its mill, and a buyer can only purchase what a seller is willing to part with. This Corporation, however, acted in a liberal and sympathetic manner in selling me this township. It sold to me only because it was willing to help me carry out my Park project. It would not have sold to any other party, and I deeply appreciate the action of its President and Board of Directors. Although this township doubtless will be cut over during the above mentioned period, in a few years thereafter it will completely reforest itself and will then be covered with a new growth of trees. Nature will heal all the wounds.

BAXTER STATE PARK will remain the property of the people of Maine as long as the State of Maine exists. It is a long range project and township five (5), range ten (10) forever will be a place of recreation for our people and a sanctuary and home for the creatures of the wild.

I now present to you an Act of Acceptance and request your Excellency and your Honorable Bodies to approve and accept this Gift of Conveyance to the State of Maine as Trustee for the people of Maine.

Respectfully,

PERCIVAL PROCTOR BAXTER.

April 17, 1944 (S. P. 499)

Which was read and ordered placed on file.

#### Order

ORDERED, the House concurring, that in order that the records of the Gift by Percival Proctor Baxter to the State of Maine as Trustee in Trust of twenty-four thousand six hundred eighty-two (24,682) acres in township five (5), range ten (10), W. E. L. S. Piscataquis County (BAXTER STATE PARK) be complete and in enduring form, the communication dated April seventeenth, 1944, addressed by said Baxter to the Honorable SUMNER SEWALL, Governor, and to the Honorable Senate and House of Representatives of the Ninety-first Legislature, together with the message of Governor SUMNER SEWALL transmitting the said communication to this Legislature, be printed in the Laws of Maine for 1944-45. (S. P. 501)

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

---

#### COMMUNICATION

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

January 10, 1945

The Honorable President of the Senate  
The Honorable Speaker of the House  
Ninety-second Legislature

Dear Sir:

I deem it a pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland in which he offers 35,554 acres of land in the Katahdin Baxter State Park area for public purposes.

This generous gift, if accepted by the 92nd Legislature, would increase the area of the Baxter State Park, which includes Mount Katahdin, to 116,288 acres. Mr. Baxter further advises me that eventually he hopes to make the total acreage 150,000.

Mr. Baxter's offer commands the deepest appreciation of every citizen of Maine, for he is making available to us and our children and the thousands of tourists who visit Maine each year one of the most magnificent natural recreational areas in the United States.

I solicit your most serious consideration and urge the acceptance of this gift as being in the public interest.

Respectfully submitted,

HORACE HILDRETH,  
Governor.

(S. P. 42) Jan. 10, 1945

Which was read and ordered  
placed on file.

In House, Read and Ordered  
Placed on File, in Concurrence.

---

### COMMUNICATION

January 4, 1945

The Honorable Horace A. Hildreth,  
Governor of Maine,  
Augusta, Maine.

Dear Governor:

Next Wednesday, the 10th, I am coming to the Legislature with a message addressed to you and the Legislature accompanied by An Act accepting 35,554 acres of land for the Katahdin Baxter State Park.

You are familiar with the procedure and if you will prepare whatever message you deem suitable transmitting to the Legislature the Act of Acceptance and recommending its acceptance I shall be grateful to you.

This makes the Park 116,288 acres. I hope later to increase this so that it will total 150,000. I think it best to give to the State whatever I have at the moment, to make sure that it is properly accepted.



The terms of the gift are practically the same as in former years that it shall be kept forever as a State Park, as a wild life sanctuary, and in its natural wild state. If there is anything about this you would like to talk with me we can do it over the phone.

Every good wish for your administration,

PERCIVAL P. BAXTER

In Senate, Jan. 10, 1945  
Read and Placed on File.

In House, Jan. 10, 1945  
Read and Placed on File in Concurrence.

---

### COMMUNICATION

To the Honorable Horace A. Hildreth, Governor  
and the Honorable Senate and House of  
Representatives of the Ninety-second Legislature—

Once again I come to the Maine Legislature offering a gift of thirty-five thousand five hundred fifty-four (35,554) acres of land to be added to Baxter State Park in the Mount Katahdin region.

In addition to what I already have donated to the State this offer of thirty-five thousand five hundred fifty-four (35,554) acres brings the total area of the Park to one hundred sixteen thousand two hundred eighty-eight (116,288) acres, or practically five (5) Maine wild-land townships.

It is interesting to note that these gifts, not including the gift made today, have been accepted by eight separate Legislative Acts, today's being the ninth, as well as by two acceptances by the State Forest Commissioner with the approval of the Governor and Executive Council and the Attorney General all acting under the powers conferred upon them by the Revised Statutes of 1930, Chapter eleven (11) sections fifteen (15) and sixteen (16). For a list of these Acts you are referred to the Laws of Maine 1943, page 451 which recites the first six (6) Acts of Acceptance and the two (2) Acceptances by the Forest Commissioner. The seventh Act is Chapter one (1) Laws of 1943 and the eighth is Chapter ninety-one (91) Laws of 1943-44. This Acceptance, the ninth, no doubt will be Chapter one (1) Laws of 1945.

