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Governor Baxter's Magnificent Obsession: A Documentary History of Baxter State Park 1931 - 2006

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Friends of Baxter State Park

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A Documentary History of
Baxter State Park 1931 - 2006

Howard R Whitcomb
Friends of Baxter State Park

Governor Baxter's Magnificent Obsession:

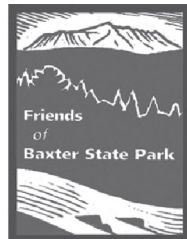
**A Documentary History of Baxter State Park
1931-2006**

Howard R. Whitcomb

**Emeritus Professor of Political Science
Lehigh University**

Foreword

Phyllis Austin



**Friends of Baxter State Park
Bangor, Maine**

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Part I. Excerpt from Ralph S. Palmer and Wendell Taber, "Birds of the Mt. Katahdin Region of Maine," Vol. 63 *The Auk* 299-301 (July 1946).

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* * *

Appendix D: Nell Porter Brown, "Saving Katahdin Lake: The Inside Story," *The Trust for Public Land, New England: Summer 2007 Newsletter*, pp. 1, 3-4.

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Foreword

There is much about Percival P. Baxter that is a mystery. From his personal life to his crowning achievement – the creation of Baxter State Park – he was careful with the details he disclosed. His discretion was in keeping with his overall conservative Yankee character, but Baxter also acted with deliberate secrecy in concealing certain information about his affairs.

His calculation was most recently underscored when a time capsule was unearthed that contained a letter he wrote in 1924. The copper box was opened on Memorial Day, 2001, in connection with work to restore the Sailors and Soldiers Memorial sculpture in Kittery. Baxter, a lifelong bachelor, disclosed for the first time that he had asked one woman to marry him and had been rejected and that he would have asked a then-current flame to be his wife “were I a few years younger.” The revelations from the grave seemed intended to further elucidate why he – an attractive, wealthy, cultured and erudite man – remained single. While alive, he had limited explanation about his unmarried status by noting his responsibilities to his “ready-made family” (his father, and then his widowed sister and her two sons) who lived with him.

In that 1924 letter, Baxter wrote passionately about some matters that were important to him, first as a legislator and then governor from 1921 to 1925. He railed against war, called himself a pacifist, and revealed that he had “endured abuse and ridicule” because of his stand “against those who by glorifying war hold back the world’s progress toward peace.” Reflecting on his gubernatorial years, he stated that his “only enemies” had been “the great corporations and their satellites and retainers.” He drew strength from his friends, “the people of Maine,” who he said rewarded him with their trust and affection. Baxter also touched on issues he had championed – protection of the state’s ownership of its water resources and humane treatment of animals. But nowhere in the three-page letter was there reference to his ambitious desire to do something for his beloved Mainers that would last forever – to create a wilderness park around Katahdin, the state’s highest mountain.

The absence of a park reference could be explained by the fact that the park goal was “all talk” in 1924. As a member of the Maine House of Representatives, Baxter had initiated legislative action for the state to purchase land for the park in 1917. However the defeat of that proposal and subsequent legislative bills propelled him to change the course of his life. Putting politics behind him, he then dedicated himself to establishing the park on his own and with his own inherited wealth.

Surely Baxter (a celebrity in social, business and political circles from Maine to Washington) knew the details of his park quest would be of great interest long after his death and that he could have shared illuminating material in the letter opened seventy-seven years later. Was Baxter already intentionally keeping his “park cards” close to his chest – even before he negotiated the purchase of the first acre of the core Katahdin tract? Was he, in fact, afraid of mentioning his park idea because of the potential for failure?

In recent years, as the iconic stature of Baxter and the park have increased, the interest in reconstructing the scene has grown. For instance, what was his strategy for negotiating with timberland owners for lands that he needed for his wilderness park? Did he sit at his office desk in the Trelawny Building in Portland and map out a plan? Did he keep a journal of what was said and what he thought of his “enemies” in the paper industry who held the key to his park’s success? What were his true feelings on allowing hunting in certain townships? Did he really succumb to pressures from close friends and from local sportsmen or did he agree in his heart on such a major policy change? Did his compromises anger him in later life? How much of his personal fortune did he pay to buy 201,018 acres for the park between 1930 and 1962 – the period he oversaw purchase of twenty-eight tracts?

Baxter’s money originated from a family patent for hermetically sealed canned goods and ownership of Maine vegetable canning factories. While secretive about his financial affairs in general, he was especially tight-lipped about Baxter land costs as it was considered ill-bred within wealthy families to speak publicly about such private matters.

In December, 1959, the late U. S. Supreme Court Justice William O. Douglas, who loved the park and was acquainted with Governor Baxter, had the gumption to ask what the park cost him. Baxter responded, “No figures have ever been given as to the cost of the undertaking. I have never told anyone . . . My friends have been most considerate in respecting my wishes that the dollar sign be never referred to.”

The only precise figure that has been reported came from Great Northern Paper Company files. According to a June 2, 1931, document, Baxter paid \$25,000 for the 5,960-acre Katahdin parcel in 1930. The land value was singled out, among other costs, as forty-one and a half cents per acre. Baxter couldn’t have imagined that by 2006, the price of the Katahdin Lake parcel that he wanted to buy in 1921 was an unprecedented \$2,111 per acre.

The park’s long-term director, Buzz Caverly, was among those insiders who inquired about the land cost to Baxter. In the fall of 1960, the first year Caverly was a Baxter ranger, he asked then-park supervisor Helon Taylor about the price of the Russell Pond tract, where he was stationed that summer. Taylor’s response, according to Caverly, was that Baxter’s standard answer to the question was “‘the answer rests within my heart, and that’s where it shall remain’.” Taylor gave Caverly an estimate of what he thought Baxter may have paid up to 1960, and Caverly, in respect for the late governor, never has revealed the figure, not even to his wife.

While silent about money, Baxter shared over and over his vision for the park in legal documents, formal statements, and correspondence. The core extant documents are the twenty-eight Deeds of Trust that gifted the different parcels to the state and included his directives on managing the park primarily as wildlife sanctuary. Each tract was formally accepted by the legislature and the Deed mandates became part of the Maine Statutes. Also, preserved for posterity are twenty-eight scrapbooks, letters, photographs, citations and other personal effects, and they are housed at the Maine State Library in Augusta.

As important as the Deeds are, they have been largely unknown and inaccessible to the greater public. In the park's inaugural history book, Dr. John W. Hakola made an effort to educate people about the documents. In a chapter on the park's wilderness concept, he explained the Deeds and the different wording that followed an evolution in Baxter's thinking. But that book had a small distribution, primarily to those intimately involved with park operations.

In recent years, the political controversies surrounding management of the park have focused much more attention on the Deeds – the template by which all policy decisions are made by the park's governing board, the three-member Baxter State Park Authority. However, since the Deeds were still out of reach to the general public, they were little understood. The fledgling Friends of Baxter Park made an important leadership decision by giving priority to enlightening the public. Private funding was secured for a project to compile the Deeds into book form, thus making them more readily available for reference and study.

Dr. Howard R. Whitcomb, a retired professor of political science at Lehigh University, edited and annotated the four-volume set of the Deeds and other original records of the acquisition of park lands (including the Great Northern document on the \$25,000 Baxter paid for the first park tract). A limited edition of *Percival P. Baxter's Vision for Baxter State Park* was published in May 2005, and given to public libraries and park managers. Requests for copies by collegiate libraries and individuals led to a second printing in 2008. Friends also decided to have Whitcomb produce a one-volume condensed version of *Baxter's Vision* for wider distribution.

The *Vision* project established Whitcomb as *the* living source on the creation of the park. Through it, he became a fountain of information about the Deeds, the ensuing legislative interpretations, the Attorney General's opinions, the appellate court decisions and Baxter's speeches and correspondence.

This new volume further solidifies Whitcomb's Baxter credentials. In it, he takes a fresh and studied look at Baxter's original thinking about a park and the ensuing efforts to assemble the necessary land tracts, as always, providing useful footnotes.

Whitcomb begins with a brief bird's eye view of what it was like for forty-three-year-old Percival Baxter to experience the summit of Katahdin for the first time in the summer of 1920, and a rich description (scientific and literary) of the landscape of forest, water, and rock that Baxter encountered. The magnificent sweep of the wild from 5,267 feet and down across tens of thousands of acres of alpine ridges, spruce-fir forests and trout-filled waters galvanized Baxter's determination to try to protect the region from further logging and future development by creating a large "forever wild" park.

Whitcomb describes how Baxter's inaugural climb crystallized his resolve, the ups and downs of his unsuccessful political initiatives to establish a Mt. Katahdin State Park, and the aftermath of his go-it-alone effort. Focusing on the most salient details of the Baxter

story, Whitcomb's narrative lays out Baxter's campaign to block a Maine Congressman's effort to up-end the former governor by establishing a national park around Katahdin. He concludes the essay with mention of the three parcels added to the park after Baxter's death in 1969 – the last one, Katahdin Lake, brought into park ownership in 2006.

The new volume's usefulness is enhanced by its appendices, including a much-needed index that was lacking in the four volumes, several additional historical documents, the 1924 time capsule letter, and the Maine Sportsmen's "Fish and Game" speech of January, 1921, when Baxter made a formal statement about his designs for the Katahdin region.

Both of Whitcomb's efforts are first-of-a kind documentation and done with scholarly care and attention. The collective volumes are essential to the understanding and appreciation of Baxter's wilderness concept and the accomplishment of his dream. They provide an invaluable resource to current park managers and policymakers. The documents in Whitcomb's volumes have played a key role in some of the park's most controversial battles over wilderness issues, and they will undoubtedly be a critical source in disputes yet to come.

Phyllis Austin
Brunswick, Maine
July, 2008

Preface

Why did one man devote much of his lifetime, and a large portion of his personal fortune, to creating a wilderness park in northern Maine? While his motivation for doing so may still remain a mystery, how he accomplished this, step by step over the years, has been thoroughly documented by Howard R. Whitcomb in a two-phase project of compiling and annotating documents related to Percival P. Baxter's creation of Baxter State Park. Although nobody knows exactly what Baxter was thinking, Whitcomb gives us a picture of the man at work – first as a legislator, then governor, and finally on his own – acquiring parcel by parcel the land that has become the park that Mainers today call their own, bringing the reader as close as can be to understanding Baxter's motivation. The determination with which Baxter pursued his goal, repeatedly surmounting both public and private opposition, indeed merits the moniker Whitcomb uses in this volume's title, that of *obsession*.

The first phase of Whitcomb's work, the four-volume set of *Percival P. Baxter's Vision for Baxter State Park: An Annotated Compilation of Original Sources*, was first published in 2005 by Friends of Baxter State Park with a second printing in 2008. This includes the annotated Deeds of Trust, the judicial and attorney general opinions, and Baxter's speeches and correspondence. Principally a research tool, most of the forty-four copies are held by state government officials or public and collegiate libraries in Maine and elsewhere in New England. A list of the locations of the publicly accessible copies of this set, as well as its complete table of contents, are found in the appendix of this new volume.

A supplement to the original four-volume set, the second phase of Whitcomb's work includes a major new essay on Baxter's vision and brings the story of the Park's creation up to date since Baxter's death in 1969. Specifically, Whitcomb documents the events and circumstances of the additions to the Park in 1992, 1997, and most importantly the Katahdin Lake parcel in 2006. Also, Whitcomb's invaluable detailed annotations of the Deeds of Trust, parcel by parcel, are reprinted in their entirety from the four-volume set. The printing of this supplementary paperback, more user-friendly than the four-volume tome and easily held in one hand, has been handsomely underwritten by a generous gift from a longtime supporter of the Park and member of Friends of Baxter State Park.

Baxter has been hailed as a visionary environmentalist. Did he foresee the time when Maine's North Woods would become fragmented and developed, losing its wilderness characteristics? Today, his work inspires others to undertake land preservation efforts, and the Park itself welcomes all visitors to experience the wilderness product of his lifelong obsession. Indeed, it was concern for the preservation of this wilderness nature of the Park that led to the formation of Friends of Baxter State Park.

In a letter to then Park Director Buzz Caverly on February 16, 1998, John Neff observed that a 2-1 vote of the Baxter State Park Authority could easily alter the nature of the Park and that those who tried to guess "How would Baxter have done it?" would be better

served by a well articulated philosophy of sanctuary that finds support in Baxter's own words and deeds. Neff stated, "I know that there will need to be some forum in the near future where this basic and fundamental philosophy needs to be hammered out so specific decisions will not be held hostage by any small group that wants to have its way and develops political clout to make it happen." In 1999, Neff began to round up people with similar concerns and love for the Park, and Friends of Baxter State Park became an up and running organization by 2000, holding its first Annual Meeting in April 2001. Collection of the extant Baxter materials, then scattered about in numerous locations, both public and private, was high on the organization's agenda from the beginning. That Howard Whitcomb's interest and availability, and willingness to spend years on the project, coincided with the formation of Friends of Baxter State Park was a particularly fortuitous event. In addition to his lifelong interest in the Park, his subject area competency as a political scientist with specialization in public law made Whitcomb the ideal person for the task.

From its inception, Friends of Baxter State Park has wanted to be thoroughly acquainted with the materials regarding Baxter's vision for a park at Katahdin so it could weigh-in intelligently on the issues of the day, and indeed, on the Park's future. Whitcomb's combined works will continue to inform the decisions of those who strive to manage the Park today in accordance with Baxter's wishes. Each member of the Authority now has at his fingertips carefully annotated documentation of virtually all the extant Baxter papers. Park Director Jensen Bissell's four-volume set has developed a porcupine-like quality with Post-its marking handy references throughout for easy access. Information gleaned from this publication informed deliberations and fundraising for the Katahdin Lake project in 2006 and, combined with this new volume, will continue to serve similar debates, and perhaps those we cannot yet foresee, in the future.

Friends of Baxter State Park, the organization envisioned by John Neff in his letter to Buzz Caverly in 1998, is now an independent citizen group of about 700 individuals dedicated to preserving the wilderness values of Baxter State Park and educating the public about their importance. While this new volume is still primarily a compilation of documentary materials, its audience includes city, town, and school libraries; legislators and other public officials; environmentally conscious individuals and organizations; and the general public. The many current discussions presently underway in public and private forums about the role of wilderness in Maine's rapidly changing landscape will be well served by this volume about Baxter State Park, the place Kathy Johnson of the Natural Resources Council of Maine calls the "crown jewel of Maine's North Woods."

Barbara M. S. Bentley
President, Friends of Baxter State Park
Hope, Maine
July, 2008

Acknowledgments

I was pleased to be asked by Friends of Baxter State Park (FBSP) in 2002 to take primary responsibility for its so-called “Baxter Materials” project. My half-century of hiking and camping experiences in Baxter State Park began when I was thirteen years old and my summer camp party climbed Katahdin via the Cathedral Trail. I even had the good fortune a few years later to meet former Governor Baxter. I was drawn back regularly to explore some of the park’s more remote locations, and I climbed Katahdin in each of the subsequent decades. As a retired political scientist with a public law specialization, I felt comfortable accepting FBSP’s invitation to undertake the project while at the same time hoping that my efforts would be worthy of the confidence that had been shown in me.

Little did I know at the time that I would still be involved in the research project in 2008. The State of Maine’s proposed acquisition of the Katahdin Lake parcel in T3 R8 in 2006 provided Friends with an opportunity to demonstrate the project’s utility in the public policy arena by conclusively documenting Baxter’s longstanding interest in purchasing the land surrounding the lake. At the conclusion of the campaign, I was asked by FBSP to take a fresh look at Baxter’s vision and its relationship to the three parcels acquired after his death in 1969. This gave me an opportunity to complete the story since the *Baxter’s Vision* volumes had focused on the period prior to the former governor’s death.

As had been the case with *Baxter’s Vision*, this volume would not have been completed without the encouragement and unflagging support of current and past directors of FBSP. Notable support came from Chip Ahrens, Al Howlett, Don Hudson, Charlie Jacobi, Linda McKee, and John Neff. President Barbara Bentley’s contributions throughout are incalculable. I am deeply grateful for her serving as the *de facto* editor of this volume. Mary Cooke and Rosemary Hastings provided very capable administrative support during the various phases of the project. A generous underwriting grant from a longstanding member of Friends made the volume’s publication financially feasible.

My research was greatly facilitated by the cooperation of the Law and Legislative Reference Library, the Department of the Attorney General, and Baxter State Park Headquarters in Millinocket. In particular, I would like to thank John L. Barden, Director, Law and Legislative Reference Library; Deputy Attorney General Paul Stern; and Ada Angotti of Park Headquarters’ staff for their timely assistance in locating documentary source material. Park Director Jensen Bissell’s contributions are manifest throughout. In particular, he shared insights on Percival P. Baxter as well as information on some of the intricacies of park management that were unavailable elsewhere. He was also responsible for the updated maps that appear in Part III.

Several individuals provided documentary information that enhanced the volume – Rep. Herbert Adams (Portland), Holly Hamilton, Thomas Hilton, and Rupert Baxter White. I also want to thank former FBSP director, Bill Bentley, who designed the book’s cover which is graced by his panoramic photo from Chimney Pond. Lou Mucci

designed the miniature maps of the park that identify the individual parcels and their dates of acquisition.

Although the shortcomings of the volume are solely the responsibility of the author, the final product benefited from the suggestions of many with whom I discussed it. They include those who attended my lectures across the state during the Katahdin Lake campaign and my “Katahdin” course at Midcoast Senior College in Bath/Brunswick. I am particularly indebted to the following individuals who took time to comment on various segments of the introductory essay and/or the annotations — Phyllis Austin, Barbara Bentley, Steve Cutcliffe, Thomas Hilton, Jim Hobbs, Don Hudson, John Neff, and Gerry Whitcomb.

Phyllis Austin, one of Maine’s most distinguished environmental journalists, graciously consented to write the *Foreword*. Her reflections on Percival Baxter provide a compelling entrée to the documentary history.

I would also like to acknowledge the invaluable assistance of Sandy Rines and John Locsin at J. S. McCarthy Printers in Augusta. Sandy very capably oversaw all phases of production, as she had done for the *Baxter’s Vision* volumes in 2005, whereas John’s expertise in graphic design enhanced the volume’s appearance. The Chewonki Foundation of Wiscasset and Mahan Graphics in Bath permitted FBSP to use an adaptation of their map of the State of Maine for use in Part I.

I would be remiss if I failed to acknowledge the courtesies and encouragement that were extended to me since the publication of the *Baxter’s Vision* volumes in 2005. This was especially true during the Katahdin Lake campaign when I was called upon to share my perspective on Baxter’s vision for his park at Katahdin. This applies to individuals with a wide variety of current and past affiliations with the Office of the Governor; the Department of the Attorney General; the Department of Conservation; the legislature, and, in particular, its Committee on Agriculture, Conservation and Forestry; the Baxter State Park Authority; Baxter State Park; and the Trust for Public Land.

My wife, Annie Merrill, who was instrumental in my being asked to undertake this project, exhibited great patience as I struggled at various points with the enormity of the undertaking. Her wise counsel, both editorial and conceptual, and encouragement are greatly appreciated. For this I thank her.

Howard R. Whitcomb
Georgetown, Maine
July, 2008

Part I. Percival P. Baxter's Vision for Baxter State Park

Introduction

On an August day in 1920, Percival P. Baxter found himself crawling across a knifed-edge arête as he approached the summit of Katahdin, which rises out of the great north woods of Maine. He was part of an expedition of friends and political figures determined to preserve the highest peak in the State of Maine. The expedition's itinerary included crossings of both the East Branch of the Penobscot and the Wassataquoik Stream, and then the trek from Katahdin Lake to Chimney Pond. From Chimney Pond, Baxter's party ascended the mountain via Pamola Peak and headed for the summit via the aforementioned arête. In those moments, on what came to be known as the Knife Edge, the magnificence of the mountain and its surrounding region was reaffirmed in the mind of the future governor of Maine, a sense that never left him. Upon reaching the summit, Baxter said, "I wouldn't do it again for a million; I wouldn't have missed it for a million."¹

The indefatigable efforts of this twentieth-century visionary to preserve Katahdin as a wilderness area for the people of Maine covered the span of a half-century. Several years prior to Baxter's death in 1969, Supreme Court Justice William O. Douglas, himself one of that century's leading environmentalists, wrote this tribute:

Percival P. Baxter is our foremost conservationist. He was a pioneer whose voice pleaded for wilderness values when exploitation was the theme of the day. Biologist, botanist, ecologist—he has helped educate two generations of Americans on the spiritual values of the outdoors, of free-flowing rivers, of alpine meadows, of cold pure springs.²

The Katahdin Massif

Although the literature of Katahdin is voluminous, definitive descriptions of the mountain's myriad features are rare. The excerpt below describing the Katahdin region of northern Maine is from *The Auk*, the renowned publication of the American Ornithologists' Union. Ralph S. Palmer³ and Wendell Tabor's scientific characterization of the geography, topography, geology, ecology, and meteorology is unparalleled in the literature of Katahdin:

Mount Katahdin in Piscataquis County is the highest mountain in Maine and lies some 50 miles north-northeast of the geographical center of the state. The higher levels of the mountain form the most elevated of the several subalpine areas in Maine and the most northern subalpine district in the United States east of Montana. It is about 115 statute miles, or almost two degrees of latitude, farther north than Mt. Washington in New Hampshire.

-
- 1 Arthur G. Staples, "Katahdin—The Highest Mountain in the Wildest Part of New England—The Story of a Seventy-Five Mile Trip to Its Summit, Told in Plain Prose with Many Adventures," *Lewiston Journal*, October 2, 1920, Magazine Section, p. 5.
 - 2 Douglas to Edmund Ware Smith, July 19, 1965, in *Percival P. Baxter's Vision for Baxter State Park: An Annotated Compilation of Original Sources* (2005), Vol. III, Part 6.2 Public Perceptions. That four-volume work was compiled and annotated by the author for the Friends of Baxter State Park. Hereafter cited as *Baxter's Vision*.
 - 3 Ralph S. Palmer (1914-2003), one of the leading ornithologists of the twentieth century, was a native of Richmond, Maine, and a graduate of the University of Maine. He was best known as the editor of the *Handbook of North American Birds, Volumes 1-5* (Yale University Press, 1962-1989). At the time of his co-authorship of the article, excerpted herein, he was an assistant professor at Vassar College.

Situated in an extensive forest, Mt. Katahdin rises from a base level of about 600 feet to an altitude of 5,267 feet, with six peaks over 4,600 feet high, and a relatively plain plateau, the Tableland, nearly three miles long, elevated above 4,000 feet. The crestline of the mountain might be likened to a gigantic fishhook with Pamola Peak the barb, Baxter Peak at the curve, and the chain of northerly peaks the shank. The distance from tree-line to tree-line over this route is approximately eight miles and involves a traverse of the six highest peaks. Baxter Peak, the summit of the mountain, is very nearly at 45° 54' north latitude and 68° 55' west longitude.

Many projecting arms box in numerous glacial cirques or basins. On the eastern side of the mountain are three of these, the Little North Basin with floor at about 2,600 feet, the Big North Basin with sloping floor at 3,100-3,300 feet, and the Great (including South) Basin with floor at 2,900 feet. The last-mentioned, originally well forested with spruce, was lumbered to about a half mile from Chimney Pond (alt. 2,914) early in the decade following 1920. . . . On the northwestern side are the Northwest Basin with floor at 2,900 feet, where snow may lie three feet deep on the shaded wall into mid-June, and the Klondike Basin with floor at about 3,400 feet. On the west, Katahdin falls off to a great boggy valley, the Klondike, at about 2,800 feet altitude. This bog is bounded on the south by Barren Mountain (alt. 3,681 ft.) and on the west by The Brothers (up to 4,143 ft.). There are, all told, ten satellite peaks above 3,000 feet high to the northeast, north and northwest of the mountain, with mountainous terrain continuing northerly for some 12 miles and culminating in the several peaks of the Traveler.

Mt. Katahdin is composed of a mass of coarse granite which disintegrates freely under the action of the weather, producing a coarse gravel which, with the accumulation of vegetable debris, forms a porous soil wherever the slope is not too steep to retain this cover. Above 3,000 feet, the sides of the mountain are abrupt, and wherever unprotected by vegetation are being constantly worn by moisture, wind and changes of temperature. In ancient times these flanks were severely eroded by glaciers. The Tableland is freely strewn with blocks and slabs of granite, quarried from the parent ledge through long ages of exposure.

The trees of the forest, predominantly spruce and fir, lose stature at the upper levels until they become a mass of scrub before reaching the edge of the Tableland. In the Saddle, a valley with its bed about 4,300 feet in altitude and between the parts of the mountain sometimes known as the North and South mountains, the scrub from the western flank continues nearly across to the eastern end of the valley. Another vast scrub area reaches to an altitude of nearly 4,500 feet at the north peaks. At higher levels, considerable areas of turf are found, formed of grasses, sedges and the rush, *Juncus trifidus* Linnaeus.

The country surrounding Mt. Katahdin contains innumerable bodies of water. Evaporation from these and from the forest ascends the mountain and, condensed as fog and heavy clouds, sweeps over the heights with great frequency or remains there for a few hours or even days. Rainfall is frequent and often almost torrential. The total amount of moisture which falls upon the mountain is believed to exceed that of Mt. Washington, but the clouds are less persistent and the amount of sunshine consequently is greater.

Winds of high velocity sweep over the mountain, along its flanks and through its basins throughout the year, probably during some part of almost every day, though calm periods of a few hours' duration are frequent, even at the summit.⁴

4 Reprinted, with the permission of the American Ornithologists' Union, from Ralph S. Palmer and Wendell Tabor, "Birds of the Mt. Katahdin Region of Maine," 63 *The Auk* 299-301 (July 1946). Internal citations have been deleted.

It is understandable that Palmer and Tabor chose not to mention either Baxter State Park or the Appalachian Trail, which has its northern terminus at Baxter Peak, in this scientific profile of the Katahdin region; however, a brief note as to their origins is in order. After Baxter's initial gift of 5,960 acres to the state in 1931, the legislature changed the name of Monument Peak to Baxter Peak (Resolves of the State of Maine, 1931, Chap. 94) and named the new park, Baxter State Park, in honor of its benefactor (Resolves of the State of Maine, 1933, Chap. 103). Secondly, for an examination of the efforts of Myron H. Avery to establish the Appalachian Trail's northern terminus at Baxter

It is worth noting that this article was published in July of 1946 just prior to the Appalachian Mountain Club's convening of their "August Camp" at the mouth of Abol Stream to commemorate the 100th anniversary of Henry David Thoreau's climb of Katahdin.⁵

By way of contrast to the scientific description above, literary passages that capture the essence of the Katahdin region can be found in Thoreau's chapter "Ktaadn" in *The Maine Woods* (1864):

What is most striking in the Maine wilderness is the continuousness of the forest, with fewer open intervals or glades than you had imagined. Except for the few burnt-lands, the narrow intervals on the rivers, the bare tops of the high mountains, and the lakes and streams, the forest is uninterrupted.

