

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**SECOND REGULAR SESSION**

**of the**

**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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thence northerly by and along the west town line of Medway a distance of twelve thousand four hundred seventy four (12,474) feet, more or less, to a point in the center or thread of the West Branch of the Penobscot River; thence westerly by and along the center or thread of the West Branch of the Penobscot River a distance of sixteen thousand six hundred ninety eight (16,698) feet, more or less, to the point of beginning.

**Sec. 3. Planning costs to be absorbed by the Town of East Millinocket.** All costs associated with the transfer of jurisdiction over lands in Township A, Range 7 WELS from the Maine Land Use Regulation Commission to the Town of East Millinocket must be borne by the Town of East Millinocket.

**Sec. 4. Referendum; emergency clause; effective date.** This Act shall be submitted to the legal voters in the Town of East Millinocket and Township A, Range 7 WELS in Penobscot County at the next regular municipal election after the passage of this Act for the purposes of voting on the annexation described in section 1, and at the 2nd regular municipal election after passage of this Act for the purposes of voting on the annexation described in section 2, and warrants shall be issued for that election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of the town and township to vote on the approval or rejection of this Act.

The subject matter of this Act shall be presented at the town meeting in the form of the following question:

"Shall the Town of East Millinocket annex certain portions of Township A, Range 7 WELS in Penobscot County?"

The voters of TA R7 WELS present at the meeting shall be given one of 2 township ballots, to be distinguished on the basis of the portion of the township proposed for annexation in which the voter resides. The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion on the question posed. The votes of legal voters of the Town of East Millinocket and each portion of Township A, Range 7 WELS proposed for annexation shall be separately counted, tallied and recorded.

In view of the emergency cited in the preamble, section 1 of this Act shall be considered approved upon its acceptance by a majority of the voters of East Millinocket and a majority of the voters of the portion of TA R7 WELS described in section 1. In view of the emergency cited in the preamble, section 2 of this Act shall be considered approved upon its acceptance by a majority of the voters of East Millinocket and if a majority of the voters of the portion of TA R7 WELS described in section 2 do not oppose annexation.

If the referendum fails, it may not be submitted again to the voters under the provisions of this Act.

The result of the votes shall be declared by the municipal officers of the town and due certificates thereof shall be filed by the town clerk with the Secretary of State within 10 days of the date of the vote.

Effective pending referendum.

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## CHAPTER 113

H.P. 1608 - L.D. 2221

### An Act to Make Recommendations on the Governance of the Mackworth Island Public Trust Lands

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** recreational pressures on Mackworth Island are increasing and creating conflicts among the users of this public trust land; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Legislative intent.** It is the intent of the Legislature that the Mackworth Island public trust be governed according to the terms in the Deed of Gift of Mackworth Island, Private and Special Law 1943, chapter 1, and other words and writings of Governor Percival Proctor Baxter that refer to Mackworth Island. The Legislature interprets these documents to allow the use of the island for a wildlife sanctuary, appropriate public recreation and as a home for the Governor Baxter School for the Deaf. Each of these uses must be balanced to provide prudent management of the resources of the island, consideration for the special needs of the deaf community and appropriate measures for wildlife management.

**Sec. 2. Draft management plan.** The Bureau of Public Lands and the Department of Educational and Cultural Services shall jointly prepare a draft management plan for the Mackworth Island public trust by October 15, 1990. This draft plan must include recommendations for:

1. Managing and protecting the natural and historical resources of the island, including the beaches, wildlife, wetlands, shell heaps and pet cemetery;
2. Managing recreational pressures on the island, including parking, pets, traffic, security and overuse;

3. An appropriate management structure or entity for the Mackworth Island public trust in terms of a state agency, bureau, independent authority or combination of agencies or bureaus that is best suited to provide long-term management and care for the island consistent with the wishes of Governor Baxter; and

4. Appropriate funding mechanisms and personnel to ensure the long-term management and public enjoyment of the island and its resources.

In carrying out their duties, the Department of Educational and Cultural Services and the Bureau of Public Lands are governed by the terms in the Deed of Gift of Mackworth Island, Private and Special Law 1943, chapter 1, and shall give solemn consideration to other words and writings of Governor Percival Proctor Baxter that refer to Mackworth Island.

**Sec. 3. Advisory board.** The Mackworth Island Public Trust Advisory Board is established to review the draft management plan and recommendations for the Legislature developed pursuant to section 2 of this Act. The advisory board shall meet as needed to review the options and recommendations developed as part of the draft management plan.

The advisory board consists of:

1. The Director of Baxter State Park or the director's designee;

2. One member of the public, jointly appointed by the President of the Senate and the Speaker of the House of Representatives;

3. One deaf member of the deaf community, not currently affiliated with the Governor Baxter School for the Deaf, appointed by the Governor;

4. One member from a nonprofit conservation organization with a proven concern for conservation, jointly appointed by the President of the Senate and the Speaker of the House of Representatives;

5. One representative of the family of the late Governor Baxter or the representative's designee;

6. One member of the Policy Review Board of the Governor Baxter School for the Deaf, appointed by the Governor; and

7. One member of the Legislature, jointly appointed by the President of the Senate and the Speaker of the House of Representatives.

Appointments must be made by August 1, 1990.

**Sec. 4. Advisory board administration.** The Director of Baxter State Park or the director's designee shall serve as chair of the advisory board. Minutes of all meetings must be kept and are public records. The

advisory board is not entitled to compensation. The board shall meet as needed to carry out its duties. Four members of the advisory board constitute a quorum.

**Sec. 5. Rulemaking.** The Department of Educational and Cultural Services may adopt rules subject to the Maine Administrative Procedure Act to manage public use of the island to the extent that it affects students and faculty of the Governor Baxter School for the Deaf.

**Sec. 6. Dogs.** Dogs are not allowed on the Mackworth Island public trust during the school year of the Governor Baxter School for the Deaf. At other times, the presence of dogs on the island is subject to the Maine Revised Statutes, Title 7, chapter 719.

**Sec. 7. Cooperation.** On request, state agencies shall cooperate with the Department of Educational and Cultural Services and the Bureau of Public Lands.

**Sec. 8. Report.** On or before January 10, 1991, the Department of Educational and Cultural Services and the Bureau of Public Lands shall report to the Joint Standing Committee on Energy and Natural Resources and the Office of the Executive Director of the Legislative Council on the draft management plan, findings and recommendations pursuant to this Act, including the recommendations of the advisory board. This report must include recommendations for statutory change.

**Sec. 9. Repeal.** Sections 5 and 6 of this Act are repealed March 1, 1991.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 6, 1990.

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## CHAPTER 114

H.P. 1768 - L.D. 2437

### An Act to Extend the Deadline for the Solicitation of Funds for a Slain Law Enforcement Officers' Memorial

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** most, but not all, of the funds needed to construct a memorial for slain law enforcement officers have been raised through solicitation efforts; and

**Whereas,** the time allowed for solicitation of funds may expire before sufficient funds are raised; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legisla-