

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

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Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

And I the said Percival Proctor Baxter do covenant with said State that I am the lawful Trustee under the said Decree of Honorable Raymond Fellows, Justice of the Supreme Judicial Court of the State of Maine in Equity, dated August 11, 1948 and that in making this conveyance I have acted in all respects in pursuance of the Mandate of said Court both in purchasing the land herein described from the said Trustees of the said Estate of John Cassidy and also in conveying and donating the same to the State of Maine for the purposes herein described.

IN WITNESS WHEREOF I the said Percival Proctor Baxter in my said capacity as Trustee under the Mandate of the Supreme Judicial Court of the State of Maine in Equity dated August 11, 1948 have hereunto set my hand and seal this third day of January 1949.

In the presence of

Seal

ALICE M. GURNEY.

PERCIVAL PROCTOR BAXTER

As Trustee under the Decree of Honorable Raymond Fellows, Justice of the Supreme Judicial Court of the State of Maine in Equity dated August 11, 1948.

State of Maine:
Cumberland: SS

Portland, January 3, 1949

Then personally appeared the above named Percival Proctor Baxter and acknowledged the foregoing instrument to be his free act and deed in his said capacity as Trustee.

Before me

CHARLES J. NICHOLS

Seal

Notary Public.

Effective August 6, 1949

Chapter 2

AN ACT Amending by Mutual Consent of Percival Proctor Baxter and the State of Maine the Two Deeds of Gift of Lands in Piscataquis County One Dated January 2, 1945 and the Other Dated January 8, 1947 Made by Said Percival Proctor Baxter to the State of Maine as Trustee and Accepted by Said State in Trust Under Chapter 1 Private and Special

Laws of Maine 1945 and Under Chapter 1 Private and Special Laws of Maine 1947 and Accepting the Deeds of Gift of Said Lands as Modified and Amended by Deed of Said Baxter Dated January 3, 1949.

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

WHEREAS Percival Proctor Baxter donated and conveyed by Deeds dated January 2, 1945 and January 8, 1947 certain lands in Piscataquis County (Baxter State Park) to the State of Maine IN TRUST for the public purposes as stated in the Acts of Acceptance, Private and Special Laws Chapter 1 of 1945 and Private and Special Laws Chapter 1 of 1947, and

WHEREAS said Deeds and Acts of Acceptance contained certain conditions, limitations and restrictions as to roads and ways to be constructed, permitted and maintained in the areas described in both said Acts, and

WHEREAS it now appears to be in the public interest to modify said conditions, limitations and restrictions in order to make more accessible for public use and enjoyment the lands so donated and conveyed, and

WHEREAS said Percival Proctor Baxter has duly executed and delivered to the State of Maine a Deed releasing the lands described in the said two Deeds from the conditions, limitations and restrictions as to the construction and maintenance of roads and ways on and over said lands, a copy of said Deed being as follows:

DEED OF JANUARY 3, 1949

WHEREAS I Percival Proctor Baxter of Portland, Cumberland County, State of Maine donated and conveyed certain lands in Piscataquis County, Maine, known as BAXTER STATE PARK, to the State of Maine IN TRUST for certain public purposes by two (2) Deeds one dated January 2, 1945 and the other January 8, 1947 the same being recorded in Piscataquis County Registry book 285 page 84 and book 289 page 14 respectively, and

WHEREAS said above mentioned Deeds contained certain conditions, limitations and restrictions as to roads and ways being constructed, permitted and maintained within the lands so conveyed and donated to said State as therein stated, to wit:

THE DEED dated January 2, 1945 contains the following conditions, limitations and restrictions:

“that the lumbering road now being constructed by the Eastern Corporation in township five (5) range ten (10) upon the termination on August 7,

1965 of the right of said corporation to remove the timber on said township, shall be closed and abandoned and shall be allowed to return to its original forest growth;