* * *

The mountain seemed a vast aggregation of loose rocks, as if some time it had rained rock, and they lay as they fell on the mountain sides, nowhere fairly at rest, but leaning on each other, all rocking-stones, with cavities between, but scarcely any soil or smoother shelf.

* * *

The tops of mountains are among the unfinished parts of the globe, whither it is a slight insult to the gods to climb and pry into their secrets, and try their effect on our humanity. Only daring and insolent men, perchance, go there.⁶

A quarter century prior to the publication of the Palmer and Tabor article, Percival P. Baxter, a young state representative from Portland, proposed that the heavily timbered and burned over Katahdin region should be acquired with public monies as a state park to commemorate the centenary of Maine's 1820 statehood. That proposal, as well as subsequent ones made in his capacities as state senator and then governor, was spurned by the legislature. Consequently, he set about to personally acquire the land. By the time of his death in 1969, he had donated twenty-eight parcels constituting the entirety of the then 201,018-acre Baxter State Park. This would be his extraordinary personal legacy to the State of Maine.

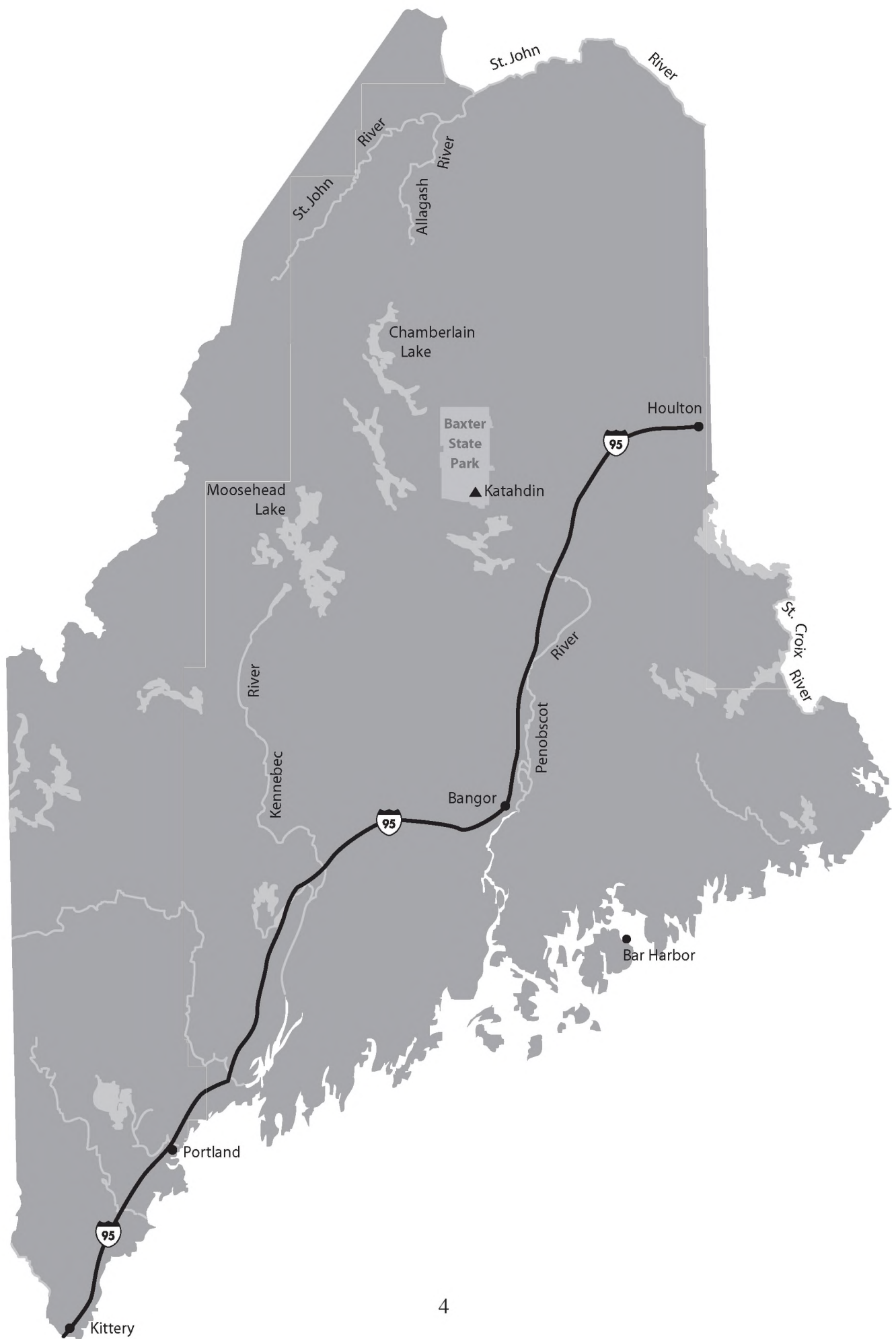
Subsequently, three small parcels would be added to Baxter State Park. Trust monies from an acquisition fund created by the Baxter estate enabled the state to purchase parcels on the park's southern boundary in 1992 and 1997.⁷ And in 2006, the acquisition of the Katahdin Lake parcel, due east of the Katahdin massif, brought the park to its present 209,501 acres. The Baxter State Park Authority's formal acceptance on December 15, 2006 of that 4,119-acre parcel surrounding Katahdin Lake represented fulfillment of Percival P. Baxter's vision for a park as originally articulated in the years immediately following World War I.

Peak, see John Neff, *Katahdin: An Historic Journey* (Appalachian Mountain Club Books, 2006), pp. 152-153.

5 John Hakola, *Legacy of a Lifetime: The Story of Baxter State Park* (TBW Books, 1981), p. 177. See also J. Parker Huber's Chapter 10 "Katahdin" in *The Wildest Country: A Guide to Thoreau's Maine*, 2nd ed. (Appalachian Mountain Club Books, 2008).

6 See Thomas Y. Crowell, Apollo Edition (1966), pp. 104, 82 and 84-5 for the contexts of the respective passages.

7 Neil Rolde, *The Baxters of Maine: Downeast Visionaries* (Tilbury House, 1997), p. 259. For details, see the *inter vivos* trust created by Baxter in 1927, as amended through May 18, 1966, whereby the residual of the trust property was to be held, with instructions, by the trustee, Boston Safe Deposit and Trust Company. Among the instructions were provisions that provided for the use of the trust's principal to acquire additional lands for the park. This is the so-called "Boston Trust." This trust is now managed by Bank of New York Mellon. See either *Baxter's Vision*, Vol. II, Part 3.1 "Boston Trust" and "State Trust" Documents or Vol. III, Part 6.3 Wills and Trusts, *inter vivos* trust, pp. 5-6.



Percival P. Baxter's Family, Education, and Political Career

Percival P. Baxter was born in Portland, Maine on November 22, 1876, the son of James Phinney Baxter and Mehitabel (Hetty) Cummings Proctor Baxter. His father was a prominent businessman (most notably with the Portland Packing Company), philanthropist, and six-term mayor of Portland. Neil Rolde stated in his joint biography, that James Phinney's son, Percival, "not only inherited the wealth of his father. . . but also his father's sense of public duty, philanthropic munificence, historic perspective, love of nature, and intellectual curiosity."⁸ On his mother's side, he was the lineal descendant of several colonial governors of Massachusetts and of John Proctor, a Salem witchcraft martyr.

Baxter, a Phi Beta Kappa graduate of Bowdoin College, Class of 1898, studied law at Harvard, Class of 1901, but never practiced. He devoted himself to family business matters and public affairs. He served in both the state House of Representatives (1905-1906 and 1917-1920) and the state Senate (1909-1910 and 1921). As President of the Senate on January 31, 1921, he acceded to the governorship on the death of Frederick Hale Parkhurst, who had served only twenty-five days in office.

Governor Baxter was best known as a fiscal conservative and advocate of the state's natural resources. When he left office, his most significant legacy was perceived to have been the protection of the state's waterpower resources. In a poignant letter that had been placed in a time capsule in November 1924 and not opened until 2001, he lamented that he had not done more for his state:

I leave office in a few weeks, cheerful and happy, but with regret that I can not do all the things I would like to do for my State and her People. . . .

What I am to do after retiring from the governorship is doubtful. I hope to continue to be useful, and to do my part as a citizen. With health, position and experience I ought to find some niche into which I will fit.⁹

Governor Baxter made no reference in this letter to his frustration with the legislature for its failure to create a park at Katahdin.

However, it was that failed legislative proposal during his brief term as President of the Senate, and subsequently as governor, that charted the course for the remainder of Percival Baxter's life. As a private citizen, he was determined to rectify what he had been unable to accomplish while in public office.

Initial Manifestation of a Vision for a Park at Katahdin

It is reported that Baxter first visited Katahdin in 1903.¹⁰ While the details of that visit

8 Neil Rolde, *The Baxters of Maine*, p. x.

9 *Baxter's Vision*, Vol. III, Part 6.1 Biographical Material, Armistice Day - November Eleven - 1924, p. 2. Reprinted in Appendix below, pp. 310-312.

10 John Neff suggests that the 27 year-old Baxter, accompanied by his father, most likely stayed at Irving O. Hunt's sporting camp at Colt's Point on Kidney Pond (*Katahdin*, p. 269). Alternatively, Neil Rolde suggests that it might have been the view from Staceyville in 1903 that inspired Baxter to save the mountain (*The Baxters of Maine*, p. 242).

See also *Forever Wild: Newsletter of the Friends of Baxter State Park*, Vol. 2, Number 4 (Autumn 2003) for an account of a visit by Governor John E. Baldacci to Dacey Pond to commemorate Governor Baxter's first visit to

are not known, it had a formative impact on the recent Bowdoin and Harvard graduate.¹¹ The following year, he ran successfully as a Republican candidate for the state House of Representatives, beginning a career in public office that spanned much of the next two decades. By his own account, his interest in having the state acquire Katahdin as a park dates to his legislative service in the House of Representative during 1917-1920 (78th and 79th legislatures).

In a preliminary draft¹² of a speech delivered on January 27, 1921, Senator Baxter referred to an act for the establishment of the Mount Katahdin Centennial State Park that he had introduced in 1919. According to Baxter, that bill would have provided appropriations “sufficient for the immediate purchase of the mountain itself together with Katahdin Lake, a beautiful lake six miles away.”¹³ In that draft, he characterized the area in the vicinity of the proposed 115,000-acre park as consisting of 53% burned over timberland, 15% bare rock/stunted growth, 15% cut over, 12% virgin growth being cut, and 5% timberland under 100 years old.¹⁴

The final text of the “Mount Katahdin State Park” address to the Annual Meeting of the Maine Sportsmen’s Fish and Game Association in Augusta on January 27, 1921 contained a detailed recounting of the sale of vast portions of the state’s “wild lands”, including the notorious “State Steal,” during the administration of Governor Joshua L. Chamberlain in 1868.¹⁵ This segment of the speech provided Baxter with an opportunity to present his park proposal as a means of addressing this egregious loss of public land.

A much later characterization of these early legislative initiatives can be found in an article that appeared on the front page of the *Portland Sunday Telegram and Sunday Press Herald* on November 30, 1941:

the Katahdin area in May 1903. The Governor proclaimed September 12, 2003, as “Governor Baxter Day,” and said that his administration would try to live up to the standards that Baxter represented. By Governor Baldacci’s own account, it was on that day that Phyllis Austin told him that former Governor Baxter had always intended to acquire the Katahdin Lake parcel on the eastern side of the mountain. Subsequently, Baldacci initiated a process that eventually led to the acquisition of that parcel in 2006. In particular, he designated Department of Conservation Commissioner Patrick McGowan as his administration’s point person to spearhead negotiations with Irving Woodlands LLC and, ultimately, its successor, the Gardner Land Company of Lincoln, Maine.

11 Another formative experience a youthful Percival had in northern Maine was a fishing trip with his father, James Phinney Baxter, to Cupsuptic Lake in the Rangeley Lakes region from May 24 to June 3, 1884. See Rolde, *The Baxters of Maine*, pp. 55-57. Baxter’s own reconstruction of the trip can be found as an attachment to a letter of July 11, 1958 to Arthur G. Rogers in *Baxter’s Vision*, Vol. III, Part 6.1 Biographical Materials.

12 *Baxter’s Vision*, Vol. III, Part 4 Speeches, No. 1 “Mount Katahdin Centennial State Park, 1820-1920,” pp. 1-6.

13 *Ibid.*, p. 5.

14 *Ibid.*, p. 3. This passage is a clear manifestation of his intent for the state to acquire relatively inexpensive parkland, thereby helping to redress the paucity of publicly held land.

15 *Baxter’s Vision*, Vol. III, Part 4, Number 2 “Mount Katahdin State Park,” pp. 4-5. Baxter’s account of the 1868 land deal reads, in part, as follows: “The Legislature of that year passed an act to ‘aid in the construction of the European and North American Railway’ and for the munificent consideration of ‘one dollar paid by said Railway Company,’ granted to that Company ‘all the timber and lands belonging to the State and situated upon the waters of the Penobscot and St. John rivers to be used by said Company to aid in the construction of its contemplated line of railway,’ which was to provide means for the defense of the Northeastern frontier. . . . A careful estimate shows that about 2,700,000 acres were given away by that deed, which the Governor of the State signed. The railroad, as a matter of fact, was constructed for a distance of about twelve miles, but the deed had been signed, sealed and delivered, and thus ended the rights of the people in all that was left to them of a great inheritance.”

In 1905 as one of the younger members of the State Legislature I began to learn something of my native State, its people, its resources and its possibilities for the future. It was not, however, until 1917 that I attempted to induce the State Legislature to acquire by purchase the mountainous regions around Mt. Katahdin.¹⁶

Similar remarks appeared in an article he wrote for the *National Park Magazine* in which he stated that upon becoming a member of the House of Representative in 1917 “[m]y plans began to crystallize and then and there I determined to have the State purchase what I consider the most spectacular and beautiful part of Maine, Mt. Katahdin and the surrounding mountainous territory.”¹⁷

It is necessary to digress briefly and point out that the adoption of a substitute bill to that of Baxter’s park proposal in the 1919 legislative term, “An Act to Provide for the Acceptance by the State of Gifts of Land and for the Establishment of a State Park and Forest within the State of Maine,” proved to be fortuitous. The substitute bill allowed for donations of land to the state of Maine for public parks.¹⁸ That statutory provision would become the vehicle for the state’s acceptance of former Governor Baxter’s initial gift in 1931 of 5,960 acres, constituting much of the Katahdin massif.¹⁹

Additional evidence of Baxter’s intentions of having the state acquire land for a park at Katahdin can be found in his personal correspondence. An early indication of Representative Baxter’s intentions is found in a letter of October 25, 1918 he received from an Acting Assistant Forester listing the largest landowners in the region of Mt. Katahdin.²⁰ Also, in February and March of 1919 Baxter and Garrett Schenck, President of the Great Northern Paper Company, exchanged letters regarding the possible sale of lands to the state for the creation of a public reserve at Katahdin. Even though Baxter’s overtures to Schenck were spurned,²¹ Baxter remained determined to establish a park at Katahdin.

The Vision Crystallizes – The 1920 Expedition to Katahdin and its January 1921 Aftermath

During the summer of 1920, Baxter participated in an expedition to Katahdin organized by Patten lumberman Burton W. Howe.²² The trip was conceived as a way to promote Baxter’s proposal to create a state park at Katahdin commemorating the centennial of Maine’s statehood. The expedition included not only Baxter, the presumptive choice for

16 *Baxter’s Vision*, Vol. III, Part 4, No. 13 “Baxter State Park At Katahdin Now Complete with 112,945 Acres,” p. 1.

17 *Baxter’s Vision*, Vol. III, Part 4, No. 15 “The Baxter State Park in Maine,” a signed manuscript for publication in the *National Park Magazine*, circa 1945, p. 2.

18 Rolde, *The Baxters of Maine*, p. 246.

19 See, in particular, the annotation of the initial Act of Acceptance (1931 and 1933) in *Baxter’s Vision*, Vol. I, Part 1 Deeds of Trust, pp. 4-5.

20 *Baxter’s Vision*, Vol. IV, Part 7.1.1 History of Baxter State Park. The location of Baxter’s letter of October 17, 1918 eliciting this response is unknown.

21 See exchange of letters between February 7 and March 4, 1919, between Baxter and Garrett Schenck in *Baxter’s Vision*, Volume IV, Part 7.1.1 History of Baxter State Park.

22 The idea of the expedition was conceived on the return rail trip from the Republican National Convention in Chicago. See Neff, *Katahdin*, pp. 261-262.

President of the Senate, but also Charles P. Barnes, who was widely regarded as the leading candidate for Speaker of the House of Representatives when it convened in January. The expedition's guide was Roy Dudley, the long-time game warden at Chimney Pond.²³ As noted earlier, the expedition involved the lengthy trek from Patten to Chimney Pond and the ascent of the mountain from two directions, via the Saddle Trail and Pamola Peak, respectively. Arthur G. Staples, the chronicler of the expedition, described Dudley's party that included Baxter, as it crossed the "knife edge" toward the summit:

These men of ours looked like pigmy figures, against the sky. They stood out on the ridge of that mountain just as they do sometimes in the "movies" against a setting sun. Some were being led by the hand. Others were on their hands and knees. A strange picture that I will never forget.²⁴

After reaching the summit and musing about the prospects for Baxter's Katahdin State Park proposal, the entire group returned via the Saddle Trail:

Our trip back to camp was wearisome—very. The exhilaration was over; the way deemed long; the flies larger; the brambles pricklier; the blow-downs more numerous. We passed a deserted cabin and rounded at last into the camp-fire's evening glow at Chimney pond, in the shadow darker and gloomier, under the spell of that mystic mountain that brooded over our little tent among the scrub growth.²⁵

Little did Percival P. Baxter know as he left Katahdin that mid-August day that the remainder of his life would be indelibly affected by this expedition.²⁶ In the near term, he would return to Augusta where he would assume the presidency of the Senate when the 80th Legislature convened in January. What could not be foreseen was what was to happen almost immediately thereafter.

In anticipation of the re-introduction of his legislation creating a park at Katahdin, Baxter made two tactical moves designed to improve its prospects. First, using his prerogative as presiding officer of the Senate, he appointed his brother Rupert, a Senator from Sagadahoc County, to the Committee on State Lands and Forest Preservation, which would be considering the legislation. Baxter also facilitated arrangements for an illustrated lecture on Katahdin by William F. Dawson of Lynn, Massachusetts to be delivered on February 2, 1921.²⁷ Furthermore, the proposal had received the endorsement of the state Republican Party in 1920 and Governor Parkhurst in his inaugural address in early January of 1921.²⁸

23 See Neff, *Katahdin*, pp. 174-188 for more on life at Chimney Pond until the death of Mark Leroy Dudley in 1942,

24 Arthur G. Staples, "Katahdin—The Highest Mountain . . .," p. 5. Baxter's own account of the expedition was consistent with that of Staples: "The passage of the Knife Edge requires a cool head and sure footing, and I am not ashamed to admit that I gladly availed myself of the friendly and reassuring hand of my companion, as I crept gingerly over the rough piles of loose and broken rock." *Baxter's Vision*, Vol. III. Part 4 Speeches, Number 2 "Mount Katahdin State Park," p. 10.

25 Staples, "Katahdin—The Highest Mountain . . ." p. 7.

26 Baxter reached Katahdin's summit twice more, namely in 1932 for the installation of the bronze plaque at the summit and in 1933 on an inspection trip with a group from the Millinocket Chamber of Commerce. See, John Neff, "Looking Back . . . Baxter Summit Climbs – A Mystery," in *Forever Wild: Newsletter of the Friends of Baxter State Park*, Vol. 7, No. 2 (Spring 2008), p. 4.

27 Rolde, *The Baxters of Maine*, p. 159.

28 *Baxter's Vision*, Vol. III, Part 4, Number 2 "Mount Katahdin State Park," p. 13.

As planned, Baxter introduced on January 25, 1921 “AN ACT to Establish the Mt. Katahdin State Park” (80th Legislature, Senate No. 19).²⁹ Two days later, in an address to the annual meeting of the Maine Sportsmen’s Fish and Game Association in the Hall of Representatives, he stated that:

The proposed park covers an area of 57,232 acres and comprises the whole of Mount Katahdin, and Katahdin Lake, of itself one of the most beautiful of all Maine’s lakes, . . . The park will bring health and recreation to those who journey there, and the wild life of the woods will find refuge from their pursuers, for the park will be made a bird and game sanctuary for the protection of its forest inhabitants.³⁰

He concluded the address with a ringing challenge to the corporate interests controlling the Katahdin region:

Maine is famous for its 2500 miles of seacoast with its countless islands, for its myriad lakes and ponds, and for its forest and rivers, but Mount Katahdin Park will be the State’s crowning glory, a worthy memorial to commemorate the end of the first and the beginning of the second century of Maine’s statehood. This park will prove a blessing to those who follow us, and they will see that we built for them more wisely than our forefathers did for us. Shall any great timberland or paper-making corporation, or group of such corporations, themselves the owners of millions of acres of Maine forests, say to the People of this State, “You shall not have Mount Katahdin, either as a memorial of your past or as a heritage for your future?”³¹

The unexpected death of Governor Frederick H. Parkhurst on January 31, 1921 triggered Senate President Baxter’s elevation to the governorship. This unforeseen development dramatically changed the political fortunes of his park proposal. Dawson’s illustrated lecture scheduled for February 2, 1921 was cancelled, and in its stead legislators were filing past Parkhurst’s coffin laid out in the capitol’s rotunda.³² Baxter, the newly inaugurated governor, was no longer in a preferred position from which he could orchestrate legislative deliberations on his bill.³³

Even though the proposal was rejected in the two legislative sessions that ran concurrently with his four years as governor,³⁴ Baxter remained resolute in the years immediately after he left office that a state park should be established at Katahdin.

Baxter, the Private Philanthropist – Initial Gift of 5,960 Acres (1931)

In 1930, with Great Northern Paper Company under the new leadership of William A.

29 The texts of this legislative proposal and Baxter’s address to the Maine Sportsmen’s Fish and Game Association are reproduced in the Appendix, below, pp. 291-309.

30 “Mount Katahdin State Park,” p. 13.

31 *Ibid.*, p. 14.

32 Rolde, *The Baxters of Maine*, p. 160.

33 The Committee on State Forest Land and Preservation’s “ought not to pass” majority report was accepted by a 19 to 8 vote in the Senate. See the *Legislative Record*, Senate, March 23, 1921, pp. 629-635.

34 See Hakola, *Legacy of a Lifetime*, pp. 56-61 for a discussion of the legislative deliberations during the 80th and 81st legislatures.

Whitcomb,³⁵ Baxter was able to acquire, with his personal funds, a 5,960-acre parcel in T3 R9³⁶ that embraced the major part of Katahdin itself.³⁷ This would become the first of the twenty-eight parcels that Baxter would deed to the State of Maine. The deed of gift for the parcel, dated March 3, 1931, provides the first expression of Baxter's intent:

. . . said premises shall forever be used for public park and recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter ever be constructed thereon or therein, and that the grantor, during his lifetime, retains the right to determine, and to place whatever markers or inscriptions shall be maintained or erected on or within the area thereby conveyed.³⁸

As would be the case in subsequent Acts of Acceptance pertaining to the twenty-seven parcels gifted to the State from 1939 to 1963, the Deeds of Trust were incorporated in the Private and Special Laws of the State. The deeds were invariably accompanied by formal communications between former Governor Baxter and the governors and legislatures at the time of the respective gifts.³⁹ These Private and Special Laws and Formal Communications, consisting of 147 pages, are the primary sources used by the state's appellate courts and attorneys general interpreting Baxter's intent in creating Baxter State Park. They also provide guidance to the Baxter State Park Authority and park personnel in its management. Academics, journalists, and citizens will also find in them valuable insights as to Baxter's vision as he progressively built the park over the course of one-third of a century. All of the Deeds of Trust, and their respective annotations, appear elsewhere in this volume.⁴⁰ In addition, maps showing the progressive evolution of the park from 1931 to 1963 accompany the aforementioned annotations of the Deeds of Trust.

35 The author is not related to William A. Whitcomb.

36 A series of expeditions, authorized by the Maine Boundary Commission during the years 1820-1833, resulted in the first formal survey of the Union's newly admitted state. The resulting base boundary line, the Monument Line, crossing the state in a westerly direction from the Canadian Province of New Brunswick to the Province of Quebec gave rise to designations such as that referenced above, Township 3 Range 9, W. E. L. S., meaning West of the East Line of the State. See, Neff, *Katahdin*, pp. 23-26 for more information on the establishment of the Monument Line that crossed the heart of the Katahdin region.

37 Baxter had always focused on this parcel in the northwestern corner of T3 R9 in which were located Monument Peak, South Peak, The Chimney, Knife Edge, Pomola Peak, The Table Lands, North Peak, Little North Basin, North Basin, Great Basin (including South Basin) and Chimney Pond. See, for example, his catalogue of distinctive features in the northwest quadrant of T3 R9 in his "Farewell Address to the People of Maine" (January 7, 1925), in *Baxter's Vision*, Vol. III, Part 4 Speeches, Number 10, p. 23.

The particulars of the acquisition this parcel in T3 R9 were very complicated and are recounted, in detail, in Hakola, *Legacy of a Lifetime*, pp. 68-71. In brief, at the time of Baxter's initial gift to the state in March of 1931 he held a 3/8 undivided interest in the parcel while the other 5/8 interest was held by Harry Ross. It would not be until September 18 of that year before Baxter and state officials were able to acquire complete ownership of the land in which the state had held part interest. Upon obtaining a state court's approval of the division of the township, thereby resolving the dispute with Harry Ross, Baxter sent a telegram dated September 18, 1931 to his brother, Rupert H. Baxter, reading "KATAHDIN MATTER SETTLED AFTER FOURTEEN YEARS WORK." (The telegram is in the private collection of Rupert Baxter White.) Subsequently, on October 7, 1931 Governor Baxter wrote Governor William Tudor Gardiner indicating that he was "pleased to report . . . that a division of the said Township has been effected under which the former undivided interests have been consolidated into complete and separate ownerships." *Baxter's Vision*, Vol. IV, Part 7.1.1 History of Baxter State Park.

38 P & S Laws of 1931, Chap. 23 in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, p. 2.

39 The Deeds of Trust are abbreviated herein as, for example, "P & S Laws of 1931" and correspondingly, the formal communications of that year are abbreviated as "Formal Communications (1931)."

40 See Part II. Deeds of Trust below, pp. 19-191.

The National Park Controversy

Before Baxter was to deed his second and third parcels to the state in 1939, there arose a very serious threat to the newly established Baxter State Park. The election results of 1932 complicated the situation for the former Republican governor. With Democratic administrations in power in both Augusta (Governor Louis J. Brann) and Washington, D.C. (President Franklin D. Roosevelt), there was renewed interest in creating a national park at Katahdin. Despite Baxter's aversion to federal interference,⁴¹ he accepted the assistance of what was to become the Civilian Conservation Corps (CCC), which set up a camp in the Millinocket area. The State Park Division of the National Park Service (NPS), U.S. Department of the Interior, coordinated the work of the CCC in the Katahdin area.