Some of the members of this ninety-second Legislature who have come here for the first time may not understand why it is deemed advisable to deed this land to the State in the several Acts referred to, instead of deeding it all at one time.

For your information on this point I quote from a message addressed by me to the Governor and Maine Legislature on January 13, 1943. This quotation is printed in the Laws of Maine for 1943, page 704, and reads as follows—

“It will be recalled that shortly after I made my first gift of Katahdin land to the State certain persons attempted to take this from the State and transfer it to the National Government. Those responsible for this proposed breach of trust have since assured me that never again will they seek to break this trust and that they are content to abide by the Trusts created by the several acts of the Maine Legislature. However, in the future other persons may make a similar attempt and this I seek to guard against.

“My plan to create a long line of precedents whereby one Legislature after another accepts my gifts in trust by laws duly passed and printed in the Laws of Maine for successive years, have been approved by several of the leading judges and lawyers of our State. Under this plan each gift becomes a sacred trust accepted by those who directly represent the people. Each Legislature to protect these trusts in the years to come erects a barrier similar to the barrier erected by its predecessor, a barrier against a breach of trust.

“Before I finish my work at least ten Maine Legislatures and as many Maine Governors will have placed their seal of approval on my plans and thus they will have made these trusts absolutely unbreakable. Certainly he is a bold and reckless person who, even after I have deceased, attempts to induce this State to violate the trust provisions created under a long series of Deeds and Acts of Acceptance extending from 1931 almost until 1950.”

Now that nine separate Legislative Acts as well as two Forest Commissioners have accepted these gifts I feel that a barrier sufficiently strong against any breach of trust and against any encroachment by designing persons has been erected to protect this State Park for all time. This being so I am to-day donating to the State all the land I now own in the Katahdin area. These ten additional parcels together with the land already donated constitute one area, unbroken by land of intervening owners except for one outstanding undivided interest of six thousand seventeen (6,017) acres.

In the Deed to the State that accompanies this message you will notice that on one area of two thousand five hundred sixty (2,560) acres in township three (3) range nine (9) the former owner Harry F. Ross of Bangor, who sold to me, has the right to remove the timber up to the thirteenth (13th) day of February 1946, and not thereafter. In the same township, three (3) range nine (9), another former owner the Great Northern Paper Company may remove the timber from one thousand nine hundred twenty

(1,920) acres until December 28, 1954, and on township four (4) range ten (10) the said Company also may remove the timber from six thousand one hundred eight (6,108) acres until December 28, 1969. In buying these lands I can take only what the sellers are willing to sell. In due time these rights will expire and then the State will be entirely free from these restrictions. I wish to state here that all the landowners from whom I have purchased have been broad-minded, helpful and public spirited. They have treated me with every consideration and have been fine and fair in all their dealings with me.

Eight thousand two hundred ninety-nine (8,299) acres in township three (3) range ten (10) now being deeded to the State is an undivided interest in a portion of this township which I own in common with others; this other interest, which I hope later to acquire, being six thousand seventeen (6,017) acres. Also I hope later to buy the balance of towns three (3) range nine (9) and four (4) range ten (10). These total twenty-five thousand three hundred seventeen (25,317) acres, which later I hope to donate to the State. The total area of the Park then would be one hundred forty-one thousand six hundred five (141,605) acres.

After the acceptance of the within gift the Park will consist of all of the three townships five (5) range nine (9), five (5) range ten (10) and four (4) range nine (9), one-half ( $\frac{1}{2}$ ) of four (4) range ten (10), all of three (3) range nine (9) except seven thousand six hundred eighty (7,680) acres and all of three (3) range ten (10) except the outstanding ownership in common of six thousand seventeen (6,017) acres.

Although I am now donating to the State all of my forest land the Park is not yet complete. I still am interested to enlarge it as soon as certain land owners can be persuaded to sell to me. Negotiations now are in progress with several of these owners and I am hopeful of the outcome for I am desirous of increasing the Park up to at least six Maine townships.

In my first gift of Park land to the State (Chapter 23 Private and Special Laws of Maine 1931) it is provided that "no roads or ways for motor vehicles ever shall be constructed therein or thereon". This 1931 deed gave the State the higher areas of Mount Katahdin and the slopes on all four sides. For those areas such a restriction no doubt is desirable. I now am convinced that a restriction against the construction or maintenance of roads for all vehicles, motor, horse-drawn and all other vehicles should be included in the present deed of gift and be made retroactive to include all former gifts made since that of 1931.