“that no roads or ways for motor vehicles, horse drawn vehicles or other vehicles ever shall be constructed, permitted or maintained upon the said land HEREIN donated and conveyed to the said State by the grantor herein, or upon ANY of the lands in township three (3), four (4) and five (5) range nine (9) or townships three (3), four (4) and five (5) range ten (10) HEREIN or HERETOFORE donated to the State of Maine by the grantor herein, EXCEPTING

“the Millinocket-Sourdnahunk road so called as now constructed as a single track graveled surface road with frequent turn-outs, which passes through townships three (3) range ten (10) and four (4) range ten (10) and EXCEPTING

“that short portion of the road on the land herein deeded to said State in township three (3) range nine (9) which road extends from Togue Ponds in township two (2) range nine (9) to its terminus on the land of the State at Roaring Brook in township three (3) range nine (9) all as above defined”,

THE DEED dated JANUARY 8, 1947 contains the following conditions, limitations and restrictions:

“that no roads or ways for motor vehicles, horse drawn vehicles or other vehicles ever shall be constructed, permitted or maintained upon the land herein donated and conveyed to said State by the grantor herein excepting the Millinocket-Sourdnahunk Tote Road so called as now constructed as a single tract graveled surfaced road with frequent turn-outs, which said Tote Road now passes through the southwesterly section of said township four (4) range ten (10), beginning at the northerly line of township three (3) range ten (10) and extending northerly to Sourdnahunk Field or Pasture and thence extending westerly across Sourdnahunk Stream to the easterly line of township four (4) range eleven (11) where it connects with the Ripogenus Road”;

WHEREFORE it now appears to be in the public interest and for the benefit of the People of the State of Maine, to whom these several gifts were made and for whose benefit the Trusts in said Deeds are created, that the above mentioned restrictions, limitations and conditions as to roads and ways in each of said Deeds, as enumerated herein, be removed and cancelled

NOW THEREFORE in consideration of one (\$1.00) dollar and other

valuable considerations paid by the State of Maine to me, I PERCIVAL PROCTOR BAXTER hereby release and relieve the State of Maine as Trustee for the benefit of the People of the State of Maine from each and all of the above mentioned conditions, limitations and restrictions as to roads and ways made in said deeds of January 2, 1945 and January 8, 1947, and

I HEREBY AUTHORIZE AND EMPOWER the said State of Maine as said Trustee to construct and maintain within the areas described in said Deeds dated January 2, 1945 and January 8, 1947 and also within the other areas of land heretofore donated to the State of Maine IN TRUST by said Baxter and known as BAXTER STATE PARK, such roads and ways as said State as such Trustee shall deem to be in the public interest and for the proper use and enjoyment of those citizens of said State who may visit the area known as BAXTER STATE PARK, subject however to the conditions, limitations and restrictions that said roads and ways be constructed and maintained in a manner not to interfere with the natural wild state now existing in said areas,

AND I the said PERCIVAL PROCTOR BAXTER hereby ratify and confirm the conveyance of said lands described in said within mentioned Deeds of Trust of 1945 and 1947 but with the conditions, limitations and restrictions as to the building and maintenance of roads and ways removed and cancelled from said Deeds as specified herein, but all the other terms, conditions, limitations, restrictions and Trusts in said Deeds of 1945 and 1947 shall remain in full force and effect.

IN WITNESS WHEREOF I the said PERCIVAL PROCTOR BAXTER being unmarried have hereunto set my hand and affixed my seal this third day of January one thousand nine hundred forty-nine.

In the presence of
ALICE M. GURNEY

Seal

PERCIVAL PROCTOR BAXTER

State of Maine:
Cumberland: SS

Portland, January 3, 1949

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

Before me

CHARLES J. NICHOLS

Seal

Notary Public

Now by mutual consent between said Percival Proctor Baxter and said State of Maine the said Deeds and Acts of Acceptance of 1945 and 1947 are

hereby amended by repealing from the said Deeds and Acts of Acceptance the several conditions, limitations and restrictions as to roads and ways that appear in the lines and paragraphs as follows:

From CHAPTER 1 PRIVATE AND SPECIAL LAWS OF 1945 the following words beginning on page 524 line 35 "and free from roads or ways for motor vehicles, horse drawn vehicles and other vehicles except as herein stated", also from said Chapter 1 Private and Special Laws of 1945 the following four (4) paragraphs beginning on page 529 line 22 and the same four (4) paragraphs beginning on page 535 line 13—" (3) that the lumbering road now being constructed by the Eastern Corporation in township five (5) range ten (10) upon the termination on August 7, 1965 of the right of said corporation to remove the timber on said township, shall be closed and abandoned and shall be allowed to return to its original forest growth;

"(4) that no roads or ways for motor vehicles, horse drawn vehicles or other vehicles ever shall be constructed, permitted or maintained upon the land HEREIN donated and conveyed to the said State by the grantor herein, or upon Any of the lands in townships three (3), four (4) and five (5) range nine (9) or in townships three (3), four (4) and five (5) range ten (10) Herein or Heretofore donated to the State of Maine by the grantor herein, EXCEPTING

"A—the Millinocket-Sourdnahunk road so called as now constructed as a single track graveled surface road with frequent turnouts, which passes through townships three (3) range ten (10) and four (4) range ten (10), and EXCEPTING

"B—that short portion of the road on the land herein deeded to said State in township three (3) range nine (9) which road extends from Togue Ponds in township two (2) range nine (9) to its terminus on the land of the State at Roaring Brook in township three (3) range nine (9) all as above defined, and EXCEPTING"

From CHAPTER 1 PRIVATE AND SPECIAL LAWS OF 1947 the following words beginning on page 561 line 25 "and free from roads or ways for motor vehicles, horse drawn vehicles and other vehicles except as herein stated", and also from said Chapter 1 Private and Special Laws of 1947 the paragraph beginning on page 563 line 22

"(5) that no roads or ways for motor vehicles, horse drawn vehicles or other vehicles ever shall be constructed, permitted or maintained upon the land herein donated and conveyed to said State by the grantor herein excepting the Millinocket-Sourdnahunk Tote Road so called as now constructed as a single track graveled surfaced road with frequent turn-outs,

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which said tote road now passes through the southwesterly section of said township four (4) range ten (10), beginning at the northerly line of township three (3) range ten (10) and extending northerly to Sourdnahunk Field or Pasture and thence extending westerly across Sourdnahunk Stream to the easterly line of township four (4) range eleven (11) where it connects with the Ripogenus Road",

NOW THEREFORE the State of Maine be and is hereby empowered to construct and maintain within the areas described in said Deeds dated January 2, 1945 and January 8, 1947 and also within the other areas of land heretofore donated to the State IN TRUST by said Baxter and known as BAXTER STATE PARK, such roads and ways as said State as such Trustee shall deem to be in the public interest and for the proper use and enjoyment of those citizens of said State who may visit the area known as BAXTER STATE PARK subject however to the conditions, limitations and restrictions that said roads and ways be constructed and maintained in a manner not to interfere with the natural wild state now existing in said areas; and

NOW THEREFORE the State of Maine by Act of the Legislature HEREBY ACCEPTS from Percival Proctor Baxter by Deed of Gift and conveyance the land described in the within mentioned Deeds of January 2, 1945 and January 8, 1947 subject to the conditions, limitations and restrictions as to the building and maintenance of roads and ways as modified and amended by the within Deed of January 3, 1949, the said last mentioned Deed hereby being accepted by said State and being made a part of this Act of Amendment and Acceptance.

Effective August 6, 1949

Chapter 3

AN ACT to Amend the Charter of the City of Bath.

Emergency preamble. Whereas, the charter of the city of Bath was granted by the 93rd legislature, being chapter 82 of the private and special laws of 1947; and

Whereas, there is no legal authority granted in said charter to the city council to enact ordinances regulating persons engaged in the carrying on of certain businesses and as to the granting of licenses and permits therefor upon the payment of fees; and

Whereas, there is no provision in said charter which requires final pub-