In 1934, the NPS undertook an exhaustive study of the recreational development of the Mount Katahdin region. The final report, completed in April 1935,⁴² rekindled the debate, dating back to the beginning of the twentieth century, over the creation of a national park at Katahdin.⁴³ As Park historian John Hakola stated, "along the way, the National Park Service became deeply involved in plans for the creation of a second national park in Maine."⁴⁴ The general scheme for developing the Katahdin region, according to the report, "should consist of motor roads skirting the base of the mountain for entrance, foot and horse trails for penetrating the interior, and adequate accommodations at studied locations."⁴⁵ Ambitious features included a motor road through the valley between Katahdin and the Turner mountains, a horse trail from Katahdin Stream up the valley between Barren Mountain and The Owl to the Northwest Plateau, and a lodge at Basin Ponds just outside the existing park boundary.

It is important to recognize that while this report was prepared under the auspices of the NPS, it did not recommend the creation of a national park.⁴⁶ Rather, it foresaw supervision of a recreational area by state officials whose responsibilities would be similar to those of national park rangers. The costs of operation and maintenance were to be in large part offset by user fees. However, the development of the region was to be federally funded and the labor provided by the CCC.

During a 1936 visit to Maine, Dr. E. A. Pritchard, an Associate Recreational Planner at the NPS, asked Baxter his views about either the NPS acquiring land contiguous to Katahdin or taking over Baxter State Park as a portion of a larger area to be made into a national

41 Baxter can be described as a Hoover-Republican who was an outspoken critic of Franklin D. Roosevelt's New Deal.

42 Reproduced in its entirety in *Baxter's Vision*, Volume III, Part 5 National Park Controversy Correspondence.

43 Congressman Frank E. Guernsey of Dover-Foxcroft led efforts during 1910-1916 to create either a forest reserve or national park at Katahdin. A 1913 state legislative resolution supported Guernsey's congressional initiative. See Hakola, *Legacy of a Lifetime*, pp. 49-50.

44 Hakola, *Legacy of a Lifetime*, p. 129. The first national park in Maine was Acadia.

45 "Report on General Policy," p. 4, in U.S. Department of the Interior, *A Report on the Recreational Development, Mount Katahdin Region, Millinocket, Maine* (April 15, 1935), in *Baxter's Vision*, Volume III, Part 5 National Park Controversy Correspondence.

46 The existence of large federal government land holdings in the West greatly facilitated the national park movement in the early decades of the twentieth century. The predominance of privately-held lands in the eastern United States made the creation of national parks much more problematic.

park. Baxter responded by letter:

If your Park Service wants a National Park in Maine there is available much land and many lakes and streams in Washington and other counties, with no state Park to restrict and limit your purchases. . . . Do allow me, with the assistance of old "Father Time," to handle this matter as I have planned, for what has been accomplished here has been done only after a long and tiresome contest, absolutely single-handed and in the face of abuse and bitterness that you would not believe possible where a man is merely trying to do something worthwhile for his Native State.⁴⁷

An even more damaging development during Baxter's overseas trip in the winter of 1937 was the introduction of legislation by U. S. Representative Owen Brewster⁴⁸ to create a Katahdin National Park.⁴⁹ The enabling legislation provided a ten-year window during which the federal government could secure these lands with public or private donations. The legislation prohibited the purchase of land with public funds. A literal firestorm ensued upon the former governor's return; and for the next year, he engaged in a determined lobbying effort to defeat the legislation. Brewster, sympathetic to the concerns of Myron Avery and the Appalachian Trail Conference, wrote Baxter on April 19, 1937 and spoke of the "increasing influx of visitors" and stated that the NPS was more appropriately suited than the state to provide proper protection and development of the Katahdin region.⁵⁰

Baxter left no stone unturned as he doggedly lobbied the other members of Maine's congressional delegation, personnel in the Department of Interior, including Secretary

47 Baxter to Pritchard, August 15, 1936, pp. 2-3 in *Baxter's Vision*, Volume III, Part 5 National Park Controversy Correspondence.

48 Ralph Owen Brewster's political career included service in both houses of the Maine legislature, Governor of Maine (1925-1929), U.S. House of Representatives (1935-1941), and the U. S. Senate (1941-1952). His political career ended with his unsuccessful bid in the 1952 Republican primary for an additional Senate term. As Percival P. Baxter's successor as governor, he became the first incumbent to climb Katahdin. In mid-August of 1925 his party led by Roy Dudley reached the summit from Chimney Pond. The previously unnamed spring along the Hunt Trail on The Table Land was named "Governors Spring" in his honor later that year. John Neff provides an account of the Brewster ascent (*Katahdin*, p. 176). The spring was renamed "Thoreau Spring" at former Governor Baxter's request in 1933. See also a letter Baxter wrote to the Hon. W. C. Mendenhall, Director of the U.S. Geological Survey, on April 21, 1933 (*Baxter Vision*, Vol. III, Part 5 The National Park Controversy Correspondence) in which he reported that the tablet bore the following inscription:

THOREAU SPRING
HENRY DAVID THOREAU 1817-1862 PHILOSOPHER
NATURALIST, AUTHOR, ascended Mt. Katahdin 1846
and wrote "The Maine Woods" one of the earliest
authentic descriptions of the great forest regions of Northern Maine

Despite this letter to Mendenhall describing a tablet at Thoreau Spring, Baxter State Park has no record of it ever being installed. If it had been, it was removed some time ago.

49 H. R. 5864, 75th Congress, 1st Session (March 23, 1937). The initial proposal was superseded by H. R. 6599, 75th Congress, 1st Session (April 22, 1937). Both versions of the legislative proposal can be found in *Baxter's Vision*, Volume III, Part 5 National Park Controversy Correspondence. The second version had slightly different boundaries than its predecessor.

50 Brewster to Baxter, April 19, 1937, in *Baxter's Vision*, Vol. III, Part 5 National Park Controversy Correspondence. The position of the Appalachian Trail Conference can be found in an article entitled "Katahdin National Park" by its chairman, Myron H. Avery of Lubec, Maine, that appeared as Extension of Remarks of the Hon. Ralph O. Brewster, *Congressional Record*, June 9, 1937 (*Baxter's Vision*, Vol. III, Part 5 National Park Controversy Correspondence).

Harold Ickes, and leaders in the environmental community to insure that his deeds of trust were not violated. Baxter was quick to confide in John L. Baxter of Brunswick. In a precautionary letter of April 14, 1937, he entrusted his nephew with the relevant correspondence. He stated: "Nothing has disturbed me for a long time as much as this and although I feel confident that while I am alive and well nothing can be done, of course something might happen to me and then Brewster might accomplish his purpose." Governor Baxter attributed Brewster's motives as "first to injure me and second to get some political advantage by being instrumental in having a National Park in Maine."⁵¹

In an interview with the *Portland Press Herald* on May 3, 1937, Baxter went public with his objections to Brewster's "national park" proposal:

Katahdin should and must always remain the wild, storm-swept, untouched-by-man region it now is; that is its great charm. Only small cabins for mountain climbers should be allowed there, only trails for those who travel on foot or on horseback, a place where nature rules and where the creatures of the forest hold undisputed dominion. As modern civilization with its trailers and hot dog stands, its radio and jazz, encroaches on the Maine wilderness, the time yet may come when only the Katahdin region remains undefiled by man.⁵²

Baxter prevailed. The legislation died without action being taken in the 75th Congress, and the Brewster bill was never reintroduced in subsequent congresses. Several years later, in a letter to William A. Whitcomb, President of GNP Company, Baxter asserted: "In all modesty I can say that had it not been for my opposition, Brewster's bill would have become law."⁵³

A Pragmatic Baxter Builds His Park

By 1941, after acquiring the first three parcels in T3 R9 and T5 R9, it became abundantly clear that Baxter would have to make concessions to landowners in order to consummate additional purchases. These concessions took the form of guaranteeing rights of way to former landowners⁵⁴ and permitting timber harvesting for periods of time.⁵⁵ He also guaranteed the right to erect and maintain dams for the purpose of driving logs or pulpwood.⁵⁶

In one of the several instances in which he permitted timbering after the transfer of the

51 Percival P. Baxter to John L. Baxter, April 14, 1937, in *Baxter's Vision*, Vol. III, Part 5 National Park Controversy Correspondence.

52 "Baxter Vigorously Protests Proposal To Make Katahdin Area National Park," *Portland Press Herald*, May 3, 1937 in *Baxter's Vision*, Volume III, Part 5 National Park Controversy Correspondence.

53 Baxter to Whitcomb, January 27, 1944, p. 1 in *Baxter's Vision*, Volume III, Part 5 National Park Controversy Correspondence. William A. Whitcomb, whom Baxter had dealt with since the initial purchase of land from Great Northern in 1930, was shot and killed by an allegedly disgruntled employee on July 10, 1944, fifteen minutes prior to an appointment he had with Baxter (Rolde, *The Baxters of Maine*, p. 256). See also Hakola, *Legacy of a Lifetime*, p. 87 (note 46).

54 The first such instance was with respect to parcel #4 (Great Northern Paper Company, 1940).

55 The first such instance was with respect to parcel # 9 (Eastern Corporation, 1944).

56 The first such instance was with respect to parcel #13 (Great Northern Paper Company, 1945).

land to the state, he stated:

Naturally I preferred to buy this area without such reservations, but I was unable to do so. . . . Although the township doubtless will be cut over during the 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 wounds.⁵⁷

Baxter's pragmatism is illustrated in yet another area, namely rescinding his prohibition of additional road building that had been found in the deeds of January 2, 1945 and January 8, 1947. Chapter 2 of the P & S Laws of 1949 was an act amending by mutual consent the restrictive provisions of the aforementioned deeds, the two most recent gifts prior to those of 1949. The amendments marked an abrupt reversal by Baxter who had placed in those deeds "certain conditions, limitations and restrictions as to roads and ways to be constructed, permitted and maintained in the areas described in both said Acts."⁵⁸ Baxter explained, however, that such new roads deemed to be in the public interest "be constructed and maintained in a manner not to interfere with the natural wild state now existing in said areas."⁵⁹

There were three developments of profound significance for the future management of the Park in 1955. They concerned the issues of hunting, the interpretation of the terms "natural wild state" and "sanctuary," and scientific forestry. First, former Governor Baxter had to retreat from his 1945 stipulation in the deeds of trust that precluded hunting and trapping in all parcels *herein* as well as those *heretofore* donated. The vehement protests from the hunting communities of Aroostook and Penobscot counties in the aftermath of the 1949 gifts forced Baxter to recognize that he could no longer enlarge the park, solely as a wild-life sanctuary, without jeopardizing his relationship with landowners upon whom he relied for his acquisitions. The affected areas were the entirety of T6 R10 and the area north of Wadleigh and Trout brooks in T6 R9, both in the northern-most reaches of the park.⁶⁰ In a letter, once again, to his nephew John L. Baxter, he stated: "It is doubtful if I shall ever be able to acquire additional land for I have just about exhausted all the possibilities of my doing so. Be that as it may, the park will serve as a breeding ground for wild life, which as it increases will gradually spread out into the areas around the park open to hunting. This is something that hunters should appreciate."⁶¹

Eventually, 52,000 acres, or one quarter of the park, would be open to hunting; however, the hunting areas would be restricted to the far northern and southern reaches of the park. The so-called "core," constituting more than 150,000 acres that surrounded Katahdin,

57 Formal Communications (1945), Baxter to Governor Sumner Sewall, April 17, 1944, in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, p. 112.

58 *Baxter Vision*, Vol. I, Part 1 Deeds of Trust, P & S Laws of 1949, Chap. 2, p. 56.

59 *Ibid.*, p. 58.

60 See, in particular, P & S Laws of 1955, Chap. 4. This was an act amending, by mutual consent between Baxter and the State of Maine, the deed of gift for parcel #24 in T6 R9. In that deed of gift, Baxter had prohibited hunting and aircraft from landing on the ground or waters of the 14,005-acre parcel. According to Baxter, "it now appears to be in the public interest and for the benefit of the People of the State of Maine" that the above referenced conditions be removed insofar as they apply to this parcel. *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, pp. 73-5.

61 Percival P. Baxter to John L. Baxter, August 23, 1949, p. 3 in *Baxter's Vision*, Volume IV, Part 7.4.4.1 Hunting and Fishing.

would remain as a wildlife sanctuary.⁶² The hunting issue was to be raised anew, albeit unsuccessfully, in the 2006 legislative debate on the state's proposed acquisition of the Katahdin Lake parcel in T3 R8.

Subsequent gifts also brought significant changes to what Baxter meant by “natural wild state” and “sanctuary for wild beasts and birds.” The reinterpretation in P & S Laws of 1955, Chap. 2, dealt with contentious issues of restoration of forest growth damaged by *acts of nature*, such as blowdowns and control of predators. This chapter of the P & S Laws also stated unequivocally that “[t]his area is to be maintained primarily as a Wilderness and recreational purposes are to be regarded as of secondary importance and shall not encroach upon the main objectives of this area which is to be ‘Forever Wild.’”⁶³ This statutory language, agreed upon by the legislature, Governor Edmund S. Muskie, and former Governor Baxter, clarified for posterity the primacy of wilderness over that of recreational interests in the management of the park.

The third significant aspect of the 1955 legislation was the establishment of areas designated for the practice of scientific forestry and reforestation.⁶⁴ These stipulations in the Deeds of Trust were to apply only to parcels #26 and #27 in T6 R9 and T6 R10, both in the most-northerly reaches of the Park. Evidence exists of Baxter's interest in scientific forestry as far back as his terms as governor. For example, in an address on the “Forests of Maine, Legislative Lobby and State Contingent Fund” on January 6, 1922,⁶⁵ Baxter extolled the virtues of modern forestry as practiced in Japan and the Ural Mountains that established the border between Europe and Asia. He commended those practices to the corporate leadership of the pulp and paper industry of Maine. This is an early manifestation of his support for the concept of sustainable forestry that would be made operative in Baxter State Park a quarter century after its creation.⁶⁶

62 See Baxter State Park Use Map, p. 196.

63 P & S Laws of 1955, Chap. 2, in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, pp. 63-4.

64 P & S Laws 1955, Chap. 61, in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, p. 76. See also P & S Laws 1955, Chap. 171 which has similar language, viz., parcel #27 in *ibid.*, pp. 78-9.

65 Baxter's Vision, Vol. II, Part 4 Speeches, Number 8, pp. 6-7.

66 An additional manifestation of Baxter's strong commitment to sustainable land management, as well as the preservation of wild lands, can be found in both his Last Will and Testament and his *inter vivos* trust. See *Baxter's Vision*, Vol. III, Part 6.3 Wills and Trusts. In the aforementioned trust document at page 6, his land management philosophy was spelled out in some detail:

In the State of Maine there are large areas of unproductive forest lands, burned over, cut and rocky, which are of little or no market value and which may be purchased at a low figure and allowed to reforest itself or remain as it is for scenic, recreational purposes, and for experimental scientific forestry.

All of these lands so purchased under this Trust Agreement are to be forever held by the said STATE OF MAINE in TRUST for the benefit of the People of Maine for development, improvement, use, reforestation, scientific forestry, and the production of timber and sale thereof.

I hope some of the forest land acquired by the State under the provision of my TRUST will become model forests similar to those of Germany, Scandinavia, and elsewhere, producing a crop of wood to be sold by the State. The STATE OF MAINE is given full power to harvest the crop, reforest and protect these lands against damage by insects, fire or otherwise. All revenue acquired by the sale of timber shall by the State of Maine be used for the care, extension and management of said lands.

I shall be pleased if some portion of the lands purchased with my funds be made a “SANCTUARY FOR WILD LIFE,” but this I must leave to the judgment of others.

Among the voluminous documentation associated with the 1955 legislative action, there is an interesting passage in a letter from Baxter to Governor Edmund S. Muskie:

When you inspect this map it will be difficult for you to visualize how this has been accomplished, how my numerous purchases have been brought together into one solid area. I myself can hardly realize it. A map showing the different acquisitions both small and large over the years would remind you of your grandmother's patchwork quilt, which finally in some mysterious way came out of the confusion into one large piece.⁶⁷

It is also worth noting that Baxter's aspirations for the park's eventual size increased dramatically over time. In 1940, at the time of the gifting of parcel #4, his goal was 100,000 acres.⁶⁸ That target was raised to 144,000, or six entire townships, in 1943 when parcel #7 and #8 were deeded to the state.⁶⁹ It was not long before there was an unstated goal of 200,000 that would eventually be reached in 1963. On the occasion of the gifting of the twenty-eighth and final parcel, Baxter wrote Governor Reed: "It is interesting to note that in my formal letter to Governor Gardiner in 1931, when my first gift was 6,000 acres, I said, 'I expect some day to see my ambition realized.' (Laws of Maine 1931). This brings to an end an interesting incident in Maine history."⁷⁰ An understatement to say the least!⁷¹

Interesting circumstances surround the purchase of Baxter's last parcel in T2 R9. For a number of years, he had been attempting to acquire this parcel from the Great Northern Paper Company. A 1960 overture to the firm's Vice President William Hilton was rebuffed;⁷² however, within two years Baxter succeeded in acquiring the parcel, thereby

67 Formal Communications (1955), Baxter to Governor Muskie, March 17, 1955, in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, p. 139.

68 Formal Communications (1943), Baxter to Governor Lewis O. Barrows, July 22, 1940, in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, p. 99.

69 Formal Communications (1943), Baxter to Governor Sewall, January 13, 1943, in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, p. 105.

70 Formal Communications (1963), Baxter to Governor John H. Reed, January 3, 1963, in *Baxter's Vision*, Volume I, Part 1 Deeds of Trust, p. 144.

71 Baxter anticipated the need for endowments to insure the park's security in the future. The Baxter State Park Trust Fund (the so-called "State Trust") was created by the legislature in 1961 and funded with monies donated during Baxter's lifetime. See also the *inter vivos* trust created by Baxter in 1927, as amended through May 18, 1966, whereby the residual of the trust property was to be held, with instructions, by the trustee, Boston Safe Deposit and Trust Company. These instructions included, among others, the provision that net income be paid as often as quarterly to the Baxter State Park Trust Fund "for the care, protection and operation of the forest land known as BAXTER PARK, and for other forest lands hereinafter acquired by the State of Maine under the provisions of this TRUST for recreational and reforestation purposes." This is the so-called "Boston Trust." As a result of bank mergers subsequent to Baxter's death, the "Boston Trust" is now managed by Bank of New York Mellon. See, in general, *Baxter's Vision*, Vol. II, Part 3.1 "Boston Trust" and "State Trust" Documents or *Baxter's Vision*, Vol. III, Part 6.3 Wills and Trusts.

As of December 31, 2007, the total trust pool was valued at \$73,645,147. The "Boston Trust" funds totaled \$68,255,403, whereas those in the "State Trust" were \$5,389,743. These trusts typically provide approximately 63-66% of the park's annual revenue requirements. The remaining revenues are from camping fees (20%), the Scientific Forestry Management Area (9%) and non-resident entrance fees (4%). The FY09 park budget is slightly in excess of \$3.3 million dollars. Baxter State Park does not receive money from the state's General Fund. These figures were provided in an e-mail of April 28, 2008 from Park Director Jensen Bissell to the author.

72 Baxter to Hilton of July 6, 1960 in *Baxter's Vision*, Vol. IV, Part 7.3.3 Roads.

reaching his self-imposed goal of a 200,000-acre park. It also made possible the construction of three miles of new road linking the Abol Campground and the newly constructed gatehouse just north of Upper and Lower Togue ponds.

The occasion of the transfer of title of this parcel, the last of the twenty-eight parcels gifted by Baxter to the state, brought Baxter and Hilton together once again. Back in 1931, Hilton, a newly appointed vice-president of Great Northern, was embarking on a three-decade career managing the paper company's two million plus acres in northern Maine. He had been among the group of officials, including President William A. Whitcomb, who agreed to the 1931 sale of Great Northern's interest in the 5,960 acres in T3 R9 to former Governor Baxter.⁷³ In anticipation of the May 1, 1962 title-transfer meeting in Bangor, Baxter wrote the recently retired GNP Vice-President asking him to attend. Baxter stated: "As you have been so wonderfully helpful and sympathetic all these years I would not want the closing chapter to be held without your presence. You gave me my first start and without your help there would be no Baxter State Park today."⁷⁴ An additional letter from Baxter to Hilton on March 3, 1963 reveals Baxter's personal sentiments about the changing complexion of the pulp and paper industry after the termination of log drives on the West Branch of the Penobscot:

Millinocket will not be the same without the great piles of pulpwood and that always added to the picturesqueness of the town. These piles seemed so prosperous and so substantial. . . .

No doubt it is all for the best but I must bring myself up to date for the Great Northern Paper Company has been in my mind since it started in 1905 at the time of my first visit.

Before long I shall go North to the Park and shall sorely miss the old hotel. It was always pleasant to stop there. Everyone was agreeable and the food was good. . . .

As for yourself, never shall I forget what you have done for me. You were patient with me and were most helpful. Without your friendliness I could not have built up the Park which I am sure most people now consider a great asset for our State.⁷⁵

However, that was not to be the last word. After Baxter's death, two small parcels were added in the 1990s on park's southern border along the West Branch of the Penobscot River and just south of the Togue Pond entry gate.⁷⁶

The Fulfillment of Baxter's Vision

For unknown reasons, Governor Baxter was never able to acquire the Katahdin Lake parcel, the NW quadrant of T3 R8. However, he remained interested in doing so as late as

73 See Memorandum of Agreement between William A. Whitcomb and Percival P. Baxter of January 8, 1931 and the minutes of a meeting attended by Baxter on June 2, 1931 at the Boston office of Great Northern regarding the disposition of the five-eighths undivided interest in T3 R9 owned by Harry Ross.

74 Letter of April 24, 1962 from Baxter to Hilton from the private collection of Thomas L. Hilton.

75 Letter of March 11, 1963 from Baxter to Hilton from the private collection of Thomas L. Hilton. (The hotel reference is to the Great Northern Hotel in Millinocket that had been destroyed by fire.)

76 See the annotations for these 1992 and 1997 purchases, below, pp. 197, 209-210.

1946. In a letter to Warden Supervisor Caleb W. Scribner of Patten⁷⁷ of March 2, 1946, Baxter stated: “I want to get some of 3R8 where Katahdin Lake is located. If I can get a piece of it, more may follow. That would be nice for our Park.”⁷⁸ It should be noted that as of 1946, Baxter State Park was exclusively a wildlife sanctuary. Non-sanctuary lands, as noted above, were not to become a part of the park until 1955.

Finally comes December of 2006 and the state’s acquisition of the 4,119 acre parcel surrounding Katahdin Lake. The Trust for Public Land, in cooperation with the Department of Conservation and the Baxter State Park Authority, raised 11.5 million dollars of private monies to buy this parcel, including the spectacular lake, which was transferred to Baxter State Park, within which it was to be managed as wildlife sanctuary.⁷⁹ Details of the very contentious legislative deliberations and fund raising associated with this acquisition can be found in an annotation elsewhere in this volume.⁸⁰

Thus, on the 75th anniversary of the initial Deed of Trust of 1931, the State of Maine acquired the lone remaining parcel outside Baxter State Park that Percival Baxter had intended for inclusion in his 1921 proposal for a park at Katahdin. Baxter’s vision, so indelibly imbedded in his mind as he crossed the Knife Edge that mid-summer day in 1920, was finally realized.

77 Caleb W. Scribner, a Chief Game Warden of Patten, Maine, was a Baxter confidant and frequent traveling companion in the Park. Scribner is also known for having taken Marsden Hartley to Katahdin Lake, the setting for some of Hartley’s most famous paintings of the mountain. Neff, *Katahdin*, pp. 250-251.

78 Hakola, *Legacy of a Lifetime*, note 48, p. 349.

79 Embedded in the parcel on the southeastern shore are 201 acres of two private in-holdings that include vistas of the Katahdin massif made famous by celebrated painters, most notably Frederic E. Church and Marsden Hartley. The 649 deeded acres of Katahdin Lake, along with the aforementioned gift of 4,119 acres, brought the total acreage of Baxter State Park to 209,501.

80 Below, pp. 237-243.

Part II. Deeds of Trust

Overview

Over more than three decades, former Governor Percival P. Baxter (1921-1925) deeded to the State of Maine in excess of 200,000 acres that constitute the bulk of the present-day Baxter State Park. Baxter made his initial gift of 5,960 acres, including the area immediately surrounding Mount Katahdin, in 1931 and deeded the final parcel to the state in 1963.

The core documents detailing the gifting of the 28 parcels¹ consist of two types, i. e., “Private and Special Laws” (abbreviated hereafter as “P & S Laws of ____”) and “Formal Communications of Governor Baxter Concerning the Creation of Baxter State Park” (abbreviated hereafter as “Formal Communications”). They consist of 147 numbered pages, plus a two page table of contents, that were assembled by the Office of the Attorney General for its own use, as well as that of park personnel and the general public. The hand-written pagination from the AG’s office is used in these annotations and elsewhere in this volume.

The annotations that follow are based exclusively on the information contained therein and the annotator makes no claim as to how these documents might be interpreted. The annotations are purely descriptive in nature and are intended to facilitate a greater appreciation of how Baxter assembled the park and the stipulations that he made for its use. For legal interpretations of the meaning of these documents and other extrinsic evidence, such as former Governor Baxter’s correspondence, one should examine the State of Maine judicial opinions that are reproduced and annotated in Volume I, Part 2 Judicial opinions of *Percival P. Baxter’s Vision for Baxter State Park: An Annotated Compilation of Original Sources* (2005). In addition, one might find it helpful to examine the several dozen opinions of the Attorney General that provide yet another legal perspective on the former Governor’s intentions, viz., the administration of the park, including trust fund management. These opinions and their accompanying annotations can be found in the Volume II, Part 3 Attorney General Opinions in the aforementioned four-volume compilation of Baxter materials.

The color-coded map of Baxter State Park is included to assist users of these annotations. It identifies the 28 parcels gifted by Baxter — “Location of Land Acquisitions with Date Granted to State – As of 1963.”