Bearing this in mind in the gift now being made to the State I am imposing as a strict binding condition and obligation that no roads or ways for motor, horse-drawn or other vehicles, other than the two roads

hereafter mentioned, ever be constructed, permitted or maintained within the Park areas now or HERETOFORE donated by me to the State within the six townships three (3), four (4) and five (5) range nine (9), and three (3), four (4) and five (5) range ten (10).

The Millinocket-Sourdnahunk road passes through townships three (3) and four (4) range ten (10) and gives access to Mount Katahdin on the west. The road leading from Togue Ponds in township two (2) range nine (9) into township three (3) range nine (9) and extending to its present terminus at Roaring Brook gives access to the east side of the Mountain. These two roads are necessary and desirable. Furthermore I provide that these two roads be maintained in about their present condition, with ample turn-outs for passing cars and with only a graveled surface. I want no hard surfaced roads in this Park my object being to have it remain as nearly as possible in its natural wild state unimproved by man.

The restriction herein imposed as to roads will require that the lumbering road now being constructed by the Eastern Corporation in township five (5) range ten (10) be abandoned and that in due time it be returned to its original wild forest state, after the said corporation shall have moved out of this township at the termination of its right to remove the timber therefrom, which right expires on August 7, 1965. I am confident the restrictions as above outlined will be respected by future generations.

In all the deeds from me to the State the phrases "natural wild state" and "as a sanctuary for wild beasts and birds" have been used. By these I do not intend that the Park forever shall be a region unvisited and neglected by man. I seek to provide against commercial exploitation, against hunting, trapping and killing, against lumbering, hotels, advertising, hot-dog stands, motor vehicles, horse-drawn vehicles and other vehicles, air-craft, and the trappings of unpleasant civilization. Nor is the Park to be kept exclusively for professional mountain climbers; it is for everybody.

I want pleasant foot-trails built and attractive camp-sites laid out in the valleys, by the brooks and on the shores of the waters. Sites where simple forest lean-tos and small log cabins are available for those who love nature and are willing to walk and make an effort to get close to nature. A suitable shelter also should be erected on the summit of Katahdin to give protection to those who climb the mountain and who may be caught in a storm or compelled to remain overnight.

With the protection of wild life the deer, the moose and the birds no longer will fear man and gradually they will come out of their forest retreats and show themselves. I want hunting with cameras to take the place of hunting with guns. Aircraft frighten wild life and disturb the peace and solitude of the wilderness. Would that the day may come when

all of Maine will become a sanctuary for the beasts and birds of the forest and field and when cruelty to the humbler orders of life no longer stalks the land.

Everything in connection with the Park must be left simple and natural and must remain as nearly as possible as it was when only the Indians and the animals roamed at will through these areas. I want it made available to persons of moderate means who with their boys and girls, with their packs of bedding and food, can tramp through the woods, cook a steak and make flapjacks by the lakes and brooks. Every section of this area is beautiful each in its own way. I do not want it locked up and made inaccessible; I want it used to the fullest extent but in the right unspoiled way.

When the Park was first begun I was not the owner of a single acre of land and to bring the Park to its present state has required more than twenty-five years of effort. It has been an interesting experience however and future generations no doubt will approve what has been done.

Human life is both short and uncertain. This being so I wish to have this Park completed during my lifetime, in so far as I am able. When the land is accepted by the State during my life time I know it is accepted properly and for all time. My executors thereby are spared the details of this work with which they would not be familiar.

After my decease funds will be provided for enlarging the Park and making it more usable and desirable. That can be done without my personal supervision once the foundation is securely laid. As I have said to Maine Legislatures before, this Park is my life work and I shall continue my interest in it for whatever time I am spared.

Respectfully,

PERCIVAL PROCTOR BAXTER.

Portland, Maine  
January 2, 1945.

(S. P. 43) Jan. 10, 1945  
In Senate, Placed on File.

In House, Jan. 10, 1945  
Read and Placed on File, in Concurrence.

#### Order

ORDERED, the House concurring, that in order that the Records of the Gift by PERCIVAL PROCTOR BAXTER to the State of Maine as Trus-

tee in Trust of thirty-five thousand five hundred fifty-four (35,554) acres in Townships three, Range nine, three Range ten and four Range ten W. E. L. S. Piscataquis County (BAXTER STATE PARK) be complete and in enduring form, the communication dated January ninth, 1945, addressed by said Baxter to Honorable Horace A. Hildreth, Governor, and to the Honorable Senate and House of Representatives of the 92nd Legislature together with the message of Governor Hildreth transmitting the said communication to the Legislature be printed in the Laws of Maine for 1945.

(S. P. 45)

January 10, 1945

Comes from the Senate read and passed.

January 10, 1945

In the House, read and passed in concurrence.