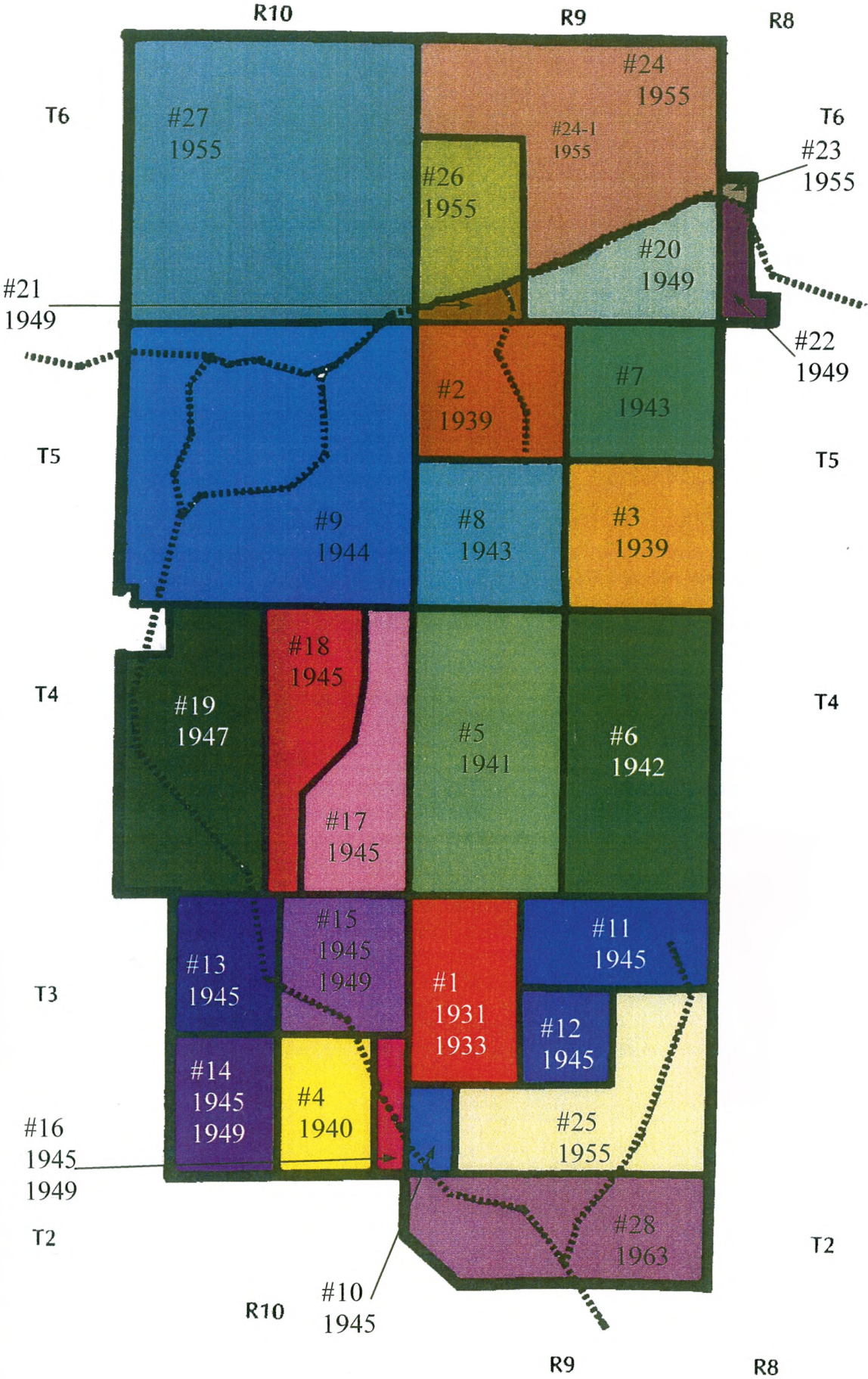
The Friends of Baxter State Park expect that these annotated documents will make it easier for the general public to understand the evolution of Baxter’s vision for the park and, more importantly, appreciate how that vision relates to the current administration of the park by the Baxter State Park Authority. If one wishes for an additional account as to how Baxter State Park was assembled, see John W. Hakola, *Legacy of a Lifetime: The Story of Baxter State Park*, Chapter III “Baxter State Park is Acquired,” pp. 73-99.

1 Actually there were 29 separate parcels if one considers the fact that there is both a parcel #24 and #24-1.

Formal Communications
Percival Proctor Baxter to the
Honorable Edmund S. Muskie and the Honorable Senate
and House of Representatives of the 97th Legislature of the
State of Maine, 17 March 1955

*When you inspect this map it will be difficult for you
to visualize how this has been accomplished, how my
numerous purchases have been brought together into one
solid area. I myself can hardly realize it. A map showing the
different acquisitions both small and large over the years
would remind you of your grandmother's patchwork quilt,
which finally in some mysterious way came out of the
confusion into one large piece.*

LOCATION OF LAND ACQUISITIONS WITH DATE GRANTED TO STATE—AS OF 1963



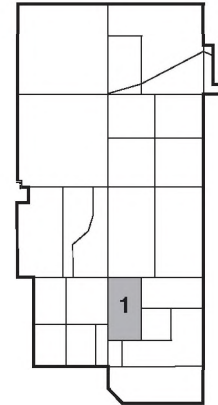
Annotations

1.1

PARCEL # 1 (1931 and 1933) – T3 R9 (5,960 acres)

P & S Laws of 1931, Chap. 23 (pp. 1-2) and P & S Laws of 1933, Chap. 3 (pp. 3-4); and Formal Communications (pp. 83-85) and (pp. 86-88)

This initial gift, which included Mount Katahdin, consisted of two parcels of 3,840 and 2,120 acres. Baxter acquired the land from the Great Northern Paper Company (hereafter GNP) and transferred it to the State of Maine in two stages. The first parcel was accepted by an act of the legislature and approved by the Governor on 4 March 1931, i.e., P & S Laws of 1931, Chap. 23. After these actions in October of 1931, Baxter enlarged his gift with a second conveyance which was accepted for the state by the Forest Commissioner, the Attorney General, and the Governor and Executive Council. These officials were acting under the provisions of Chap. 11, Sections 15 and 16 of the Revised Statutes of 1930. Since the legislature had not participated in the acceptance of the second parcel, Governor Baxter deemed that an additional Act of Acceptance was necessary to legally authenticate and record the deeds of gift in the laws of the State of Maine. The resulting P & S Act of 1933, Chap. 3 accomplished that objective.



The deed of gift for this first parcel, dated 3 March 1931, provided the first expression of Baxter's intent. It read:

said premises shall forever be used for public park and recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter ever be constructed thereon or therein, and that the grantor, during his lifetime, retains the right to determine, and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed.²

The former Governor reiterated these intentions in his letter of 3 March 1931 to Governor William Tudor Gardiner and the Senate and House of Representatives of the State of Maine.³

In the same correspondence, Baxter alluded to his ambition, beginning as a member of the House of Representatives, of having “the State of Maine own Mt. Katahdin,” which he described as “the grandest and most beautiful of all the natural attractions of our State.” He also expressed his interest in acquiring additional acreage in the immediate area and donating it to the state lest the “uncertainty of life” might thwart his plans. He concluded by noting that “[I]n making this gift I desire to show to the people of my native State my appreciation of the honors they conferred upon me in the years gone by.”⁴

² P & S Laws of 1931, Chap. 23, p. 2.

³ Formal Communications (1931), p. 85.

⁴ Formal Communications (1931), pp. 84-85.

The second parcel, consisting of 2,120 acres, was conveyed to the state on 7 October 1931. This parcel, as noted above, was accepted by the Forest Commissioner and approved by the Governor and the Attorney General. The conveyance of this additional three square mile parcel meant that there had been a total of nine square miles, or 5,960 acres, transferred to the state. [Baxter had mistakenly identified, in his letter to Governor Gardiner of 3 March 31, the initial parcel as consisting of 16 square miles.⁵ Instead it had been approximately 6 square miles.⁶ Even though the combined acreage was 5,960 (9 square miles), one sees references to the 1931 gifts as consisting of 6,000 acres.]

In the second Act of Acceptance, P & S Laws of 1933, the Baxter deed differed slightly from its predecessor, namely:

said premises shall forever be used for State forest, public park and recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter ever be constructed thereon or therein, and that the Grantor, during his lifetime, retains the right to determine, and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed.⁷

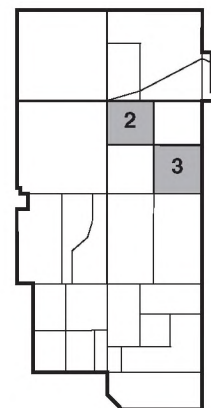
The only departure from the earlier terminology was the insertion of the words “State forest” as an additional purpose along with “public park and recreational purposes.”

1.2

PARCEL #2 and #3 (1939) – T5 R9 (11,508 acres)

P & S Laws of 1939, Chapter 1 (pp. 5-7); and Formal Communications (pp. 89-92)

These two parcels constituting the northwest (Parcel #2) and southeast (Parcel #3) quadrants of T5 R9 were acquired by Governor Baxter from the Piscataquis Land Company (a creation of the Pingree heirs) and St. John Smith of Portland. The northwest quarter of the township, consisted of approximately 6,000 acres, including Lower South Branch Pond. This parcel was initially accepted in late 1938 by Forest Commissioner Seavey, Attorney General Burkett, and Governor Barrows and the executive councilors. These officials were acting under the provision of Chap. 11, Sections 15 and 16 of the Revised Statutes of 1930. In January of 1939 when Baxter conveyed the third parcel consisting of approximately 6,000 acres in the southeast quarter of the same township, he sought, as he had in 1933, formal legislative action to further formalize the conveyances to the State, namely P & S Laws of 1939, Chapter 1.



In the deed, Baxter’s language was, once again, slightly different:

⁵ *Ibid.*, p. 84.

⁶ Formal Communications (1933), p. 88.

⁷ P & S Laws of 1933, Chap. 3, p. 4.

said land shall forever be used by said state for state forest, public park and public recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds and that the grantor during his life time retains the right to determine and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed.⁸

The language prohibiting roads was not included in this deed.

In the spring of 1937 legislation was introduced in Congress to create a national park in the Katahdin region. That proposal will be treated exhaustively later in Part 5 (Volume III); however, one can sense Baxter's vehement opposition to the potential intrusion by the federal government by the following comments in his letter to Governor Barrows and the legislature:

In conveying these lands to the State of Maine a definite Trust is created and I have the utmost confidence that the word of this Sovereign State as given by the Chief Executive and by the representatives of the people never will be broken and that this State never will violate the Trust provisions in the Deeds it accepts from me.⁹

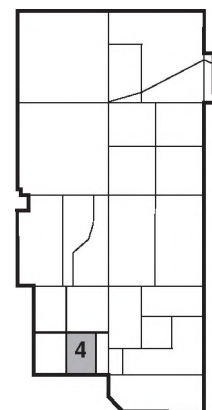
He also indicated that he had acquired a total of 38,000 acres, including the 18,000 already gifted, and that from time to time additional acreage would be donated to the state.¹⁰

1.3

PARCEL #4 (1940) – T3 R10 (4,174 acres)

P & S Laws of 1941 (Special Session, 1939-1940), Chap. 122 (pp. 8-9); and Formal Communications (pp. 97-100)

This was the first parcel of land in T3 R10 to be deeded to the state. Baxter had acquired the land from GNP. The township was critical to Baxter's intentions because it contained lands that provided access to the initial (1931) parcels from the west. This particular parcel included the campsite at Katahdin Stream, the most frequented section of the Katahdin region for the ascent of the mountain via the Hunt Trail, and portions of the Millinocket-Sourdnahunc¹¹ road. The deed read, in part, as follows:



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, shall forever be kept as a sanctuary for wild beast and birds and that the grantor during his life time retains the right to determine and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed.¹²

⁸ P & S Law of 1939, Chap. 1, pp. 6-7.

⁹ Formal Communications (1939), pp. 91-92.

¹⁰ *Ibid.*, p. 91.

¹¹ The spelling of Sourdnahunc varies throughout the deeds of trust and the associated gubernatorial correspondence. The commonly accepted spelling today is Nesowadnehunk.

¹² P & S Laws of 1941 (Special Session, 1939-1940), Chap. 122, p. 9.

This was identically worded to that of the 1939 deed. The deed also acknowledged GNP's right of way on the Millinocket-Sourdnahunc road.¹³ This was the first instance in which Baxter granted a right of way to a former landowner.

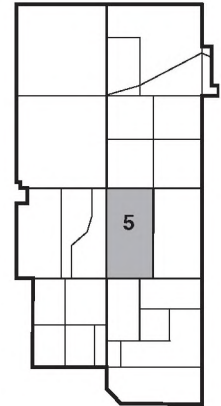
In his letter of 22 July 1940 to Governor Barrows, Baxter noted that he had either donated or acquired approximately 74,533 acres and that he would not consider the project complete until the park exceeded 100,000.¹⁴

1.4

PARCEL #5 (1941) – T4 R9 (11,441 acres)

P & S Laws of 1941, Chap. 1 (pp. 10-11); and Formal Communications (pp. 93-96)

This parcel of approximately 12,000 acres constituted the western half of T4 R9. Baxter acquired the parcel from the Eastern Manufacturing Company. The township, commonly called Traveler Town, contained within its boundaries Traveler Mountain and camps for mountain climbers. Baxter stated in his letter of 8 January 1941 to Governor Sewall that “[p]robably there is no section of Maine where there is a larger population of moose and bear than in this Traveler Town; it is one of the wildest portions of our State.”¹⁵



The deed's statement of conditions for use of the land was identical to the proceeding gift, i.e., Parcel #4.¹⁶

Governor Baxter noted that he had conveyed approximately 35,000 acres of wild forest land, including Mt. Katahdin, and that he had already acquired an additional 64,000 acres. He went on to say, in his letter to Governor Sewall, that he was endeavoring to acquire additional land to straighten out boundaries and fill in certain gaps.¹⁷

¹³ *Ibid.*

¹⁴ Formal Communications (1943), p. 99.

¹⁵ Formal Communications (1941), p. 96.

¹⁶ P & S Laws of 1941, Chap. 1, p. 11.

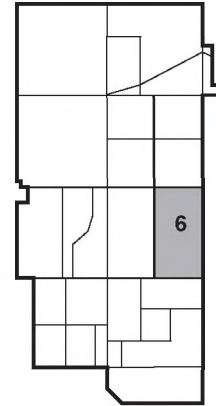
¹⁷ Formal Communications (1941), p. 96.

1.5

PARCEL #6 (1942) – T4 R9 (11,441 acres)

P & S Laws of 1941 (Special Session, 1942), Chap. 95 (pp. 12-14); and Formal Communications (pp. 100-103)

This parcel of 11,441 acres, consisting of the eastern half of T4 R9, was also purchased from the Eastern Manufacturing Company. As a consequence of these most recent gifts, i. e., Parcels #5 and #6, the entire township became a part of Baxter State Park. The deed stipulations were, once again, identical to those of parcels #4 - #5.¹⁸



This gift raised the total acreage already conveyed to the state to 47,000 acres and the former Governor indicated that he had an additional 65,945 acres to donate in the future. Baxter took this occasion to explain his reasons for making these gifts separately, rather than by deeding at one legislative session all of his park land. He also revised upwards his goal to six complete townships, now that he had successfully completed the acquisition of the first entire township – T4 R9.

Baxter's point of reference, in his 12 January 1942 letter to Governor Sewall, was the national park proposal of the mid-1930s to take the land away from the state and have it administered by the Department of the Interior. Excerpts from his extended remarks follow:

After consulting with several of the leading judges and lawyers of our State a definite plan has been adopted under which I am to deed a considerable area to the State at each Legislative Session, each deed to be accepted in the form of a separate State law carefully worded into a binding and unbreakable Trust Deed. In this manner a long list of precedents is being established; precedents which, as time passes, will show that eight or ten different Governors and as many Legislatures, by laws duly passed and signed by these Governors, have entered into solemn pacts that create a succession of irrevocable trusts. These trusts, beginning with 1931, are printed in the Laws of Maine, and as each session enacts them they thus become public documents.

He would be a rash individual who in the years to come, even after I have passed away, would seek to take these lands from the State and would attempt to break these Trusts created not by one Governor or one Legislature but by several. While I live I can successfully oppose any such action; I seek to prevent it after I have gone. . . .

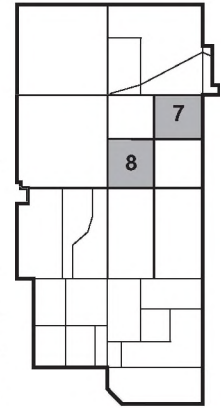
At the present time I am negotiating for additional land to be added to the Park, for ultimately I want this Park to contain at least six (6) complete townships of approximately twenty-four thousand (24,000) acres each.¹⁹

¹⁸ P & S Laws of 1941 (Special Session, 1942), Chap. 95, p. 14.

¹⁹ Formal Communications (1943), p. 102.

PARCELS #7 & 8 (1943) – T5 R9 (11,508 acres)

P & S Laws of 1943, Chap. 1 (pp. 15-22); and Formal Communications (pp. 103-109)



These parcels, constituting the NE and SW quadrants of T5 R9, respectively, were acquired from the Piscataquis Land Co. and St. John Smith. This completed the transfer of the entire township to the state. In 1939 Baxter had deeded the other two quadrants which had been acquired from the same parties. The deed's stipulations were somewhat more abbreviated than previously, and read as follows: "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."²⁰ One will note that there was no restatement of the grantor's intent to oversee markers and inscriptions during his lifetime.

In Baxter's letter of transmittal to Governor Sewall and the legislature, he referred to his communication of 12 January 1942 in which he had explained why he made the donations separately over a period of years instead of through a single deed. At this point, Baxter's gifts constituted 59,000 acres, and he indicated that he had acquired an additional 54,000. His hope was to eventually add to that 31,000 acres for a grand total of 144,000 or six entire townships.²¹

Both sets of core documents, the P & S Laws of 1943, Chap. 1, and the Formal Communications, deal with an ancillary matter, namely the deeding of Mackworth Island in the Town of Falmouth to the State of Maine and the establishment of a Mackworth Island Trust Fund. Although these matters were not of immediate relevance to Baxter State Park, the trust fund would become so late in Baxter's life when he asked that the remaining monies in that trust fund be transferred to the Baxter State Park Trust Fund.²²

Baxter's aforementioned communication of 13 January 1943 with the Governor and legislature also affords insight into his philosophy of charitable giving. In response to his own rhetorical question of what the State will do with Mackworth Island, Baxter launched into a discussion of both his father's philanthropy in Portland, specifically, the public library and Baxter Boulevard, and his own vision as a legislator of a state park at Katahdin. He noted:

Twenty-six years ago when I first conceived the idea of a State Park at Katahdin there was determined opposition. I was attacked as a dreamer and branded as a socialist. Several of our newspapers came out against me. "We don't want a Park, leave things as they are; what shall we do with it", again was heard. Session after session I fought on and made speech after speech up

²⁰ P & S Laws of 1943, Chap. 1, p. 17.

²¹ Formal Communications (1943), pp. 104-105.

²² See, in particular, P & S Laws of 1943, Chap. 1, pp. 17-22 and Formal Communications (1943), pp. 106-109.

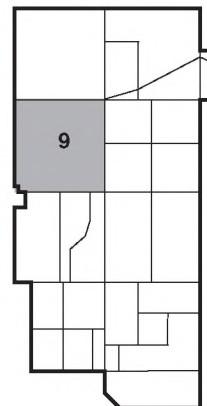
and down the State. It was a long road to travel, but to-day the State Park is acknowledged to be one of the State's great natural attractions and the people of the future will appreciate it even more than do those of to-day.²³

1.7

PARCEL 9 (1944) – T5 R10 (24,682 acres)

P & S Laws of 1943 (Special Session 1944), Chap. 91 (pp. 23-26); and Formal Communications (pp. 110-113)

This parcel constituted of the entirety of township T5 R10 save for 20 acres in the SW corner belonging to Charles A. Daisey, the owner of Camp Phoenix. The land was acquired from the Eastern Corporation, which retained the right to cut and remove timber and pulp until 7 August 1965. This was the first timbering exception made by Baxter per the deed from the Eastern Corporation to Baxter dated 7 August 1940. The deed specified, in addition to the access for timbering exception, that “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.”²⁴



In Baxter's letter of 17 April 1944 to Governor Sewall and the legislature, he expounded on the reasons for reserving the Eastern Corporation's timber rights until 7 August 1965:

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. . . . 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.²⁵

23 Formal Communications (1943), p. 108-109.

24 P & S Laws of 1943 (Special Session, 1944), Chap. 91, p. 25.

25 Formal Communications (1945), p. 112.

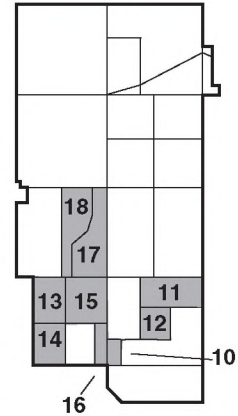
1.8

PARCELS #10, #11 & #12 (1945) – T3 R9 (9,280 acres)

PARCELS #13, #14, #15 & #16 (1945) – T3 R10 (14,654 acres)

PARCELS #17 & #18 (1945) – T4 R10 (11,620 acres)

P & S Laws of 1945, Chap. 1 (pp. 27-34);²⁶ and Formal Communications (pp. 113-120)



No less than nine parcels constituting 35,554 acres were deeded to the state in this complex Act of Acceptance, i.e., P & S Laws of 1945, Chap. 1. In the first instance, Parcels #10, #11, and #12, a total of 9,280 acres in T3 R9 provided additional protection on the eastern and southern slopes of Mt. Katahdin. It would not be until 1955, however, that Baxter was able to acquire the last remaining parcel in that township.

The deeding of Parcels #13, #14, #15, and #16 began a process, which was technically not completed until 1949, of deeding the balance of T3 R10 to the state. These parcels containing 14,654 acres were critical to Baxter's intentions, because there were situated immediately to the west of Mt. Katahdin.

Parcels #17 and #18 in T4 R10 constituted the final 11,620 acres that were gifted to the state in 1945. Collectively, these nine parcels totaling 35,554 acres would prove to be Baxter's second largest single gift to the state.

There are numerous intricacies in this Act of Acceptance which warrant further explanation.

First, timber rights were reserved on three of the parcels. Parcel #10, consisting of 1,920 acres, was acquired from the GNP, which reserved timber rights on the property until 28 December 1954. Parcels #11 and #12, consisting of 7,360 acres, were acquired from Harry F. Ross, who reserved timber rights on 2,560 acres in parcel #12 until 13 February 1946. Parcel #18, consisting of 6,108 acres, was acquired from the GNP, which reserved timber rights until 28 December 1969. In addition, in Parcel #13, GNP reserved the right to erect and maintain dams and otherwise improve the Sourdnahunk Stream for the purpose of driving logs or pulpwood, and to use the Millinocket-Sourdnahunk road.

Second, the deed enumerated conditions that applied to the parcels "HEREIN" donated to the state as well as those "HERETOFORE" donated. They were to be "forever . . . kept for and as a State forest and public park and for public recreational purposes; . . . [and] forever shall be kept in their natural wild state and as a sanctuary for wild beast and birds, that the use of fire-arms, trapping and hunting, not including fishing, shall be forever prohibited within the same, and also that air-craft be forbidden to land on the ground or on the waters

26 Note duplicative content from the bottom of page 34 to 40.

within the same.”²⁷ This was the first time a deed explicitly included language prohibiting trapping and hunting, as well as aircraft within the park.

An additional condition was applied to the six townships in which land was “HEREIN or HERETOFORE” donated, namely “that no roads or ways for motor vehicles, horse-draw vehicles or other vehicles ever shall be constructed, permitted or maintained” except for the Millinocket-Sourdnahunk road (T3 R10 and T4 R10) and the road that extends from Togue Pond to Roaring Brook (T2 R9 and T3 R9). Finally, the lumbering road being constructed by the Eastern Corporation in T5 R10 [Parcel #9] “shall be closed and abandoned and shall be allowed to return to its original forest growth” upon the termination of the corporation’s right to remove timber on 7 August 1965.²⁸

For the sake of clarification, the 9 parcels, totaling 35,554 acres, are listed below with an indication of their acreage and the identification of the parties from whom they were acquired:

T3 R9 – 9,280 acres:

Parcel #10: Great Northern Paper Co.; 1,920 acres

Parcels #11 and #12: Harry F. Ross; cumulatively 7,360 acres;

T3 R10 –14,654 acres:

Parcel #13: Great Northern Paper Co.; 6,355 acres

Parcels #14, 15, and 16: Piscataquis Land Co. and the Cassidy Estate;
cumulatively 8,299 acres including a 750 acre public lot; and

T4 R10—11,620 acres:

Parcel #17: Great Northern Paper Co.; 5,512 acres

Parcel #18: Great Northern Paper Co.; 6,108 acres

In his 2 January 1945 communication with Governor Hildreth and the legislature, Baxter highlighted his progress in acquiring contiguous parcels to form a compact park. In Baxter’s words, “These ten additional parcels [counting the 750 acre public lot in T3 R10 as a tenth parcel] 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.”²⁹ This acreage in T3 R10 would be formally deeded to the state in 1949 as a result of the 1948 settlement of the Cassidy Estate by Judge Raymond Fellows. Baxter indicated that he had also set his sights on acquiring the balance of townships T3 R9 and T4 R10. As of this point, however, he had deeded to the state all of townships T5 R9, T5 R10, T4 R9, one-half of T4 R10, all of T3 R9 except for 7,680 acres, and all of T3 R10 except for the aforementioned 6,017 acres. If he were successful in

27 P & S Laws of 1945, Chap. 1, p. 33.

28 *Ibid.*, pp. 33-34.

29 Formal Communications (1945), p. 116.

acquiring the remaining parcels in these three townships, the total area of the park would be 141,605 acres.³⁰

However, this communication is best known for Baxter's reiteration of his position on the building of new roads and his further elaboration on the meaning of the phrases "natural wild state" and "as a sanctuary for wild beasts and birds."

With regard to the former, Baxter pointed out that the P & S Laws of 1931, Chap. 23 contained a prohibition against the building of roads for motor vehicles. He believed that such a restriction should be included in the present deed of gift and be made retroactive to include all former gifts. As noted above, he did make exceptions for the Millinocket-Sourdnahunk and the Togue Pond-Roaring Brook roads. These two roads were "necessary and desirable" and should "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."³¹

The following passages interpreting the phrases "natural wild state" and "sanctuary for wild beasts and birds" are reproduced in their entirety:

In all the deeds from me to the State the phrases "natural wild state" and "as a sanctuary for wild beast 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 [sic] 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.³²

30 *Ibid.*, p. 117.

31 *Ibid.*, p. 118.

32 *Ibid.*, pp. 118-119.

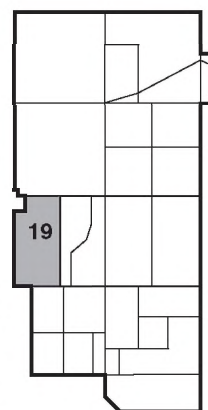
Baxter concluded this extended communication with Governor Hildreth by noting that “[H]uman life is both short and uncertain. This being so I wish to have this Park completed during my lifetime, in so far as I am able. . . .After my decease funds will be provided for enlarging the Park and making it more usable and desirable. That can be done without my personal supervision once the foundation is securely laid.”³³

1.9

PARCEL #19 (1947) – T4 R10 (10,740 acres)

L & S Laws of 1947, Chap. 1 (pp. 41-46); and Formal Communications (pp. 121-124)

This parcel constituted the western half of T4 R10, thereby completing the donation of a fourth township. This was the second instance in which Baxter had acquired land from GNP in exchange for land elsewhere. The previous instance had been with respect to Parcel #17 (1945).³⁴ In this piece of legislation there is a tabular listing of all of the “Acts of Acceptance and Communications to Governors and Legislatures: 1931 – 1947.” The aforementioned table also lists the deeds of gift in 1931 and 1938, accepted under Sections 15 and 16, Chap. 11 of the Revised Statutes of 1930, that were later ratified with formal action by both the legislatures and governors in 1933 and 1939, respectively. The total acreage of all of the Baxter gifts as of this 1947 parcel was 127,028.³⁵



The deed of gift reserved to GNP the right to cut and remove timber until 15 October 1951, as well as their right to erect and maintain dams on Sourdnahunk Stream for the purpose of driving logs or pulpwood. A corollary right to use the Millinocket-Sourdnahunk Tote Road in the township was also reserved to GNP.³⁶

The format of Baxter’s conditions to the gift of this land, if not their content, changed with five specifically enumerated items that appear below:

- 1 - forever shall be kept for and as a state forest and public park and for public recreational purposes;
- 2 - forever shall be kept in their natural wild state and as a sanctuary for wild beasts and birds;
- 3 - that the use of firearms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same;
- 4 - that aircraft forever be forbidden to land on the ground or on the waters within the same; and

³³ *Ibid.*, p. 119.

³⁴ See Hakola, *Legacy of a Lifetime*, pp. 86-87 and Table III – 1, p.74.

³⁵ P & S Laws of 1947, Chap. 1, pp. 42-43.

³⁶ *Ibid.*, pp. 44-45.

5 - that no roads or ways for motor vehicles, horsedrawn vehicles or other vehicles ever shall be constructed, permitted or maintained upon the land herein donated and conveyed to said State . . . excepting the Millinocket-Sourdnahunk Tote Road so called as now constructed as a single track graveled surfaced road with frequent turnouts.³⁷

The Formal Communications accompanying this parcel included Baxter's letter of 8 January 1947 to Governor Hildreth in which he explained why the Act of Acceptance listed the previous gifts in such detail:

In order that there may be a complete and accurate record of my Gifts to the State over the years, I am including in the Act of Acceptance a list of the Gifts in detail so that in the years to come this will be available to those who may be interested to have the record spread before them. Those of the members of this Ninety-third Legislature who have served in previous Legislatures, no doubt are familiar with the procedure adopted in connection with these gifts.³⁸

Finally, Baxter once again described the land acquired since he began the project in 1917 as "a continuous unbroken area except for the fact that in the south-western corner there is still outstanding an undivided ownership of six thousand seventeen (6,017) acres which I have not yet acquired and which is not included in the total of one hundred twenty-seven thousand twenty-eight (127,028) acres."³⁹

1.10

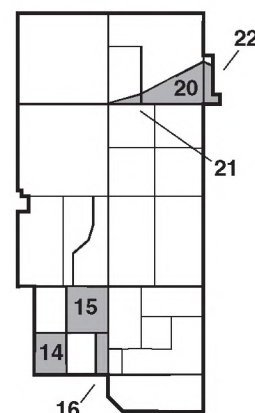
PARCELS #20 (1949) – T6 R9 (6,247)

PARCEL #21 (1949) – T6 R9 (536 acres)

PARCEL #22 (1949) – T6 R8 (1,486 acres)

PARCELS #14, #15, and #16 (1949) – T3 R10 (6,017 acres, i.e., acreage not acquired in 1945)

P & S Law of 1949, Chap. 1 (pp. 47-55) and Chap. 2 (pp. 56-60); and Formal Communications (pp. 125-129)



The legislation association with the 1949 deed of gift was complicated by two factors, namely the acquisition of the outstanding 6,017 acres within the previously gifted parcels #14 – #16 in T3 R10, and the amendment by mutual consent to the limitations on road building in the deeds of 2 January 1945 and 8 January 1947, respectively.

A parcel totaling 6,383 acres in T6 R9 was at issue in the gift of Parcel #20. Within the area there were 136 acres, constituting the Trout Brook Farm, which were explicitly excepted and reserved for the use of the Eastern Corporation. Hence the actual size of the gifted parcel was 6,247 acres. There were also provisions in the deed guaranteeing the Eastern Corporation and the Garfield Land Company the right to use Trout Brook Road in the township.

³⁷ *Ibid.*, p. 45.

³⁸ Formal Communications (1947), p. 123.

³⁹ *Ibid.*

Parcel #21, also in T6 R9, consisted of 536 acres in the SW corner of the township. This area, more commonly described as being south of Wadleigh Brook and Trout Brook, respectively, was also subject to certain easements and rights granted to the Eastern Corporation.

Parcel #22 was a relatively small area consisting of 1,486 acres in SW corner of T6 R8. The parcel had two natural boundaries, the western shore of First Grand Lake and the East Branch of the Penobscot River, and also abutted the (Grand Lake) Dam Lot owned by the East Branch Improvement Company. The deed was subject to easements to the Garfield Land Company and the Eastern Corporation, and also to flowage rights conveyed to the East Branch Dam Company.

Baxter imposed four conditions on use of Parcels #20 - #22, namely:

- 1—shall forever be kept for and as a State Forest and Public Park and Public Recreational Purposes,
- 2—shall forever be kept in their natural wild state and as a sanctuary for wild beast and birds,
- 3 – that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same,
- 4 – that air-craft forever be forbidden to land on the ground or on the waters within the same,⁴⁰

The absence of the fifth condition regarding road construction was conspicuous; however, the explanation was forthcoming in an accompanying piece of legislation, P & S Laws of 1949, Chap. 2.⁴¹

The final acreage involved in the 1949 Act of Acceptance was the elusive 6,017 acres in T3 R10 that had not been part of the 1945 gifts of Parcels #14-#16. The settlement of the John Cassidy estate per the decree of the Honorable Raymond Fellows, Justice of the Supreme Judicial Court of the State of Maine in Equity, enabled Baxter to complete the gifts initiated in 1945.⁴² The 6,017 acres consisted of a 250 acre public lot; a parcel of 2,285 acres in the SW corner of the township (Parcel #14); and a combined total of 3,482 acres in the NE (Parcel #15) and SE (Parcel #16) corners of the township. No separate break down of the acreage in Parcels #15 and #16 was provided.

The four conditions attached by Baxter to this deed of gift were the same as above for parcels #20 - #22.⁴³

Chap. 2 of the P & S Laws of 1949 was an act amending by mutual consent the provisions of the deeds issued on 2 January 1945 and 8 January 1947, the immediately most recent gifts prior to 1949. The amendments marked an abrupt reversal by Baxter who had in those deeds placed “certain conditions, limitations and restrictions as to roads and ways to

40 P & S Laws of 1949, Chap. 1, p. 52.

41 Immediately below.

42 P & S Laws of 1949, Chap. 1, pp. 52-55.

43 *Ibid.*, p. 54.

be constructed, permitted and maintained in the areas described in both said Acts.”⁴⁴ Now he consented to legislative language that will make the park more accessible for public use and enjoyment:

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 theretofore 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.⁴⁵

In his 3 January 1949 letter to Governor Payne, Baxter described the evolving park in the following terms: “we now have a Park with its northeast corner bordering on the East Branch of the Penobscot River and on First Grand or Matagamon Lake. Its southwest corner borders on the West Branch of that River. Mount Katahdin, Traveler Mountain and the other thirty peaks and mountains in the Park lie between these two branches of this river.”⁴⁶ Baxter also expressed his intention to purchase an additional 75 acre tract in Penobscot County which would complete his acquisitions in T6 R8.

The most noteworthy passages in this letter were those regarding his change of heart viz., road restrictions:

On mature deliberation I now have come to the conclusion that my restrictions as to roads are somewhat too severe. Without proper access roads the number of persons who would enjoy the Park would be limited. In view of this I deem it best to allow the existing roads to remain open and to permit the State in the years to come to construct such additional roads as may be necessary to accommodate those persons who wish to enjoy the great, unspoiled area that now is the property of our State.

He did, however, add a caveat: “In order, however, that there may be some reasonable check in the future on the construction and maintenance of roads in the Park it is provided in these Amendments that no roads or ways shall be constructed or maintained that will interfere with or detract from ‘the natural wild state’ of this region.”⁴⁷

One additional matter regarding this correspondence warrants discussion, namely the size of BSP after the 1949 deed of gift. Baxter stated that the additional 14,286 acres would expand the park to 141,712 acres. If, however, one were to take the figure of 127,028 cited in the 1947 legislative tabulation of all of the Acts of Acceptance to that date, the new figure should be 141,314 with the addition of the 14,286 acres. Hakola’s discussion of this lack of consistency is instructive. He concluded that the precise acreage of the park “must await more definitive surveys.”⁴⁸

44 P & S Laws of 1949, Chap. 2, p. 56. See above, pp. 30, 31, 32-33.

45 P & S Laws of 1949, Chap. 2, p. 58.

46 Formal Communications (1949), p. 128.

47 *Ibid.*

48 Hakola, *Legacy of a Lifetime*, pp. 98-99.

Formal Communications, 1953 (pp. 130-133)

Prior to his next set of gifts in 1955, Baxter had further communication with the Governor and legislature regarding the Mackworth Island property that he deeded to the state in 1943. He also created a Mackworth Island Trust Fund with an initial donation of \$10,000.

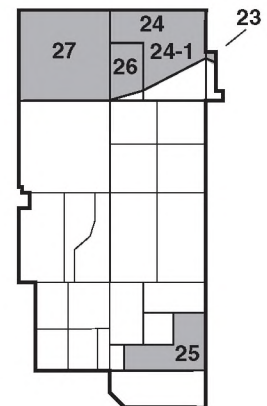
Baxter, under the provisions of the deed of trust, continued to live on the island under a lease arrangement with the state; however, in 1949 he moved from the island and the state assumed full ownership and responsibility. In his letter of 4 March 1953 to Governor Burton Cross, Baxter indicated that he was prepared to offer the state \$500,000 for the construction of a new school for the deaf, i.e., Baxter School for the Deaf, and \$125,000 for the construction of a new bridge to the island.

As had been pointed out previously in these annotations,⁴⁹ this matter had no immediate relevance to the creation of BSP; however, at a later date the Mackworth Island Trust Fund would be dissolved and the proceeds transferred to the BSP Trust Fund.

1.11

PARCEL #23 (1955) – T6 R8 (76.8 acres)
PARCEL #24 (1955) – T6 R9 (14,005 acres)
PARCELS #24-1 (1955) – T6 R9 (2,000 acres)
PARCEL #25 (1955) – T3 R9 (8,000 acres)
PARCEL #26 (1955) – T6 R9 (3,569 acres)
PARCEL #27 (1955) – T6 R10 (25,025 acres)

P & S Laws of 1955, Chap. 1 (pp. 61-62); P & S Laws of 1955, Chap. 2 (pp. 63-64); P & S Laws of 1955, Chap. 3 (pp. 65-72); P & S Laws of 1955, Chap. 4 (pp. 73-75); P & S Laws of 1955, Chap. 61 (pp. 76-77); and P & S Laws of 1955, Chap. 171 (pp. 78-79); and Formal Communications (pp. 134-142)



The 1955 legislative action regarding the gifts of former Governor Baxter to the State of Maine was the most complicated in the history of the creation of BSP. Seven new parcels, totaling 52,675.8 acres, were added to the park. There were six pieces of legislation including four Acts of Acceptance as well as statutory provisions dealing with the interpretation “natural wild state” and “sanctuary,” and modification of the “no hunting” provisions. In addition, scientific forestry was introduced with respect to Parcels #26 and #27. The eight pages of formal communications between Baxter and Governor Muskie and the legislature shed additional light on Baxter’s intentions on these wide-ranging topics. The following annotations, not necessarily in chronological order, are designed to sort out the complexities of these transactions.

⁴⁹ Above, pp. 27-28.

PARCEL #23

In 1949 at the time of his gifting of Parcel #22, Baxter indicated that there was still a small parcel of approximately 75 acres along the western shore of First Grand Lake that he intended to purchase. In actuality, this new Parcel #23 consisted of two small lots totaling 76.8 acres. These purchases were made subject to easements reserved to Sada Coe Robinson and Irving Pulp and Paper Company of St. John, New Brunswick, respectively. Parcel #23, along with the 1,486 acres in Parcel #22 (1949), completed Baxter's efforts to acquire land in the southwestern corner of T6 R8.⁵⁰

PARCEL #24

This parcel was acquired from the Eastern Corporation. It consisted of well over half of the township and much of the land north of Trout Brook. Included in this parcel's 14,005 acres were Trout Brook Farm (136 acres) and a public lot (1,000 acres). As had been the case in earlier purchases from the Eastern Corporation, certain rights and privileges were retained by that corporation as well as Bangor Hydro, and the East Branch Improvement Company, respectively.⁵¹ These were necessary accommodations that Baxter was required to agree to, so as to complete the transactions. The intricacies of the rights that were conveyed to both the East Branch Improvement Company and Bangor Hydro-Electric Company are spelled out in detail by Hakola.⁵² In brief, if the Eastern Branch Improvement Company were to exercise its right to raise the level of First Grand Lake by ten feet to 665 feet above sea level, an estimated 2,000 acres of land would be flooded.

This would necessitate Baxter's acquisition of Parcel # 24-1, discussed below.

PARCEL #25

The third parcel, #25, deeded to the state in the P & S Laws of 1955, Chap. 3, consisted of 8,000 acres in the southeastern corner of the T3 R9. The land had been acquired from GNP; however, the corporation reserved the right to cut and remove timber until 1 December 1973. This gift completed the state's acquisition of T3 R9.⁵³

Baxter imposed the same four conditions on Parcels #23, #24, and #25 as he had on parcels #20-#22; however, he added a fifth condition with respect to Parcel #24, namely "that the same shall forever be named BAXTER STATE PARK."⁵⁴

PARCEL #24-1

Chap. 1 of P & S Laws of 1955 dealt with Parcel # 24-1, an estimated 2,000 acres in T6 R9 that would be flooded if the level of First Grand Lake were raised by ten feet to 665

50 P & S Laws of 1955, Chap. 3, pp. 65-68.

51 *Ibid.*, pp. 65, 68-70.

52 Hakola, *Legacy of a Lifetime*, pp. 94-95.

53 P & S Laws of 1955, Chap. 3, pp. 65, 71-72.

54 *Ibid.*, p. 70.

feet above sea level. In essence, Baxter purchased the flowage rights for the land in question. The act of acceptance described the situation that necessitated Baxter's purchase of the additional acreage, as follows:

So much of the land together with the buildings thereon situated in said township as would be flowed to an elevation not exceeding six hundred sixty-five (665) feet above sea level United States Geodetic Survey, by the existing Dam of the East Branch Improvement Company herein located in township six (6) range eight (8) at the outlet of First Grand Lake so called, or any replacement thereof and any necessary related dams, dykes or other structures at any location the land hereby conveyed being estimated to contain two thousand (2000) acres more or less.⁵⁵

This conveyance was made subject to the rights of both the East Branch Improvement Company and the Eastern Corporation.

The wording of Baxter's conditions for this parcel was as follows: "shall forever be kept for and as a State Forest and Public Park and for Public Recreational Purposes, shall forever be named Baxter State Park, shall forever be kept in their natural wild state."⁵⁶ This much more abbreviated statement of conditions notably did not preclude hunting. [More discussion of this issue will appear below when P & S Laws of 1955, Chap. 4 is examined.]

PARCEL #26

This parcel consisted of the remaining 3,569 acres of T6 R9 yet to be transferred to the state. Roughly speaking, it was in the southwestern corner of the township north of the Wadleigh and Trout brooks. Baxter acquired this land from GNP after a trade with the Eastern Corporation. This act of acceptance, Chap. 61 of the P & S Laws of 1955, is most noteworthy for the introduction of the practice of scientific forestry practices in BSP. The new language incorporating this practice read, as follows: "shall forever be named BAXTER STATE PARK and shall forever be kept for and as a State Forest, Public Park and Public Recreational Purposes and for the practice of Scientific Forestry, reforestation and the production of forestry wood products. All harvesting of said products shall be done according to the most approved practices of Scientific Forestry and all revenue derived from the sale of said products shall be used by said State for the care, management and protections of Baxter State Park as now or hereafter defined."⁵⁷ One should note that there is no reference to either "natural wild state" or "sanctuary for wild beasts and birds," meaning that hunting was to be permitted in this scientific forestry area.

PARCEL #27

The last parcel transferred to the state by Baxter in 1955 was the entirety of T6 R10, a total of 25,025 acres. It was acquired from the Eastern Corporation. In addition to the rights and privileges retained by the Eastern Corporation, Bangor Hydro Electric Company retained important storage and power generating rights within the township, i.e., Webster Lake/Brook area. Baxter's conditions for the parcel were an abbreviated form of that of

⁵⁵ P & S Laws of 1955, Chap. 1, p. 62.

⁵⁶ *Ibid.*

⁵⁷ P & S Laws of 1955, Chap. 61, p. 77.

Parcel #26 which also was dedicated to scientific forestry, namely, “shall forever be named Baxter State Park, shall forever be held for and as a State Forest, Public Park and Public Recreational Purposes and for the practice of Scientific Forestry and Reforestation.”⁵⁸

The remaining two statutory measures of 1955, Chapters 2 and 4, were not Acts of Acceptance. The principal purpose of Chapter 2 was to clarify the meaning of the phrases “Natural Wild State” and “Sanctuary for Wild Beasts and Birds” as used in the various deeds from Baxter to the state. Baxter thought it would be advisable to agree upon an interpretation of these phrases relating to the care and management of the park and to secure both gubernatorial and legislative approval. In his letter to Governor Muskie of 11 January 1955 Baxter stated:

In consultation with our Forest and Game officials and with the Attorney General’s Department it seems desirable to provide for an understanding as to what is required under the Trust Deeds. Under the Act now submitted to you the powers of State management are broadened and made more flexible in order that the Trusts will not be violated in the years to come. As all my Trusts have been made for perpetuity great care has to be taken to make them understandable and enforceable.⁵⁹

It was the intent of all parties concerned, that these interpretations of said phrases shall be accepted and applied to all of the Deeds and Conveyances.⁶⁰

The verbatim language of both interpretative passages is as follows:

NATURAL WILD STATE

The State of Maine is authorized to clear, protect and restore areas of forest growth damaged by ACTS OF NATURE such as blowdowns, fire, floods, slides, infestation of insects and disease or other damage caused by ACTS OF NATURE in order that the forest growth of the Park may be protected, encouraged and restored.

The State is authorized to build trails and access roads to camp sites, to use timber from this area for fire control and firewood and to construct shelters and lean-tos for mountain climbers and other lovers of nature in its wild state.

This area is to be maintained primarily as a Wilderness and recreational purposes are to be regarded as of secondary importance and shall not encroach upon the main objective of this area which is to be “Forever Wild.”

The existing leases of the land and buildings at Kidney Pond, Daisey Pond and on the shores of Matagamon Lakes may be continued by and in the discretion of the Baxter State Park Authority.

SANCTUARY FOR WILD BEAST AND BIRDS

The State is authorized to maintain the proper balance of nature among the different species of wild life; to control predators that may become a menace to other species; to control disease and epidemics of the wild life of the Park. Such control shall be exercised by the Baxter State Park Authority. The destruction of any specie of wild life shall be carried on exclusively by the

58 P & S Laws of 1955, Chap. 171, p. 79.

59 Formal Communications (1955), p. 136.

60 P & S Laws of 1955, Chap. 2, p. 63.

Personnel of said Authority and the Forest and Fish and Game Departments.

All work carried on by the State in connection with the above shall be in accordance with the best forestry and wild life practices and shall be undertaken having in mind that the sole purpose of the donor in creating this Park is to protect the forests and wild life therein as a great wilderness area unspoiled by Man. Nothing shall be done for the purpose of obtaining income but should there be incidental income it is to be used solely for the care, operation and protection of this Wilderness area.⁶¹

The year's final legislative enactment was P & S Laws of 1955, Chap. 4. This was an act amending, by mutual consent between Baxter and the State of Maine, the deed of gift for Parcel #24 in T6 R9. In that deed of gift Baxter had prohibited hunting and the aircraft from landing on the ground or waters of the 14,005 acre parcel. According to Baxter "it now appears to be in the public interest and for the benefit of the People of the State of Maine" that the above quoted conditions be removed insofar as they apply to this parcel.⁶² Thus, Baxter has decided to permit hunting north of Wadleigh and Trout brooks in T6 R9 and in the entirety of T6 R10.

In his 11 January 1955 letter to Governor Muskie, Baxter elaborated further in noting that "when I learned that the closing of this area [Parcel #24] might be detrimental to the citizens of Patton and surrounding territory who operate stores and camps I was pleased to yield to their appeals."⁶³

The same letter occasioned the following reflection on his quest since 1917 to create a park at Katahdin: "In the years to come when the Forests of our State have been cut off and disappeared, when civilization has encroached upon the land we now refer to as 'Wild Land', this Park will give the people of succeeding generations a living example of what the State of Maine was 'in the good old days' before the song of the woodsman's axe and the whine of the power saw was heard in the land."⁶⁴

In yet another letter to Governor Muskie, dated 17 March 1955, Baxter alluded to his travels to foreign countries where he had observed the benefits of the practice of scientific forestry. He now hoped that a major experiment would yield similar benefits in the State of Maine.⁶⁵

This letter also included his description of three-colored map of BSP that he had placed in the lobby between the Senate Chamber and the Hall of Representatives:

These three colored areas comprise the entire Park. Fishing is allowed throughout the Park but in the red portion hunting is prohibited. In the blue and orange areas hunting is allowed. The new orange area of 3,569 [Parcel #26] is where I suggest that scientific forestry be practiced by the State.

61 *Ibid.*, pp. 63-64.

62 P & S Laws of 1955, Chap. 4, pp. 73-75.

63 Formal Communications (1955), p. 136.

64 *Ibid.*

65 *Ibid.*, pp. 138-139.

When you inspect this map it will be difficult for you to visualize how this has been accomplished, how my numerous purchases have been brought together into one solid area. I myself can hardly realize it. A map showing the different acquisitions both small and large over the years would remind you of your grandmother's patchwork quilt, which finally in some mysterious way came out of the confusion into one large piece."⁶⁶

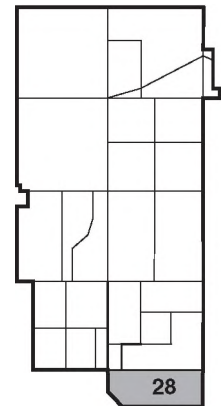
Finally, on 2 May 1955 he wrote Muskie yet again when he presented the entirety of T6 R10 to the state. In Baxter's words: "It contains twenty-five thousand twenty-five (25,025) acres and its acquisition by the State will increase the Park to one hundred ninety-three thousand two hundred fifty-four (193,254) acres, or three hundred and two (302) square miles the same being eight (8) entire townships and a portion of a ninth township on the shore of Matagamon Lake."⁶⁷

1.12

PARCEL #28 (1963) –T2 R9 (7,764 Acres)

P & S Laws of 1963, Chap. 1 (pp. 80-82); and Formal Communications (pp. 143-145)

Governor Baxter's final gift to the state was a 7,764 acre parcel in T2 R9. This parcel included the junction of the Roaring Brook and Millinocket-Sourdnahunc roads just north of the Upper and Lower Togue ponds, including the site of the current Togue Pond Gate. The land was acquired from GNP which reserved the right to timber and use the Togue Pond-Roaring Brook road for access to T3 R9 until 1 December 1973. The conveyance was also subject to three existing camp leases, i.e., the Fin and Feather Club, Abol Pond Scout Camp Committee, and Ronald Budreau et al. The deed of gift listed the following conditions: "1—shall forever be kept for and as a State Forest and Public Park and for Public Recreational Purposes, 2 – shall forever be kept in their natural wild state, 3 – that aircraft forever be forbidden to land on the ground or on the waters of the same."⁶⁸



In Baxter's letter to Governor John Reed, dated 3 January 1963, he noted that:

[t]he acceptance of this gift will add to this Park 7,764 acres of forest land and will complete the record of my 31 years' (1931 – 1962) gifts of 201,018 acres made to and accepted by the people of the State of Maine. . . . It is interesting to note that in my formal letter to Governor Gardiner in 1931, when my first gift was about 6,000 acres, I said "I expect some day to see my ambition realized." (Laws of Maine 1931). This brings to an end an interesting incident in Maine history.⁶⁹

⁶⁶ *Ibid.*, p. 139. See the "BSP Use Zone Legend," below p. 196.

⁶⁷ *Ibid.*, p. 141.

⁶⁸ P & S Laws of 1963, Chap. 1, p. 82.

⁶⁹ Formal Communications (1963), p. 144.

Formal Communications, 1965 (pp. 146-147)

The final document in the Office of the Attorney General's compilation of the deeds of trust and associated formal communications is another letter from Baxter to Governor Reed, dated 1 March 1965. In this letter Baxter made an additional gift of \$1,106,213.42 to the Baxter State Park Trust that he had created with a gift of securities valued at \$488,942.64 as of 31 December 1960. He made this gift "to share with the State in part the cost of caring for, protecting and operating said area of land [BSP] in accordance with the conditions in the several acts of the Legislature accepting said gifts as recorded in the Laws of Maine 1930-1963."⁷⁰

⁷⁰ Formal Communications (1965), p. 147.

Deeds of Trust and Formal Communications of Governor Baxter *

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* This compilation of the Deeds of Trust was assembled by the Office of the Attorney General with hand-pagination, i.e., pp. 1-147. That hand-written pagination is used in the accompanying annotations and elsewhere in this volume.

Chapter 23.

*AN ACT Accepting from Percival Proctor Baxter a Deed of Gift of a Portion of Mount Katahdin.

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

Whereas Percival Proctor Baxter, Governor of the State of Maine, 1921 to 1924 inclusive, has acquired an undivided three-eighths ($\frac{3}{8}$) interest in and to the West two-thirds ($\frac{2}{3}$) of the North two-thirds ($\frac{2}{3}$) of Township three (3), Range nine (9) W. E. L. S. Piscataquis County in this State, within which is situated Mount Katahdin, and

Whereas the said Baxter is desirous that the State of Maine shall become the owner of, and shall forever hold for public park and recreational purposes, that portion of said Township in which is situated the said Mount Katahdin, and

Whereas the said Baxter now offers to donate and convey to the State of Maine his said undivided three-eighths ($\frac{3}{8}$) interest in said Township upon the following conditions, in so far as such conditions can be legally imposed upon an undivided interest, namely: the said tract so donated and conveyed shall forever be used for public park and recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter ever be constructed thereon or therein, and that he be allowed to retain during his lifetime the right to determine, and to place whatever markers or inscriptions shall be maintained or erected on or within the said donated area;

Now therefore, the State of Maine by Act of the Legislature hereby accepts from the said Percival Proctor Baxter the said undivided three-eighths ($\frac{3}{8}$) interest in said West two-thirds ($\frac{2}{3}$) of the North two-thirds ($\frac{2}{3}$) of said Township three (3), Range nine (9) W. E. L. S. Piscataquis County in which is situated the said Mount Katahdin, for public park and recreational purposes, and subject to the conditions above 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 con-

*A message, Percival Proctor Baxter to William Tudor Gardiner, Governor and Senate and House of Representatives accompanied the deed of the above gift and by order of the Senate and House of Representatives is printed in this volume. It will be found immediately following the miscellaneous communications by the Governor.

GIFT OF MOUNT KATAHDIN.

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siderations paid by the State of Maine, the receipt whereof is hereby acknowledged, and in furtherance of my wish that the State of Maine shall become and forever remain the owner of the area of land in which is located Mount Katahdin, do hereby remise, release, bargain, sell, convey and forever QUIT-CLAIM unto the said State of Maine three-eighths ($\frac{3}{8}$) in common and undivided of certain real estate to wit: the West two-thirds ($\frac{2}{3}$) of the North two-thirds ($\frac{2}{3}$) of Township numbered three (3) in the ninth (9) Range, W. E. L. S. in the County of Piscataquis and State of Maine, excluding the soil in the public lots, but including the right to cut the grass and timber upon said public lots, subject however to the following conditions, in so far as such conditions can be legally imposed upon an undivided interest, namely: said premises shall forever be used for public park and recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter ever be constructed therein or thereon, and that the grantor, during his lifetime, retains the right to determine, and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to the State of Maine subject to the above mentioned conditions, in so far as such conditions can be legally imposed upon an undivided interest, and I, the said Baxter, COVENANT with the said State of Maine that I will WARRANT AND DEFEND the said premises to the 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 third day of March in the year of our Lord one thousand nine hundred thirty-one.

PERCIVAL PROCTOR BAXTER L. S.

Signed sealed and delivered
in the presence of
CLEMENT F. ROBINSON

STATE OF MAINE:
CUMBERLAND: SS.

March 3, 1931.

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 Notarial
Notary Public Seal

Approved March 4, 1931.

Chapter 3.

AN ACT Accepting From Percival Proctor Baxter the Conveyance and Deed of Gift of Mount Katahdin.

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

Whereas Percival Proctor Baxter on March third 1931 conveyed to the State of Maine certain real estate to wit: three-eighths ($\frac{3}{8}$) in common and undivided of the West two-thirds ($\frac{2}{3}$) of the North two-thirds ($\frac{2}{3}$) of Township three (3) Range nine (9) W. E. L. S. in the County of Piscataquis and State of Maine, within which is situated Mount Katahdin, the said conveyance being subject to the conditions therein specified, and

Whereas the said State by Act of the Legislature (Chapter 23 of the Private and Special Laws of 1931) Approved March fourth 1931, accepted said conveyance, and

Whereas subsequent to said March 3, 1931 there was effected a division of the said Township under which the said Baxter acquired full title to a certain area of land therein, which said full title he conveyed to the State on October 7, 1931 including in said second conveyance additional land to the extent of three (3) square miles, and

Whereas the said State by its Forest Commissioner accepted said conveyance on said October seventh, approval thereof being given by the Governor and Executive Council and by the Attorney General, all acting under the power conferred upon them by Sections fifteen (15) and sixteen (16) Chapter eleven (11) of the Revised Statutes of 1930, and

Whereas the said Baxter is desirous of having the Governor and the State Legislature as the direct representatives of the People of Maine accept the entire area of nine (9) square miles,

Now therefore the State of Maine by Act of the Legislature hereby accepts from the said Percival Proctor Baxter the land in Township three (3) Range nine (9) W. E. L. S. (Mt. Katahdin) Piscataquis County described in the following deed of conveyance, the same to be forever held by the said State in Trust for the People of Maine for State forest, public park and recreational purposes, and subject to the conditions set forth and expressed in the said 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 wish that the State of Maine shall become and forever remain the owner of the area of land in which is located MOUNT KATAHDIN do hereby remise, release, sell, and forever QUIT-CLAIM unto the said State a parcel of land located in the northerly two-thirds ($\frac{2}{3}$) of Township three (3) Range nine (9) W. E. L. S. in the County of Piscataquis and State of Maine specifically bounded and described as follows: Beginning at the northwest corner of said Township three (3) Range nine (9), thence Easterly as the course may be, along the line between Townships three (3) and four (4) Range nine (9) a distance of two and twenty-five one hundredths (2.25) miles to a point; thence Southerly parallel to the Easterly line of said Township three (3) Range nine (9) a distance of four (4) miles to a point; thence Westerly at a right angle to the Easterly line of said Township a distance of two and twenty-five one hundredths (2.25) miles more or less to a point in the

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DEED OF GIFT OF MOUNT KATAHDIN.

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line between Townships three (3) Ranges nine (9) and ten (10); thence Northerly as the course may be along said line a distance of four (4) miles more or less to the Northwest corner of said Township three (3) Range nine (9) the place begun at, subject however to the following conditions, namely: said premises shall forever be used for State forest, public park and recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter ever be constructed thereon or therein, and that the Grantor, during his lifetime, retains the right to determine, and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to the State of Maine in Trust for the People of Maine forever, subject to the above mentioned conditions, and I the said BAXTER COVENANT with the said State of Maine that I will WARRANT AND DEFEND the said premises to the 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 second day of February in the year of our Lord one thousand nine hundred thirty-three.

Signed, Sealed and Delivered
in the presence of
CLEMENT F. ROBINSON

PERCIVAL PROCTOR BAXTER (Seal)

STATE OF MAINE:
CUMBERLAND: SS

Portland, February 2, 1933.

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,

Notary Public.

NOTARIAL

SEAL

Approved February 9, 1933.

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

Chapter 1

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of 12,000 Acres of Land in Piscataquis County.

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

Whereas, Percival Proctor Baxter of Portland, Cumberland county by deed dated February 2, 1933 donated and conveyed to the state of Maine as trustee in trust certain real estate of an area of 6,000 acres more or less in township 3, range 9, W. E. L. S., Piscataquis county, state of Maine (Mt. Katahdin) the said gift and conveyance being subject to the trust and to the conditions therein specified; and

Whereas, the said state by act of the legislature (chapter 3 of the private and special laws of 1933) approved by the governor February 9, 1933 accepted said conveyance and gift in trust; and

Whereas, said Baxter by deed dated November 9, 1938 donated and conveyed to the state of Maine as trustee in trust certain other real estate of an area of 6,000 acres more or less being the northwest $\frac{1}{4}$ of township 5, range 9, W. E. L. S., Piscataquis county, north of Mt. Katahdin, said gift and conveyance being subject to the trust and to the conditions therein specified; and

Whereas, said last mentioned gift and conveyance was accepted on behalf of and in the name of the state by Hon. Waldo N. Seavey its forest commissioner on November 9, 1938 approval of said acceptance being given by Hon. Franz U. Burkett, attorney general on November 9, 1938 and by Hon. Lewis O. Barröws, governor and the executive councilors on Novem-

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DEED OF GIFT OF 12,000 ACRES OF LAND

CHAP. 1

ber 22, 1938 all acting under the power conferred upon them by section 15 and section 16, chapter 11 of the revised statutes of Maine of 1930; and

Whereas, the said Baxter is desirous of having the governor and the state legislature as the direct representatives of the people of Maine accept the conveyance and deed of gift in trust of the said northwest $\frac{1}{4}$ of township 5, range 9 conveyed by deed of November 9, 1938 and accepted and approved November 9, 1938 and November 22, 1938 respectively as aforesaid; and

Whereas, the said Baxter now further desires to convey and donate to the state of Maine as trustee in trust a 3rd and additional area of 6,000 acres more or less the same being the southeast $\frac{1}{4}$ of said township 5, range 9, W. E. L. S., Piscataquis county;

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 northwest $\frac{1}{4}$ and the southeast $\frac{1}{4}$ of township 5, range 9, W. E. L. S., Piscataquis county, the same containing 12,000 acres more or less together with $\frac{1}{2}$ the right to cut the timber and grass on the public lots in said township all as described in the following deed of conveyance the same to be held forever 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 dollar (\$1.00) 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 northwest one-quarter ($\frac{1}{4}$) and the southeast one-quarter ($\frac{1}{4}$) of said township five (5) range nine (9) W. E. L. S. containing twelve thousand (12,000) acres more or less together with one-half ($\frac{1}{2}$) the right to cut the timber and grass on the public lots in said township subject however to the following conditions namely said land shall forever be used by said state for state forest, public park and public recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds and that the grantor during his

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CHAP. 2

life time retains the right to determine and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed:

To have and to hold the above described premises with all the privileges and appurtenances thereto to the state of Maine as trustee in trust for the benefit of the people of Maine 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 conditions and I the said Baxter covenant with the said state of Maine that I will warrant and defend the said premises to the 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 seventeenth day of January in the year of our Lord one thousand nine hundred thirty-nine.

Signed and Sealed
in the presence of

FRANZ U. BURKETT

PERCIVAL PROCTOR BAXTER (Seal)

STATE OF MAINE:

CUMBERLAND: SS.

Portland, January 17, 1939.

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

Before me

CHARLES J. NICHOLS

Notary Public

(Seal)

Approved January 19, 1939.

CONVEYANCE AND DEED OF GIFT OF PERCIVAL PROCTOR BAXTER 45
CHAP. 122

Chapter 122

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of Four Thousand One Hundred Seventy-four (4,174) Acres of Land in Piscataquis County.

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

Whereas, Percival Proctor Baxter of Portland in the county of Cumberland by deeds dated February second, 1933 and January seventeenth, 1939 donated and conveyed to the state of Maine as trustee in trust certain real estate in townships three (3) and five (5) range nine (9) W. E. L. S. Piscataquis county, state of Maine (Mt. Katahdin) the said gifts and conveyances being subject to the trusts and to the conditions therein specified; and

Whereas, the said state by acts of the legislature (chapter three (3) of the private and special laws of 1933 and chapter one (1) of the private and special laws of 1939) approved by the governor February ninth, 1933 and January nineteenth, 1939 respectively accepted said conveyances and gifts in trust subject to the conditions therein specified; and

Whereas, the said Baxter now desires to convey and donate to the state of Maine as trustee in trust an additional area of approximately four thousand one hundred seventy-four (4,174) acres the same being a portion of the southeast quarter of township three (3), range ten (10), W. E. L. S. Piscataquis county;

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 a portion of the southeast one-quarter of said township three (3), range ten (10), W. E. L. S. Piscataquis county, the same containing four thousand one hundred seventy-four (4,174) acres more or less as described in the following deed of conveyance the same to be held forever 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 dollar (\$1.00) 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 three (3), range ten (10), W. E. L. S. Piscataquis county, Maine:

All that portion of southeast quarter of township three (3), range ten (10), W. E. L. S. Piscataquis county, state of Maine, lying west of a line beginning at a cedar post marked "N. M. L. Co. X 1908" on its northwest face, standing on the south line of said township, and two (2) miles sixty-four (64) rods more or less east of west line of said southeast quarter, thence north eighteen (18°) degrees twenty (20') minutes east three (3) miles eleven (11) rods more or less, parallel to said west line to a spruce post marked "N. M. L. Co. X 1908" on its southwest face, standing in the north line of said southeast quarter, and two (2) miles sixty-four (64) rods more or less east of the northwest corner of said southeast quarter, but not including that portion of Public lot lying in said southeast quarter (See Partition Proceedings recorded in Piscataquis Registry, Vol. 161, page 265); subject to the right of the Great Northern Paper Company, its successors and assigns to pass and re-pass on and over the Millinocket-Sourdnahunc road so-called, which said road passes through the area herein conveyed. This conveyance is made subject to the following 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, shall forever be kept as a sanctuary for wild beasts and birds and that the grantor during his life time retains the right to determine and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed:

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 forever held 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 BAXTER COVENANT with the said state of Maine that I will WARRANT AND DEFEND the said premises to the 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 twenty-second day of July in the year of our Lord one thousand nine hundred forty.

Signed and Sealed
in the presence of

FRANZ U. BURKETT
STATE OF MAINE:
CUMBERLAND : SS.

PERCIVAL PROCTOR BAXTER (Seal)
Portland, July 22, 1940.

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

Approved July 26, 1940

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

Chapter 1

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of twelve thousand (12,000) acres of land in Piscataquis County.

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

WHEREAS, Percival Proctor Baxter of Portland in the county of Cumberland by deeds dated February second, 1933, January seventeenth, 1939 and July twenty-second, 1940, donated and conveyed to the state of Maine as trustee in trust certain real estate in townships three (3) 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) the said gifts and conveyances being subject to the trusts and to the conditions therein specified; and

WHEREAS, the said state by acts of the legislature (chapter three (3) of the private and special laws of 1933, chapter one (1) of the private and special laws of 1939 and chapter one hundred twenty-two (122) of the private and special laws of 1939-1940) approved by the governors February ninth, 1933, January nineteenth, 1939 and July twenty-sixth 1940 respectively accepted said conveyances and gifts in trust subject to the conditions therein specified; and

WHEREAS, the said Baxter now desires to convey and donate to the State of Maine as trustee in trust an additional area of approximately twelve thousand (12,000) acres the same being the westerly half ($\frac{1}{2}$) of township four (4) 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 westerly one-half ($\frac{1}{2}$) of township four (4), 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 held forever 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 dollar (\$1.00) 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 four (4) range nine (9) W. E. L. S. Piscataquis county, Maine:—

the westerly one-half ($\frac{1}{2}$) of township numbered four (4) in the ninth (9th) range of townships west from the east line of said state in the county of Piscataquis in said state including one-half ($\frac{1}{2}$) 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 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, shall forever be kept as a sanctuary for wild beasts and birds and that the grantor during his life time retains the right to determine and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed:

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 forever held 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 BAXTER COVENANT with the said state of Maine that I will WARRANT AND DEFEND the said premises to the 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 eighth day of January in the year of our Lord one thousand nine hundred and forty-one.

Signed and Sealed
in the presence of

NATHANIEL TOMPKINS

PERCIVAL PROCTOR BAXTER (Seal)

STATE OF MAINE:

CUMBERLAND: SS

Portland, January 8, 1941.

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
Notary Public

(NOTARY SEAL)

||

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninetieth Legislature
AT THE
SPECIAL SESSION, JANUARY 12-24, 1942

1942

Supplementary to Private and Special Acts of 1941

Chapter 95

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of Twelve Thousand (12,000) Acres of Land in Township 4, Range 9 W. E. L. S. Piscataquis County.

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

Whereas, Percival Proctor Baxter of Portland in the county of Cumberland by deeds dated March third, 1931, February second, 1933, January seventeenth, 1939, July twenty-second, 1940 and January eighth, 1941, 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) the said gifts and conveyances being subject to the trusts and to the conditions therein specified; and

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Whereas, the said state by acts of the legislature, chapter twenty-three (23) of the private and special laws of 1931, chapter three (3) of the private and special laws of 1933, chapter one (1) of the private and special laws of 1939, chapter one hundred twenty-two (122) of the private and special laws of 1939-1940 and chapter one (1) of the private and special laws of 1941, approved by the governors March fourth, 1931, February ninth, 1933, January nineteenth, 1939, July twenty-sixth, 1940, and January fifteenth, 1941, respectively accepted said conveyances and gifts in trust subject to the conditions therein specified; and

Whereas, the said Baxter now desires to convey and donate to the state of Maine as trustee to be held in trust an additional area of approximately twelve thousand (12,000) acres the same being the easterly half ($\frac{1}{2}$) of township four (4) 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 easterly one-half ($\frac{1}{2}$) of township four (4) 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 held forever 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 dollar (\$1.00) 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 four (4) range nine (9) W. E. L. S. Piscataquis county, Maine:—

the easterly one-half ($\frac{1}{2}$) of township numbered four (4) in the ninth (9th) range of townships west from the east line of said state in the county of Piscataquis in said state including one-half ($\frac{1}{2}$) the right to cut and

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carry away the timber and grass from the public lot in said township. This conveyance is made subject to the following conditions namely said land shall forever be retained and used by the said state for state forest, public park and public recreational purposes, shall forever be left in the natural wild state, shall forever be kept as a sanctuary for wild beasts and birds and that the grantor during his life time retains the right to determine and to place whatever markers or inscriptions shall be maintained or erected on or within the area hereby conveyed:

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 forever held 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 BAXTER COVENANT with the said state of Maine that I will WARRANT AND DEFEND the said premises to the 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 twelfth day of January in the year of our Lord one thousand nine hundred and forty-two.

SIGNED AND SEALED

in the presence of

CHARLES J. NICHOLS

PERCIVAL PROCTOR BAXTER (Seal)

STATE OF MAINE

CUMBERLAND: SS.

Portland, January 12, 1942.

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,
Justice of the Peace.

Effective April 3, 1942

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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DEED OF GIFT

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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-

DEED OF GIFT

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CHAP. 1

ing one-half ($\frac{1}{2}$) 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.

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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

.....

.....

.....

..... (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

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-first Legislature
AT THE
SPECIAL SESSIONS, APRIL 17-19, 1944 AND
SEPTEMBER 18-20, 1944

1944

Supplementary to Private and Special Acts of 1943

Chapter 91

AN ACT Accepting from Percival Proctor Baxter the conveyance and Deed of Gift of twenty-four thousand six hundred and eighty-two (24,682) acres of land in township five (5) range ten (10) W. E. L. S. Piscataquis County, BAXTER STATE PARK.

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

Township five (5) range ten (10) W. E. L. S. Piscataquis County.

WHEREAS, Percival Proctor Baxter of Portland in the county of Cumberland, state of Maine, heretofore has 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, BAXTER STATE PARK,

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), January 13, 1943 (Chapter 1 of the private and special laws of 1943), 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, January 16, 1942 and January 20, 1943, and also

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 nine (9) deeds herein mentioned 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 twenty-four thousand six hundred and eighty-two (24,682) acres the same being all of township five (5) range ten (10) W. E. L. S. Piscataquis County, excepting an area of twenty (20) acres in the southwest quarter of said township owned by and belonging to Charles A. Daisey, together with the right to cut and carry away the timber and grass from the public lot in said township, reserving therefrom the right of the Eastern Corporation, its successors and assigns, to cut and remove from said township the timber and pulpwood as hereinafter described;

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 township five (5), range ten (10) W. E. L. S. Piscataquis County, excepting therefrom the twenty (20) acres in the southwest quarter thereof owned by and belonging to Charles A. Daisey, the same containing twenty-four thousand six hundred and eighty-two (24,682) acres more or less together with 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 being subject, however, to the right of the Eastern Corporation its successors and assigns, to cut and remove from said property the timber and pulpwood growth thereon all as described in the fol-

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lowing deed of conveyance, and the land herein conveyed to said state is to be forever held by the said state as trustee in trust for the benefit of the people of Maine, the same forever to be kept in its natural wild state and for state forest, public park and public recreational purposes and as a sanctuary for wild beasts and birds and also is forever to be held by said state as trustee in trust subject to the conditions and reservations set forth and expressed in the following deed of conveyance.

DEED

I 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 all of township five (5), range ten (10) W. E. L. S. Piscataquis County, Maine, excepting an area of twenty (20) acres in the southwesterly quarter thereof owned by and belonging to Charles A. Daisey, together with the right to cut and carry away the timber and grass from the public lot in said township except as hereinafter provided:

This conveyance is made subject to the following conditions and reservations 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, and furthermore this conveyance also is made subject to the right of the Eastern Corporation its successors and assigns 1- to cut and remove from said property at any time or times all or any part of the timber and pulpwood growth now standing or growing thereon, or hereafter standing or growing thereon within the period beginning April seventeenth (17), nineteen hundred forty-four (1944) and ending August seventh (7), nineteen hundred sixty-five (1965), without the payment to said state of Maine of any stumpage charge or other consideration therefor and 2 - to enter upon said property during said period with a sufficient force of men and equipment to cut and remove the said growth, all as described and reserved in the deed from the Eastern Corporation to Percival P. Baxter, dated August seventh (7), nineteen hundred forty and recorded in Piscataquis Registry of Deeds, book 264, page 425.

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

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held forever in trust for the benefit of the People of the state 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 seventeenth day of April in the year of our Lord one thousand nine hundred forty-four.

Signed and Sealed
in the presence of
ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER (Seal)

State of Maine:SS
Cumberland :

Portland, April 17, 1944.

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

Before me

(Seal)

CHARLES J. NICHOLS
Notary Public.

Effective July 19, 1944

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-second Legislature

1945

Chapter 1

AN ACT ACCEPTING from PERCIVAL PROCTOR BAXTER the Conveyance and Deed of Gift of thirty-five thousand five hundred fifty-four (35,554) acres of land in townships three (3) range nine (9), three (3) range ten (10) and four (4) range ten (10) W. E. L. S. Piscataquis County, BAXTER STATE PARK, State of Maine.

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

Nine thousand two hundred eighty (9,280) ACRES TOWNSHIP THREE (3) RANGE NINE (9), six thousand three hundred fifty-five (6,355) ACRES TOWNSHIP THREE (3) RANGE TEN (10), eight thousand two hundred ninety-nine (8,299) ACRES in common and undivided in TOWNSHIP THREE (3) RANGE TEN (10), eleven thousand six hundred twenty (11,620) ACRES TOWNSHIP FOUR (4) RANGE TEN (10).

WHEREAS Percival Proctor Baxter of Portland in the County of Cumberland, State of Maine, has heretofore 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 townships three (3) and five (5) range ten (10) W. E. L. S. all in the Mount Katahdin area in Piscataquis County, State of Maine, BAXTER STATE PARK (see Laws of Maine 1931-1944), all the said gifts and conveyances being subject to the trusts

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and conditions therein specified, and all the said deeds having been accepted by Acts of the several Legislatures of Maine and approved by the several Governors and all 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 thirty-five thousand five hundred fifty-four (35,554) acres, the same being nine thousand two hundred eighty (9,280) acres in township three (3) range nine (9), six thousand three hundred fifty-five (6,355) acres in township three (3) range ten (10), eight thousand two hundred ninety-nine (8,299) acres in common and undivided in township three (3) range ten (10), and eleven thousand six hundred twenty (11,620) acres in township four (4) range ten (10) W. E. L. S. Piscataquis County together with the right to cut and carry away the timber and grass from the public lots or portions thereof in townships three (3) range nine (9) and three (3) range ten (10) as hereafter described, subject, however, to the right of Harry F. Ross former owner of Bangor to cut and remove the timber from an area of two thousand five hundred sixty (2,560) acres in township three (3) range nine (9) up to February thirteenth (13th), 1946, but not thereafter, and also subject to the right of the Great Northern Paper Company, former owner, 1—to remove the timber from an area of one thousand nine hundred twenty (1,920) acres in township three (3) range nine (9) up to December 28, 1954, and 2—to remove the timber from an area of six thousand one hundred eight (6,108) acres in township four (4) range ten (10) up to December 28, 1969 but not thereafter.

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 in township three (3) range nine (9), township three (3) range ten (10) and township four (4) range ten (10) and the right to the timber and grass on the Public Lot in township three (3) range nine (9) and three-fourths ($\frac{3}{4}$) of the timber and grass on the Public Lot in township three (3) range ten (10) all as described in the following deed of conveyance, the same to be forever held by said State as Trustee in Trust for the benefit of the People of Maine, the same to be forever kept by said State in its natural wild state and free from roads or ways for motor vehicles, horse drawn vehicles and other vehicles except as herein stated, the same to be forever held by said State for state, forest, public park and public recreational purposes and as a sanctuary for wild beasts and birds, 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, but the trusts and conditions herein imposed upon the State of Maine shall

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in no way restrict or interfere with the rights of the co-owners of the land in township three (3) range ten (10) or with the rights of the co-owners in the timber and grass in said township three (3) range ten (10).

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 (\$1.00) 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 forever held 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 townships three (3) range nine (9), three (3) range ten (10) and four (4) range ten (10) W. E. L. S. Piscataquis County, Maine, and the following described rights in the timber and grass in townships three (3) range nine (9) and three (3) range ten (10) all as hereafter described, and subject to the conditions herein imposed;

1—a certain lot or parcel of land situated in township three (3) range nine (9) (twp. 3, R. 9) in Piscataquis County State of Maine, beginning at a point in the westerly line of said township, said point being the southwest corner of the parcel of land heretofore conveyed to Percival P. Baxter the grantor herein by the Great Northern Paper Company by deed dated September 15, 1931, recorded in Piscataquis Registry Book 239, Page 82; thence easterly along the southerly line of said land conveyed to said Baxter in 1931, a distance of one and fifty one hundredths (1.50) miles to a point; thence southerly parallel to the easterly line of said township a distance of two (2) miles more or less to a point in the southerly line of said township; thence westerly as the course may be, along the said southerly line of said township a distance of one and fifty one hundredths (1.50) miles to the southwest corner of said township; thence northerly, as the course may be, along the westerly line of said township a distance of two (2) miles more or less to the point of beginning said parcel of land hereby conveyed containing one thousand nine hundred twenty (1,920) acres more or less the same being subject to the right of the Great Northern Paper Company to cut and remove the timber therefrom up to December 28, 1954, but not thereafter.

2 & 3—Two certain lots or parcels of land situated in township three (3) range nine (9) west of the east line of the State, Piscataquis County,

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State of Maine, the same being designated as "First Lot A" and "Second Lot B" bounded and described as follows:—

FIRST LOT A. (2) Beginning at a point in the northerly line of said township three (3) range nine (9) which said point is the northeast corner of land conveyed to Percival Proctor Baxter by deed of Great Northern Paper Company dated September 15, 1931, recorded in Piscataquis Registry of Deeds in book 239, page 82, and later conveyed to the State of Maine as Trustee in Trust by said Baxter by his deed dated February 2, 1933, recorded in said Piscataquis Registry in book 241, page 303; thence from said point southerly along the easterly line of said land conveyed to said State as Trustee above referred to a distance of two (2) miles to a point; thence easterly parallel with the northerly line of said township three (3) range nine (9) a distance of three and three-quarters ($3\frac{3}{4}$) miles more or less to the easterly line of said township three (3) range nine (9) which said line also is the easterly line of Piscataquis County; thence northerly along the easterly line of said township three (3) range nine (9) and along the said County line a distance of two (2) miles to the northeast corner of township three (3) range nine (9); thence westerly a distance of three and three-quarters ($3\frac{3}{4}$) miles more or less along the northerly line of township three (3) range nine (9) to the point of beginning.

SECOND LOT B. (3)

Beginning at the southwesterly corner of the lot of land first above described as "FIRST LOT A", the said corner being in the easterly line of the said land conveyed to the State of Maine as Trustee by Percival Proctor Baxter by his deed of February 2, 1933 as above mentioned; thence southerly along said easterly line of land of said State a distance of two (2) miles to the southeasterly corner of said land conveyed to said State as aforesaid; thence easterly parallel with the northerly line of said township three (3) range nine (9) a distance of two (2) miles to a point; thence northerly parallel with the easterly line of said township three (3) range nine (9) a distance of two (2) miles to a point in the southerly line of the lot of land herein above described as "FIRST LOT A"; thence westerly along the southerly line of said "FIRST LOT A" above described a distance of two (2) miles to the point of beginning; subject to the right of Harry F. Ross of Bangor for himself and his heirs and assigns to cut, operate and take away the timber and lumber on said "SECOND LOT B" of four (4) square miles in extent for the period ending February 13, 1946, but not thereafter. Said "FIRST LOT A" and "SECOND LOT B" contain seven thousand three hundred sixty (7,360) acres more or less and

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the Grantor herein hereby conveys to the State of Maine the right to cut and carry away the timber and grass from the Public Lot in said township three (3) range nine (9) W. E. L. S.

4—the northwest one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W. E. L. S. Piscataquis County, State of Maine, the same containing six thousand three hundred fifty-five (6,355) acres more or less, subject to the same rights which were excepted and reserved in the deeds from the Great Northern Paper Company to Percival P. Baxter, one dated May 22, 1939 recorded in Piscataquis Registry of Deeds book 262, page 464, and the other dated December 18, 1939 recorded in said Registry book 263, page 262, namely; reserving to the Great Northern Paper Company its successors and assigns, (1) the right to erect and maintain dams, abutments, piers and booms and otherwise improve Sourdnehunk Stream for the purpose of driving logs or pulpwood, and (2) the right to use the Millinocket-Sourdnehunk road so-called, all set forth in the said deeds from said Great Northern Paper Company to said Baxter above referred to.

5—three-fourths ($\frac{3}{4}$) in common and undivided of the right to cut and carry away the timber and grass on the Public Lot in said township three (3) range ten (10) W. E. L. S. Piscataquis County, State of Maine, said three-fourths ($\frac{3}{4}$) represents seven hundred fifty (750) acres more or less;

6—one hundred forty-four two hundredths' fifty-fourths ($\frac{144}{254}$ ths) in common and undivided of the southwest one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W. E. L. S. in Piscataquis County, State of Maine;

7—one hundred forty-four two hundred fifty-fourths ($\frac{144}{254}$ ths) in common and undivided of the northeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W. E. L. S. in Piscataquis County, State of Maine;

8—one hundred forty-four two hundred fifty-fourths ($\frac{144}{254}$ ths) in common and undivided of that portion of the southeast one-quarter ($\frac{1}{4}$) of said township three (3) range ten (10) lying EAST of the following described line, the description of said line being as follows—

Beginning at a cedar post marked "N. M. L. Co. 1908 ¶° X" on its northwest face standing on the south line of said township and two (2) miles sixty-four (64) rods more or less east of the west line of said southeast one-quarter ($\frac{1}{4}$); thence north eighteen (18°) degrees twenty (20) minutes east three (3) miles eleven (11) rods more or less, parallel to the west line to a spruce post marked "N. M. L. C. Co. ¶° X 1908" on its southwest face, standing in the north line of said southeast one-quarter ($\frac{1}{4}$) and

two (2) miles sixty-four (64) rods more or less east of the northwest corner of said southeast one-quarter ($\frac{1}{4}$); the said one hundred forty-four two hundred fifty-fourths ($\frac{144}{254}$ ths) fractional interests in the land in the southwest one-quarter ($\frac{1}{4}$) and in the northeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) and in the strip of land in the southeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) as described in paragraphs numbered six (6), seven (7) and eight (8) herein represent in case of the division of said township an ownership of seven thousand five hundred forty-nine (7,549) acres of land more or less;

9—a certain lot or parcel of land situated in township four (4) range ten (10) (twp. 4, R. 10) in Piscataquis County State of Maine, beginning at the northeast corner of said township; thence southerly as the course may be along the easterly line of said township to the southeast corner thereof; thence westerly as the course may be along the southerly line of said township a distance of two hundred and fourteen (214) chains to a point; thence northerly parallel to the said easterly line a distance of one hundred fifty-four (154) chains to a point; thence easterly parallel to said southerly line to a point in the height of land forming the westerly bound of the watershed of Wassataquoick Stream; thence northerly along the said height of land to the northerly line of said township; thence easterly as the course may be along said northerly line to place of beginning, containing five thousand five hundred and twelve (5,512) acres more or less.

10—a certain lot or parcel of land situated in township four (4) range ten (10) in Piscataquis County State of Maine, bounded and described as follows:

Beginning at a point in the northerly line of said township which point is the northwesterly corner of the lot of land conveyed to Percival P. Baxter by the Great Northern Paper Company by deed dated February 15, 1939, recorded in the Piscataquis Registry of Deeds in Book 260, page 497; thence westerly along the northerly line of said township to a point in the center of said northerly line, i. e. to the point that is midway between the northeasterly and the northwesterly corners of said township; thence southerly by the center line of said township a distance of six (6) miles, more or less to a point in the center of said southerly line of said township; thence easterly along said southerly line to the southwest corner of the land conveyed to said Baxter by said Great Northern Paper Company by said deed of February 15, 1939; thence northerly and easterly and northerly along the line of said Baxter land to the northerly line of said township and the point of beginning meaning and intending to convey to said State of Maine all the easterly one-half ($\frac{1}{2}$) of said township four (4) range ten (10) not previously conveyed to said Baxter by said deed of the

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Great Northern Paper Company dated February 15, 1939, containing six thousand one hundred eight (6,108) acres, more or less, subject to the right of the said Great Northern Paper Company its successors and assigns, to cut and remove the merchantable timber and standing growth on the land herein conveyed up to and including DECEMBER 28th, 1969, and not thereafter.

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 forever held in Trust for the People of Maine upon the following conditions,

(1) that the premises HEREIN donated and conveyed to the State of Maine together with all the lands HERETOFORE donated and conveyed to said State in township three (3), township four (4) and township five (5) range nine (9) and in township three (3) and township five (5) range ten (10) by the grantor herein, forever shall be kept for and as a State forest and public park and for public recreational purposes ;

(2) that the said WITHIN donated and conveyed premises and also the said premises HERETOFORE donated and conveyed forever shall be kept in their natural wild state and as a sanctuary for wild beasts and birds, that the use of fire-arms, trapping and hunting, not including fishing, shall be forever prohibited within the same, and also that air-craft be forbidden to land on the ground or on the waters within the same;

(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 said 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 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-Sourdnhunk 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

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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

C—that the conditions and reservations imposed upon the State of Maine in this Deed of Gift and conveyance shall in no way restrain or interfere with the rights of the co-owners with the State in the land in township three (3) range ten (10) or with the rights of the co-owners with the State in the Public Lot in said township three (3) range ten (10), and I the said PERCIVAL PROCTOR BAXTER covenant with the 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 second day of January in the year of our Lord one thousand nine hundred forty-five.

Signed and Sealed
in the presence of
ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER (Seal)

State of Maine:

Cumberland : SS

Portland, January 2, 1945

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

Before me

(Notarial Seal)

CHARLES J. NICHOLS
Notary Public

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 (\$1.00) 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 forever held by the State as Trustee in Trust for the benefit of the People

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of Maine do hereby remise, release, sell and forever quit-claim unto the said State of Maine the following described land in townships three (3) range nine (9), three (3) range ten (10) and four (4) range ten (10) W. E. L. S. Piscataquis County, Maine, and the following described rights in the timber and grass in townships three (3) range nine (9) and three (3) range ten (10) all as hereafter described, and subject to the conditions herein imposed;

1—a certain lot or parcel of land situated in township three (3) range nine (9) (twp. 3, R 9) in Piscataquis County State of Maine, beginning at a point in the westerly line of said township, said point being the southwest corner of the parcel of land heretofore conveyed to Percival P. Baxter the grantor herein by the Great Northern Paper Company by deed dated September 15, 1931, recorded in Piscataquis Registry Book 239, Page 82; thence easterly along the southerly line of said land conveyed to said Baxter in 1931, a distance of one and fifty one hundredths (1.50) miles to a point; thence southerly parallel to the easterly line of said township a distance of two (2) miles more or less to a point in the southerly line of said township; thence westerly as the course may be, along the said southerly line of said township a distance of one and fifty one hundredths (1.50) miles to the southwest corner of said township; thence northerly, as the course may be, along the westerly line of said township a distance of two (2) miles more or less to the point of beginning said parcel of land hereby conveyed containing one thousand nine hundred twenty (1,920) acres more or less the same being subject to the right of the Great Northern Paper Company to cut and remove the timber therefrom up to December 28, 1954, but not thereafter.

2 & 3—Two certain lots or parcels of land situated in township three (3) range nine (9) west of the east line of the State, Piscataquis County, State of Maine, the same being designated as "First Lot A" and "Second Lot B" bounded and described as follows:—

FIRST LOT A. (2) Beginning at a point in the northerly line of said township three (3) range nine (9) which said point is the northeast corner of land conveyed to Percival Proctor Baxter by deed of Great Northern Paper Company dated September 15, 1931, recorded in Piscataquis Registry of Deeds in book 239, page 82, and later conveyed to the State of Maine as Trustee in Trust by said Baxter by his deed dated February 2, 1933, recorded in said Piscataquis Registry in book 241, page 303; thence from said point southerly along the easterly line of said land conveyed to said State as Trustee above referred to a distance of two (2) miles to a point; thence easterly parallel with the northerly line of said township three (3)

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range nine (9) a distance of three and three-quarters ($3\frac{3}{4}$) miles more or less to the easterly line of said township three (3) range nine (9) which said line also is the easterly line of Piscataquis County; thence northerly along the easterly line of said township three (3) range nine (9) and along the said County line a distance of two (2) miles to the northeast corner of township three (3) range nine (9); thence westerly a distance of three and three-quarters ($3\frac{3}{4}$) miles more or less along the northerly line of township three (3) range nine (9) to the point of beginning.

SECOND LOT B. (3)

Beginning at the southwesterly corner of the lot of land first above described as "FIRST LOT A", the said corner being in the easterly line of the said land conveyed to the State of Maine as Trustee by Percival Proctor Baxter by his deed of February 2, 1933 as above mentioned; thence southerly along said easterly line of land of said State a distance of two (2) miles to the southeasterly corner of said land conveyed to said State as aforesaid; thence easterly parallel with the northerly line of said township three (3) range nine (9) a distance of two (2) miles to a point; thence northerly parallel with the easterly line of said township three (3) range nine (9) a distance of two (2) miles to a point in the southerly line of the lot of land herein above described as "FIRST LOT A"; thence westerly along the southerly line of said "FIRST LOT A" above described a distance of two (2) miles to the point of beginning; subject to the right of Harry F. Ross of Bangor for himself and his heirs and assigns to cut, operate and take away the timber and lumber on said "SECOND LOT B" of four (4) square miles in extent for the period ending February 13, 1946, but not thereafter. Said "FIRST LOT A" and "SECOND LOT B" contain seven thousand three hundred sixty (7,360) acres more or less and the Grantor herein hereby conveys to the State of Maine the right to cut and carry away the timber and grass from the Public Lot in said township three (3) range nine (9) W. E. L. S.

4—the northwest one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W. E. L. S. Piscataquis County, State of Maine, the same containing six thousand three hundred fifty-five (6,355) acres more or less, subject to the same rights which were excepted and reserved in the deeds from the Great Northern Paper Company to Percival P. Baxter, one dated May 22, 1939, recorded in Piscataquis Registry of Deeds book 262, page 464, and the other dated December 18, 1939, recorded in said Registry book 263, page 262, namely; reserving to the Great Northern Paper Company its successors and assigns, (1) the right to erect and maintain dams, abutments, piers and booms and otherwise improve Sourdnhunk Stream for

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the purpose of driving logs or pulpwood, and (2) the right to use the Millinocket-Sourdnahunk road so-called, all set forth in the said deed from said Great Northern Paper Company to said Baxter above referred to.

5—three-fourths ($\frac{3}{4}$) in common and undivided of the right to cut and carry away the timber and grass on the Public Lot in said township three (3) range ten (10) W. E. L. S. Piscataquis County, State of Maine, said three-fourths ($\frac{3}{4}$) represents seven hundred fifty (750) acres more or less;

6—one hundred forty-four two hundred fifty-fourths ($\frac{144}{254}$ ths) in common and undivided of the southwest one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W. E. L. S. in Piscataquis County, State of Maine;

7—one hundred forty-four two hundred fifty-fourths ($\frac{144}{254}$ ths) in common and undivided of the northeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W. E. L. S. in Piscataquis County, State of Maine;

8—one hundred forty-four two hundred fifty-fourths ($\frac{144}{254}$ ths) in common and undivided of that portion of the southeast one-quarter ($\frac{1}{4}$) of said township three (3) range ten (10) lying EAST of the following described line, the description of said line being as follows—

Beginning at a cedar post marked "N. M. L. Co. 1908 $\frac{1}{4}$ ° X" on its northwest face standing on the south line of said township and two (2) miles sixty-four (64) rods more or less east of the west line of said southeast one-quarter ($\frac{1}{4}$); thence north eighteen (18°) degrees twenty (20) minutes east three (3) miles eleven (11) rods more or less, parallel to the west line to a spruce post marked "N. M. L. Co. $\frac{1}{4}$ ° X 1908" on its southwest face, standing in the north line of said southeast one-quarter ($\frac{1}{4}$) and two (2) miles sixty-four (64) rods more or less east of the northwest corner of said southeast one-quarter ($\frac{1}{4}$); the said one hundred forty-four two hundred fifty-fourths ($\frac{144}{254}$ ths) fractional interests in the land in the southwest one-quarter ($\frac{1}{4}$) and in the northeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) and in the strip of land in the southeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) as described in paragraphs numbered (6), seven (7) and eight (8) herein represent in case of the division of said township an ownership of seven thousand five hundred forty-nine (7,549) acres of land more or less;

9—a certain lot or parcel of land situated in township four (4) range ten (10) (twp. 4, R 10) in Piscataquis County State of Maine, beginning

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at the northeast corner of said township; thence southerly as the course may be along the easterly line of said township to the southeast corner thereof; thence westerly as the course may be along the southerly line of said township a distance of two hundred and fourteen (214) chains to a point; thence northerly parallel to the said easterly line a distance of one hundred fifty-four (154) chains to a point; thence easterly parallel to said southerly line to a point in the height of land forming the westerly bound of the watershed of Wassataquoick Stream; thence northerly along the said height of land to the northerly line of said township; thence easterly as the course may be along said northerly line to place of beginning, containing five thousand five hundred and twelve (5,512) acres more or less.

10—a certain lot or parcel of land situated in township four (4) range ten (10) in Piscataquis County State of Maine, bounded and described as follows:

Beginning at a point in the northerly line of said township which point is the northwesterly corner of the lot of land conveyed to Percival P. Baxter by the Great Northern Paper Company by deed dated February 15, 1939, recorded in Piscataquis Registry of Deeds in Book 260, page 497; thence westerly along the northerly line of said township to a point in the center of said northerly line, i. e. to the point that is midway between the northeasterly and the northwesterly corners of said township; thence southerly by the center line of said township a distance of six (6) miles, more or less to a point in the center of said southerly line of said township; thence easterly along said southerly line to the southwest corner of the land conveyed to said Baxter by said Great Northern Paper Company by said deed of February 15, 1939; thence northerly and easterly and northerly along the line of said Baxter land to the northerly line of said township and the point of beginning meaning and intending to convey to said State of Maine all the easterly one-half ($\frac{1}{2}$) of said township four (4) range ten (10) not previously conveyed to said Baxter by said deed of the Great Northern Paper Company dated February 15, 1939, containing six thousand one hundred eight (6,108) acres, more or less, subject to the right of the said Great Northern Paper Company its successors and assigns, to cut and remove the merchantable timber and standing growth on the land herein conveyed up to and including DECEMBER 28th, 1969, and not thereafter.

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 forever held in Trust for the People of Maine upon the following conditions,

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(1) that the premises HEREIN donated and conveyed to the State of Maine together with all the lands HERETOFORE donated and conveyed to said State in township three (3), township four (4) and township five (5) range nine (9) and in township three (3) and township five (5) range ten (10) by the grantor herein, forever shall be kept for and as a State forest and public park and for public recreational purposes;

(2) that the said WITHIN donated and conveyed premises and also the said premises HERETOFORE donated and conveyed forever shall be kept in their natural wild state and as a sanctuary for wild beasts and birds, that the use of fire-arms, trapping and hunting, not including fishing, shall be forever prohibited within the same, and also that air-craft be forbidden to land on the ground or on the waters within the same;

(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, horsedrawn 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 townships 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

A—the Millinocket-Sourdnhunk 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

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

C—that the conditions and reservations imposed upon the State of Maine in this Deed of Gift and conveyance shall in no way restrain or interfere with the rights of the co-owners with the State in the land in township three (3) range ten (10) or with the rights of the co-owners with the

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State in the Public Lot in said township three (3) range ten (10), and I the said PERCIVAL PROCTOR BAXTER covenant with the 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 second day of January in the year of our Lord one thousand nine hundred forty-five.

Signed and Sealed
in the presence of
ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER (Seal)

STATE OF MAINE:
CUMBERLAND: SS

Portland, January 2, 1945

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,
Notary Public.
NOTARIAL
SEAL

Effective July 21, 1945

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

Chapter 1

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of Ten Thousand Seven Hundred Forty (10,740) Acres of Land in the West One-Half ($\frac{1}{2}$) of Township Four (4) Range Ten (10) W.E.L.S. Piscataquis County Baxter State Park, State of Maine.

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

Ten Thousand Seven Hundred Forty (10,740) Acres Township Four (4) Range Ten (10) W.E.L.S. Piscataquis County, State of Maine:

WHEREAS, PERCIVAL PROCTOR BAXTER of Portland in the County of Cumberland, State of Maine, has heretofore 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 townships three (3), four (4) and five (5) range ten (10) W.E.L.S. all in the Mount Katahdin area in Piscataquis County, State of Maine, and known as BAXTER STATE PARK, all the said gifts and conveyances being subject to the trusts and conditions therein specified;

WHEREAS, all of the above mentioned gifts of land have been accepted by the State of Maine as trustee in trust subject to the Trusts and conditions therein specified, according to the following list of the Acts of Acceptance (1931-1947 inclusive), all of which have been passed by the Several Legislatures of Maine and Approved by the Several Governors in

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office at the time of said Acceptances and all the same having been recorded in the Piscataquis Registry of Deeds as listed in the following schedules:

Acts of Acceptance and Communications to Governors and Legislatures:

1931-1947.

Item:		Location	Area
1.	Laws of Maine 1931 P. & S. Chap. 23, page 346 Communication Mar. 3, 1931, page 725 This 3840 acre tract is included in the larger area in Item 2.	Township 3, Range 9 Book 236 Page 438	
2.	Laws of Maine 1933 P. & S. Chap. 3, page 460 Communication Feb. 2, 1933, page 859 includes 3840 acres in Item 1, & is same land as in Item 11.	Township 3, Range 9 Book 241 Page 303	5960
3.	Laws of Maine 1939 P. & S. Chap. 1, page 337 Communication Jan. 17, 1939, page 846 includes 5754 acres in Item 12.	Township 5, Range 9 Book 260 Page 457	11508
4.	Laws of Maine 1941 P. & S. Chap. 122, page 45 1940 Session Communication July 23, 1940, page 698	Township 3, Range 10 Book 264 Page 438	4174
5.	Laws of Maine 1941 P. & S. Chap. 1, page 403 Communication Jan. 8, 1941, page 760	Township 4, Range 9 Book 264 Page 379	11441
6.	Laws of Maine 1943 P. & S. Chap. 95, Page 61 1942 Session Communication Jan. 12, 1942, page 700	Township 4, Range 9 Book 202 Page 202	11441
7.	Laws of Maine 1943 P. & S. Chap. 1, page 451 Communication Jan. 13, 1943, page 703 Mackworth Island, Falmouth, 100 acres, included in this Act of Acceptance but not in the 11508 acreage.	Township 5, Range 9 Book 203 Page 334	11508
8.	Laws of Maine 1945 P. & S. Chap. 91, page 11 1944 Session Communication Apr. 17, 1944, page 982	Township 5, Range 10 Book 273 Page 88	24702
9.	Laws of Maine 1945 P. & S. Chap. 1, page 523 Communication Jan. 2, 1945, page 985	Township 3, Range 9 Township 3, Range 10 Township 4, Range 10 Book 285 Page 84	9280 14654 11620
10.	Laws of Maine 1947 P. & S. Chap. page Communication Jan. 8, 1947, page	Township 4, Range 10 To be recorded	10740
			127028

DEED OF LAND FOR BAXTER STATE PARK 561
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Deeds of Gift under Section 15/16, Chap. 11: Revised Statutes of 1930 as Accepted by the Forest Commissioner and Governor and Council: later Accepted by the Legislatures and Approved by the Governor under Item 2 and Item 3.

- | | |
|-------------------------------------|---------------------|
| 11. Deed dated Oct. 7, 1931 | Township 3, Range 9 |
| this 3960 acre tract is the same | Book 239 Page 109 |
| tract as in Item 2 | |
| 12. Deed dated Nov. 9, 1938 | Township 5, Range 9 |
| this 5754 acre tract is included in | Book 260 Page 388 |
| the larger area in Item 3 | |

and

WHEREAS, the said Baxter now desires to convey and donate to the State of Maine as Trustee to be held by the said State in Trust, an additional area of ten thousand seven hundred forty (10,740) acres in township four (4) range ten (10) W.E.L.S. in said County together with 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 PERCIVAL PROCTOR BAXTER by Deed of Gift and conveyance the land in township four (4) range ten (10), and the right to cut and carry away the timber and grass on the Public Lot in said township, all as described in the following deed of conveyance, the same to be forever held by said State as TRUSTEE in TRUST for the benefit of the PEOPLE of MAINE, the same forever to be kept by said State in its natural wild state and free from roads or ways for motor vehicles, horse-drawn vehicles and other vehicles except as herein stated, the same to be forever held by said State for state forest, public park and public recreational purposes and as a sanctuary for wild beasts and birds, and also forever to be held 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 forever held by said State as TRUSTEE in TRUST for the benefit of the PEOPLE of MAINE do hereby remise, release, sell and forever quit-

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claim unto the said State of Maine the following described land in township four (4) range ten (10) W.E.L.S. Piscataquis County, Maine, together with the right to cut and carry away the timber and grass in said township, all as hereinafter described and subject to the conditions herein imposed; to wit

A PART of the West one-half ($\frac{1}{2}$) of the township four (4) range ten (10) W.E.L.S. Piscataquis County, Maine, bounded and described as follows, to wit:

BEGINNING AT A POINT in the north town line of township four (4) range ten (10) said point being eighty (80) chains east of the northwest corner of said town; thence southerly parallel with west town line one hundred and ten (110) chains to a point; thence at right angles westerly eighty (80) chains to the west town line of township four (4) range ten (10); thence southerly on the west town line to the southwest corner of said town; thence easterly a distance of three thousand six hundred ninety-eight (3,698) feet more or less on the north line of township three (3) range eleven (11) to a point in the west line of township three (3) range ten (10); thence northerly along the west town line of township three (3) range ten (10) twenty-eight hundred (2800) feet more or less to the northwest corner of township three (3) range ten (10); thence easterly on the south town line of said township four (4) range ten (10) to the center line of said town; thence northerly along said center line to the north town line; thence westerly along north town line to the point of beginning, together with the timber and grass on the Public Lot in said township four (4) range ten (10), being the same premises conveyed to the grantor herein under the same description as in the deed of the said Great Northern Paper Company to said Percival Proctor Baxter dated October 23, 1946 and recorded in Piscataquis Registry of Deeds book 280, page 456 to which reference is had for said description;

EXCEPTING and RESERVING to the Great Northern Paper Company its successors and assigns the right to cut and remove the merchantable timber and standing growth on the land herein conveyed up to and including October 15, 1951 and not thereafter, and also excepting and reserving to said Paper Company its successors and assigns any and all rights it now has to erect and maintain dams, abutments, piers and booms or otherwise improve Sourdnehunk Stream for the purpose of driving logs or pulpwood, and also excepting and reserving to said Paper Company its successors and assigns, the right to use that portion of the Millinocket-Sourdnehunk Tote Road that now passes through the southwesterly section of said township four (4) range ten (10) said portion beginning at the northerly line of township three (3) range ten (10) and extending

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northerly to Sourdnehunk Field or Pasture and thence extending westerly across Sourdnehunk Stream to the easterly line of township four (4) range eleven (11) where said Tote Road connects with the Ripogenus Road;

the said described reservations and exceptions being those reserved and excepted to said Paper Company in the deed from said Paper Company to the Grantor herein, PERCIVAL PROCTOR BAXTER, dated October 23, 1946 and recorded in Piscataquis Registry of Deeds, book 280, page 456.

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 forever held in Trust for the People of Maine upon the following CONDITIONS that the premises herein donated and conveyed to the State of Maine

1 - forever shall be kept for and as a state forest and public park and for public recreational purposes;

2 - forever shall be kept in their natural wild state and as a sanctuary for wild beasts and birds;

3 - that the use of firearms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same;

4 - that aircraft forever be forbidden to land on the ground or on the waters within the same; and

5 - that no roads or ways for motor vehicles, horsedrawn 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-Sourdnehunk Tote Road so called as now constructed as a single track graveled surfaced road with frequent turnouts, 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 Sourdnehunk Field or Pasture and thence extending westerly across Sourdnehunk Stream to the easterly line of township four (4) range eleven (11) where it connects with the Ripogenus Road, and I the said PERCIVAL PROCTOR BAXTER COVENANT with the 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

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eighth day of January in the year of our Lord one thousand nine hundred forty-seven.

Signed and Sealed
in the presence of

ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER (Seal)

State of Maine: SS

Cumberland :

Portland, January 8, 1947

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 (Notarial Seal)
Notary Public

Effective August 13, 1947

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Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

Chapter 1

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of Six Thousand Two Hundred Forty-seven (6,247) Acres and Five Hundred Thirty-six (536) Acres of Land in Township Six (6) Range Nine (9) W.E.L.S. Piscataquis County, and One Thousand Four Hundred Eighty-six (1,486) Acres of Land in Township Six (6) Range Eight (8) W.E.L.S. Penobscot County, and Also Accepting from Percival Proctor Baxter as Trustee the Conveyance and Deed of Gift of Six Thousand Seventeen (6,017) Acres of Land in Township Three (3) Range Ten (10) W.E.L.S. Piscataquis County, Baxter State Park, all in the State of Maine.

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

WHEREAS, Percival Proctor Baxter of Portland in the County of Cumberland State of Maine has heretofore 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 townships three (3), four (4) and five (5) range ten (10) all W.E.L.S. in the Mount Katahdin area in Piscataquis County, State of Maine and known as BAXTER STATE PARK, all the said Gifts and Conveyances being subject to the Trusts and Conditions specified in the said Deeds of Conveyance; and

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WHEREAS, all of the above mentioned Gifts of land have been accepted by the State of Maine as Trustee in Trust subject to the Trusts and Conditions therein specified, the list of said Gifts being recorded in Chapter 1 Private and Special Laws of 1947; and

WHEREAS, the said Baxter both as an individual and as Trustee now desires to convey and donate to the State of Maine as Trustee to be held by the said State in Trust, four (4) additional areas or parcels of land, two (2) of said areas being in Piscataquis County in township six (6) range nine (9) containing six thousand two hundred forty-seven (6,247) acres and five hundred thirty-six (536) acres respectively, one (1) of said areas of land being in township six (6) range eight (8) Penobscot County containing one thousand four hundred eighty-six (1,486) acres and one of said areas of land being in township three (3) range ten (10) Piscataquis County, containing six thousand seventeen (6,017) acres, all W.E.L.S.;

NOW THEREFORE the State of Maine by Act of the Legislature hereby accepts from Percival Proctor Baxter by Deeds of Gifts and Conveyances the said lands in township six (6) range nine (9), in township six (6) range eight (8), and in township three (3) range ten (10) all as described in the following Deeds of Conveyance, the same to be forever held by said State as TRUSTEE in TRUST for the benefit of the PEOPLE of MAINE, the same to be forever kept by said State in its natural wild state, the same to be forever held by said State for State Forest, Public Park and Public Recreational purposes and as a Sanctuary for wild beasts and birds, also forever to be held by said State as Trustee in Trust subject to the conditions set forth and expressed in the following Deeds of Conveyance.

DEED of PERCIVAL PROCTOR BAXTER

6,247 ACRES and 536 ACRES in TOWNSHIP 6 RANGE 9 PISCATAQUIS COUNTY and 1,486 ACRES in TOWNSHIP 6 RANGE 8 PENOBSCOT COUNTY.

KNOW ALL MEN BY THESE PRESENTS that I Percival Proctor Baxter of Portland, County of Cumberland, State of Maine in consideration of one dollar (\$1.00) 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 forever held by said State as TRUSTEE in TRUST for the benefit of the PEOPLE of MAINE, do hereby remise, release, sell and forever quit-claim unto said State of Maine the following described three (3) parcels of land in township six (6) range nine (9) Piscataquis County W.E.L.S. Maine, and in township six (6)

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range eight (8) Penobscot County W.E.L.S. Maine, all as hereinafter described, and subject to the conditions as herein imposed: to wit

PARCEL 1—6,247 ACRES TOWNSHIP 6 RANGE 9

Certain real estate situate in the County of Piscataquis State of Maine and being located in the southeast corner of township six (6) range nine (9) bounded and described as follows:

The southeasterly portion of township six (6) range nine (9) Piscataquis County W.E.L.S. State of Maine, bounded and described as follows:

Beginning at the southeast corner of township six (6) range nine (9) W.E.L.S. Piscataquis County; thence westerly along the south line of said township six (6) a distance of four (4) miles more or less, to the southeast corner of lot No. 32 in said township; thence northerly along the east line of said Lot No. 32 and along the east line of Lot No. 26 in said township six (6) to Trout Brook so called both said Lots No. 32 and No. 26 formerly belonging to the Great Northern Paper Company; thence from the point where the east line of Lot No. 26 intersects said Trout Brook by and along the thread of said Trout Brook in a northeasterly direction following the meanderings of its course to a point in the First Grand Lake so called where said Trout Brook enters said Lake; thence easterly in a straight line parallel with said south line of said township six (6) range nine (9) across said Lake to the dividing line between said township six (6) range nine (9) and township six (6) range eight (8); thence southerly along said dividing line to the southeasterly corner of said township six (6) range nine (9) the point of beginning. The same containing six thousand three hundred eighty-three (6,383) acres more or less.

There is, however, expressly and specifically excepted and reserved to the Eastern Corporation its successors and assigns, the following properties, rights and easements, namely:

TROUT BROOK FARM (136 ACRES)

1—the following described land being that part of Trout Brook Farm properties lying within the granted premises as above described, the same being bounded and described as follows: Commencing at a point on the southerly bank of Trout Brook and on the fence line at the west end of the McCarthy Field so called on Trout Brook Farm; thence in a generally easterly direction following the various courses of said fence line fifty-two (52) chains more or less to a point at an angle in said fence line near the west edge of the pasture on said farm; thence south 21° west twenty-five (25) chains to a point; thence south 67° east (in a course par-

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allel to the south line of the town) twenty (20) chains to a point; thence north 21° east (in a course parallel with the east line of the town) fifty-six (56) chains more or less to a point on the southerly bank of said Trout Brook; thence in a generally southwesterly direction following the south bank of said Brook to the point of beginning, containing one hundred thirty-six (136) acres more or less and known as Trout Brook Farm, which said one hundred thirty-six (136) acres are subject to the right of the State of Maine to use in common with others lawfully entitled thereto for all purposes of a way that portion of Trout Brook Road so called that crosses the above described reserved parcel of one hundred thirty-six (136) acres all as provided in Deed of Eastern Corporation to Percival Proctor Baxter of August 30, 1947, recorded in Piscataquis Registry book 289, page 174, and THIS CONVEYANCE of said 6,247 acres also is made subject to all the rights, privileges and easements excepted and reserved to said Eastern Corporation in said Deed to said Baxter dated August 30, 1947 and recorded as aforesaid and SUBJECT ALSO to the right of the Garfield Land Company and others to use the said Trout Brook Road in said township six (6) range nine (9) as described in the PERMISSION given by said Baxter dated December 12, 1947 and recorded in Piscataquis Registry book 289, page 334, to both of which Deeds reference is hereby made for a more particular description.

PARCEL 2—536 ACRES TOWNSHIP 6 RANGE 9

Certain land situate in township six (6) range nine (9) W.E.L.S. County of Piscataquis State of Maine, bounded and described as follows, viz:

Beginning at the southwest corner of township six (6) range nine (9) W.E.L.S.; thence north along the west line of township six (6) range nine (9) to the center of Wadleigh Brook; thence east and northeast along the thread of Wadleigh Brook and Trout Brook to the point in the east line of Lot No. 26 where said Trout Brook crosses said east line; thence southerly on the east line of lots 26 and 32 to the south line of said township; thence westerly along said township line to the point of beginning. Said parcel containing five hundred thirty-six (536) acres more or less, and the same is subject to certain easements and other rights granted by the within named Percival Proctor Baxter to the within named Eastern Corporation by deed dated November 1, 1948 recorded in Piscataquis Registry book 290 page 380 to which reference is made for a more particular description.

PARCEL 3—1486 ACRES TOWNSHIP 6 RANGE 8

Nineteen twentieths (19/20ths) in common and undivided in and to two (2) certain lots or parcels of land in township six (6) range eight (8)

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W.E.L.S. in the County of Penobscot and State of Maine, being all wild lands, bounded and described as follows:

FIRST LOT OF PARCEL 3: Beginning at the southwest corner of said township; thence running north along the west line of said township which is also the east line of land conveyed to the Grantor herein by Eastern Corporation by Deed dated August 30, 1947, and recorded in the Piscataquis County Registry of Deeds in book 289, page 174, three miles more or less to a small cove on the west side of First Grand Lake so called; thence running easterly and southerly along the west shore of said Lake to the point where the said west shore intersects the north line of the Dam Lot so called which was conveyed to the East Branch Dam Company by Deed dated October 28, 1902 and recorded in the Penobscot County Registry of Deeds in book 727, page 335, and reputed to be now owned by the East Branch Improvement Company; thence running west along the north line of said Dam Lot to the northwest corner thereof; thence running south along the west line of said Dam Lot to the southwest corner thereof; thence running east along the south line of said Dam Lot to the East Branch of the Penobscot River; thence running south by said East Branch to a point in the south line of said township where the said East Branch intersects the same; thence running west along the said south line of said township to the point of beginning.

SECOND LOT OF PARCEL 3: A small point of land, likewise part of said township six (6) range eight (8) W.E.L.S. located immediately north of the northwest corner of said FIRST LOT hereinbefore described, and bounded on the west by the west line of said township, on the north and east by said First Grand Lake and on the south by the said small cove immediately north of the parcel hereinbefore described. The two (2) parcels or lots hereby conveyed contain one thousand four hundred eighty-six (1,486) acres more or less:

The CONVEYANCE of said FIRST and SECOND LOTS of Parcel 3 is made subject to all the rights, privileges and easements excepted and reserved to the Garfield Land Company, a Maine Corporation, and to the other Grantors in said Garfield Deed to said Baxter dated December 12, 1947 and recorded in Penobscot Registry book 1282, page 2, and the said lots also are subject to the flowage rights conveyed to the East Branch Dam Company by Deed dated October 28, 1902 recorded in Penobscot Registry book 727, page 335, and the said lots also are subject to certain easements and other rights granted by the within named Percival Proctor Baxter to the within named Eastern Corporation by Deed dated November 1, 1948, recorded in Penobscot Registry of Deeds volume 1295, page 1 to which Deeds reference is made for a more particular description.

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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 forever held in Trust for the PEOPLE of MAINE upon the following conditions, that the premises herein donated and conveyed to the State of Maine, 1—shall forever be kept for and as a State Forest and Public Park and for Public Recreational Purposes, 2—shall forever be kept in their natural wild state and as a sanctuary for wild beasts and birds, 3—that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same, 4—that air-craft forever be forbidden to land on the ground or on the waters within the same, and I the said Percival Proctor Baxter COVENANT with the State of Maine that I will Warrant and Defend the said premises to the said 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 third day of January in the year of our Lord one thousand nine hundred forty-nine.

Signed and Sealed in the presence of
ALICE M. GURNEY.

PERCIVAL PROCTOR BAXTER.
Seal

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,
Notary Public.

Seal

DEED of 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.

PARCEL 4—6,017 ACRES TOWNSHIP 3 RANGE 10, PISCATAQUIS
COUNTY

KNOW ALL MEN BY THESE PRESENTS that I PERCIVAL
PROCTOR BAXTER of Portland County of Cumberland, State of Maine,
as TRUSTEE UNDER A DECREE of Honorable Raymond Fellows, Jus-

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rice of the Supreme Judicial Court of the State of Maine in Equity, dated August 11, 1948, and recorded in Piscataquis County Registry book 294, page 44, and IN COMPLIANCE with the mandate of said Decree and also IN CONSIDERATION of one dollar (\$1.00) and other valuable considerations paid by the State of Maine, and also 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 forever held by said State as Trustee in Trust for the benefit of the PEOPLE of MAINE, DO HEREBY REMISE, RELEASE, SELL AND FOREVER QUIT-CLAIM unto the State of Maine the following described lands in township three (3) range ten (10) W.E.L.S. Piscataquis County, Maine, together with the right to cut and carry away the timber and grass in a portion of said township, which said lands and right were purchased by me from Honorable Edward P. Murray and Lucille C. O'Brien, both of Bangor in the County of Penobscot, sole acting Trustees under the last Will and Testament of John Cassidy late of Bangor, deceased, by Deed of said Trustees dated August 23, 1948, recorded August 25, 1948 in Piscataquis Registry book 290, page 294, the said Deed being in compliance with the Mandate of said Decree of said Honorable Raymond Fellows, Justice of the Supreme Judicial Court of the State of Maine in Equity, dated August 11, 1948, to wit:

THREE CERTAIN AREAS OF WILD LANDS TOTALING 6,017 ACRES LOCATED IN TOWNSHIP THREE (3) RANGE TEN (10) AND THE RIGHT TO CUT AND CARRY AWAY THE TIMBER AND GRASS FROM THE PUBLIC LOT IN SAID TOWNSHIP ALL AS HEREINAFTER DESCRIBED AND LOCATED IN TOWNSHIP THREE (3) RANGE TEN (10) PISCATAQUIS COUNTY, STATE OF MAINE W.E.L.S. as follows:

(A) one-fourth ($\frac{1}{4}$) in common and undivided of the right to cut and carry away the timber and grass on the Public Lot in said township three (3) range ten (10) W.E.L.S. Piscataquis County, State of Maine, said one-fourth ($\frac{1}{4}$) represents an undivided ownership of two hundred fifty (250) acres more or less out of a total area in said Public Lot of one thousand (1,000) acres;

(B) one hundred ten two hundred fifty-fourths ($\frac{110}{254}$ ths) in common and undivided of the southwest one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W.E.L.S. in Piscataquis County, State of Maine, said one hundred ten two hundred fifty-fourths ($\frac{110}{254}$ ths) represent an undivided ownership of two thousand two hundred eighty-five (2,285) acres more or less out of a total area in said southwest one-quarter ($\frac{1}{4}$) of five thousand two hundred seventy-six (5,276) acres;

(C) one hundred ten two hundred fifty-fourths ($\frac{110}{254}$ ths) in com-

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mon and undivided of the northeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) W.E.L.S. Piscataquis County, State of Maine; together with

(D) one hundred ten two hundred fifty-fourths ($\frac{110}{254}$ ths) in common and undivided of that portion of the southeast one-quarter ($\frac{1}{4}$) of said township three (3) range ten (10) lying EAST of the following described line, the description of said line being as follows:

Beginning at a cedar post marked "N. M. L. Co. 1908 \S X" on its northwest face standing on the south line of said township and two (2) miles sixty-four (64) rods more or less EAST of the west line of said southeast one-quarter ($\frac{1}{4}$); thence north eighteen (18°) degrees twenty (20) minutes EAST three (3) miles eleven (11) rods more or less, parallel to the west line to a spruce post marked "N. M. L. Co. \S X 1908" on its southwest face, standing in the north line of said southeast one-quarter ($\frac{1}{4}$) and two (2) miles sixty-four (64) rods more or less EAST of the northwest corner of said southeast one-quarter ($\frac{1}{4}$); THE SAID one hundred ten two hundred fifty-fourths ($\frac{110}{254}$ ths) fractional interests in the land in the northeast one-quarter ($\frac{1}{4}$) of township three (3) range ten (10) AND in the two hundred fifty (250) rod strip of land in the southeast one-quarter ($\frac{1}{4}$) of said township three (3) range ten (10) as described in PARAGRAPHS NUMBERED C and D herein represent an undivided ownership of three thousand four hundred eighty-two (3,482) acres of land more or less out of a total area of eight thousand forty (8,040) acres more or less in said northeast one-quarter ($\frac{1}{4}$) and in said two hundred fifty (250) rod strip in the southeast one-quarter ($\frac{1}{4}$) both as described in paragraphs C and D herein.

The total area of the land purchased from the said Cassidy Estate (A B C D) herein described and conveyed by the grantor herein to the State of Maine including the two hundred fifty (250) acres in the Public Lot is six thousand seventeen (6,017) acres more or less.

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 forever held in Trust for the PEOPLE of MAINE upon the following conditions that the premises herein donated and conveyed to the State of Maine 1—forever shall be kept for and as a State Forest and Public Park and for Public Recreational purposes, 2—forever shall be kept in their natural wild state and as a sanctuary for wild beasts and birds, 3—that the use of firearms, trapping and hunting not including fishing, shall forever be prohibited upon or within the same, 4—that aircraft forever shall be forbidden to land on the ground or on the waters within the same.

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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
Notary Public.

Seal

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,

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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

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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

Seal

CHARLES J. NICHOLS
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

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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,

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

Private and Special Laws
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Chapter 1

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift in Trust of Two Thousand (2000) Acres in Township Six (6) Range Nine (9) W.E.L.S. Piscataquis County, State of Maine.

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

WHEREAS Percival Proctor Baxter of Portland in the County of Cumberland, State of Maine, has heretofore donated and conveyed to the State of Maine as TRUSTEE IN TRUST certain real estate in townships three (3), four (4), five (5) and six (6) range nine (9) and in townships three (3), four (4) and five (5) range ten (10) and in township six (6) range eight (8) all W.E.L.S. in the Mount Katahdin area in Piscataquis and Penobscot Counties, State of Maine, known as BAXTER STATE PARK all the said gifts and conveyances being subject to the Trust and Conditions specified in said Deeds of Conveyance, and

WHEREAS all the above gifts of land have been accepted by the State of Maine as Trustee in Trust subject to the Trusts and Conditions therein specified, and

WHEREAS the said Baxter now desires to donate and convey to the State of Maine as TRUSTEE to be held by said State in Trust an additional area of land in township six (6) range nine (9) Piscataquis County containing two thousand (2000) acres more or less,

NOW THEREFORE the State of Maine by Act of the Legislature hereby accepts from Percival Proctor Baxter a Deed of Gift and Conveyance of said two thousand (2000) acres more or less in township six (6) range nine (9) all as described in the following Deed of Conveyance the same to be held by said State as TRUSTEE IN TRUST for the benefit of the PEOPLE OF MAINE the same to be forever kept by said State in its natural wild state, the same to be forever held by the said State for State Forest, Public Park and Public Recreational Purposes, the same forever to be named BAXTER STATE PARK and forever to be held 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 County of Cumberland State of Maine in consideration of one (\$1.00) dollar and other valuable considerations paid to me 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 forever held by said State as TRUSTEE IN TRUST for the benefit of the PEOPLE OF MAINE do hereby remise, release,

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DEED OF GIFT IN TRUST

CHAP. 1

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sell and forever quit-claim unto the said State of Maine forever all my right, title and interest in and to a certain lot or parcel of land situated in township six (6) range nine (9) Piscataquis County W.E.L.S. State of Maine, to wit:

So much of the land together with the buildings thereon situated in said township as would be flowed to an elevation not exceeding six hundred sixty-five (665) feet above sea level United States Geodetic Survey, by the existing Dam of the East Branch Improvement Company herein located in township six (6) range eight (8) at the outlet of First Grand Lake so called, or any replacement thereof and any necessary related dams, dykes or other structures at any other location the land hereby conveyed being estimated to contain two thousand (2000) acres more or less. This conveyance is made subject to the rights excepted and reserved to the East Branch Improvement Company its successors and assigns in Deed from the East Branch Improvement Company to the Grantor herein dated September 1, 1954, recorded in Piscataquis County Registry of Deeds book 315, page 44, and

this conveyance also is made subject to the rights excepted and reserved to the Eastern Corporation as provided in Deed from Eastern Corporation to the East Branch Improvement Company dated January 4, 1954, recorded in Piscataquis County Registry of Deeds book 309, page 81.

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 forever held in Trust for the PEOPLE OF MAINE upon the following conditions, that the premises herein donated and conveyed to the State of Maine shall forever be kept for and as a State Forest and Public Park and for Public Recreational Purposes, shall forever be named BAXTER STATE PARK, shall forever be kept in their natural wild state, and I the said Percival Proctor Baxter COVENANT with the State of Maine that I will WARRANT AND DEFEND the said premises to the said 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 first day of December in the year one thousand nine hundred fifty-four.

Signed and Sealed
in the presence of
ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER (LS)

State of Maine: SS
Cumberland :

Portland, December 1, 1954.

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

Before me
ALICE M. GURNEY,
Notary Public

(Commission expires in 1957)
No U. S. Revenue Stamps required.

Effective August 20, 1955

Chapter 2

AN ACT Interpreting the Trust Deed of Percival Proctor Baxter to State of Maine January 12, 1954 (Piscataquis Registry Book 309 Page 86) and Interpreting the Phrases "Natural Wild State" and "Sanctuary for Wild Beasts and Birds" in Deeds from Said Baxter to Said State of Maine.

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

WHEREAS in the Deed and Conveyance IN TRUST of a certain area of land in township six (6) range nine (9) Piscataquis County dated January 12, 1954 (Piscataquis Registry book 309 page 86) the State of Maine as Grantee assumed a duty "to convey to the Bangor Hydro Electric Company its successors and assigns by a metes and bounds description the sites selected for such purposes as are set forth in the above mentioned deed of the Eastern Corporation to the said Bangor Hydro Electric Company dated January 4, 1954 and the said State by the acceptance of this deed agrees to make such conveyance when requested to do so by said Bangor Hydro Electric Company its successors and assigns," and

WHEREAS it was understood at the time of the delivery of said deed that the duty of the said State to convey to said Bangor Hydro Electric Company the said "sites selected" referred solely and was limited to conveying such "sites selected" as lie entirely within the boundaries of the area in township six (6) range nine (9) Piscataquis County described in said deed of January 12, 1954;

WHEREAS it is in the public interest to clarify said duty as it was originally understood,

NOW THEREFORE the paragraph in said deed relating to the above mentioned duty of the State of Maine shall be construed as if it contained the words "FROM THE LAND INCLUDED IN THIS CONVEYANCE THE STATE'S INTEREST IN" after the word "description" in the paragraph outlining the duty of the State, this being the intention of both parties to said deed so that said paragraph shall read as follows:

"The within conveyance to the State of Maine is made expressly subject to the duty of said State to convey to the Bangor Hydro Electric Company its successors and assigns by a metes and bounds description FROM THE LAND INCLUDED IN THIS CONVEYANCE THE STATE'S INTEREST in the sites selected for such purposes as are set forth in the above mentioned Deed of the Eastern Corporation to the said Bangor Hydro Electric Company dated January 4, 1954, and the said State by the acceptance of this Deed agrees to make such conveyance when requested to do so by said Bangor Hydro Electric Company its successors and assigns."

"NATURAL WILD STATE" and "SANCTUARY FOR WILD BEASTS AND BIRDS"

WHEREAS it is in the public interest to have a correct interpretation of the phrase "natural wild state" and of the phrase "sanctuary for wild beasts and birds" in the above mentioned Deed of January 12, 1954 as well as wherever they appear in all the former Deeds and conveyances made to the State by Percival Proctor Baxter relating to Baxter State Park:

NOW THEREFORE it is mutually understood by the Grantor and Grantee in said Park Deeds that the following paragraphs express the intent of the Parties as to the interpretation of said phrases, and the same are accepted as applying to all the said Deeds and Conveyances.

NATURAL WILD STATE

The State of Maine is authorized to clean, protect and restore areas of forest growth damaged by ACTS OF NATURE such as blowdowns, fire, floods,

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TRUST DEED INTERPRETED

CHAP. 2

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slides, infestation of insects and disease or other damage caused by ACTS OF NATURE in order that the forest growth of the Park may be protected, encouraged and restored.

The State is authorized to build trails and access roads to camp sites, to use timber from this area for fire control and firewood and to construct shelters and lean-tos for mountain climbers and other lovers of nature in its wild state.

This area is to be maintained primarily as a Wilderness and recreational purposes are to be regarded as of secondary importance and shall not encroach upon the main objective of this area which is to be "Forever Wild."

The existing leases of the land and buildings at Kidney Pond, Daisey Pond and on the shores of the Matagamon Lakes may be continued by and in the discretion of the Baxter State Park Authority.

SANCTUARY FOR WILD BEASTS AND BIRDS

The State is authorized to maintain the proper balance of nature among the different species of wild life; to control predators that may become a menace to other species; to control disease and epidemics of the wild life of the Park. Such control shall be exercised by the Baxter State Park Authority. The destruction of any specie of wild life shall be carried on exclusively by the Personnel of said Authority and of the Forest and Fish and Game Departments.

All work carried on by the State in connection with the above shall be in accordance with the best forestry and wild life practices and shall be undertaken having in mind that the sole purpose of the donor in creating this Park is to protect the forests and wild life therein as a great wilderness area unspoiled by Man. Nothing shall be done for the purpose of obtaining income but should there be incidental income it is to be used solely for the care, operation and protection of this Wilderness area.

IN WITNESS WHEREOF said Percival Proctor Baxter by his signature hereto has indicated his approval subject to the approval of the State of Maine.

Signed in the presence of
ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER (LS)

NOW THEREFORE the State of Maine by Act of the Legislature accepts the within interpretations of the above clauses and the same are to be considered as applying to all the Deeds and Conveyances of Trust heretofore made to the State by said Baxter. Whatever action is taken by said State in accordance with these interpretations shall not be considered as a breach of the Trust conditions and restrictions in the said Deeds and Conveyances.

STATE OF MAINE: SS
CUMBERLAND :

Portland, December 1, 1954.

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

Before me
ALICE M. GURNEY,
Notary Public.

(Commission expires in 1957)

Effective August 20, 1955

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ACCEPTANCE BY THE STATE OF GIFTS OF LAND
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Chapter 3

AN ACT RATIFYING AND CONFIRMING THE ACCEPTANCE BY THE STATE OF MAINE UNDER THE FOLLOWING RESOLVES OF THE GOVERNOR AND EXECUTIVE COUNCIL OF THE GIFTS OF LAND IN TRUST MADE BY PERCIVAL PROCTOR BAXTER THE SAME TO BE ADDED TO BAXTER STATE PARK.

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

WHEREAS the Governor and Executive Council by Resolve dated September 18, 1953 accepted seventy-six and eight-tenths (76.8) acres of land in township six (6) range eight (8) Penobscot County as donated and conveyed to the State of Maine on the trusts and conditions set forth in deed of Percival Proctor Baxter dated August 26, 1953, recorded in Penobscot County Registry of Deeds book 1407 page 149 (and in Piscataquis County Registry of Deeds book 308 page 401);

WHEREAS the Governor and Executive Council by Resolve dated January 20, 1954 accepted fourteen thousand five (14,005) acres of land, one hundred thirty-six (136) acres of land, and five-sixths (5/6ths) of the Public Lot all located in township six (6) range nine (9) Piscataquis County as donated and conveyed to the State of Maine on the trusts and conditions set forth in deed of Percival Proctor Baxter dated January 12, 1954 and recorded in Piscataquis County Registry of Deeds book 309 page 86, the conditions of which have subsequently been modified, subject to the consent of the State of Maine, by deed of said Percival Proctor Baxter dated December 1, 1954.

WHEREAS the Governor and Executive Council by Resolve dated January 20, 1954 accepted eight thousand (8000) acres of land in township three (3) range nine (9) Piscataquis County, as donated and conveyed to the State of Maine on the trusts and conditions set forth in deed of Percival Proctor Baxter dated January 12, 1954 and recorded in Piscataquis County Registry of Deeds book 309 page 85;

WHEREAS the said Percival Proctor Baxter desires to have the State Legislature accept the within Deeds of Gift and Trust to the State in order that they may be recorded in the laws of Maine 1955, all previous gifts from said Baxter having been accepted by the Legislature and so recorded:

NOW THEREFORE the State of Maine by Act of the Legislature hereby ratifies and confirms the action of the Governor and Executive Council in accepting the said Deeds of Gift above referred to and hereby accepts from said Percival Proctor Baxter on the trusts and conditions therein stated the deed of gift above referred to of the land in township six (6) range eight (8) Penobscot County, the deed of gift above referred to of the land in township three (3) range nine (9) in Piscataquis County, and the deed of gift above referred to of the land in township six (6) range nine (9) in Piscataquis County as modified by the deed dated December 1, 1954, said deed of December 1, 1954 and the modification therein contained being fully set forth in other legislation where it is presented for specific approval.

The deeds above referred to other than the deed of December 1, 1954 are hereby set forth in full as follows:

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BAXTER STATE PARK

DEED OF GIFT OF PERCIVAL PROCTOR BAXTER DATED AUGUST 26, 1953 CONVEYING TO THE STATE OF MAINE IN TRUST FOR THE PEOPLE OF MAINE SEVENTY-SIX AND EIGHT-TENTHS (76.8) ACRES IN TOWNSHIP SIX (6) RANGE EIGHT (8) W.E.L.S. PENOBSCOT COUNTY THE SAME TO BE ADDED TO BAXTER STATE PARK, RECORDED IN PENOBSCOT REGISTRY BOOK 1407 PAGE 149 AND IN PISCATAQUIS COUNTY REGISTRY BOOK 308 PAGE 401. ORDER OF GOVERNOR AND EXECUTIVE COUNCIL SEPTEMBER 16, 1953, ACCEPTING SAID GIFT ATTACHED AND MADE A PART HEREOF.

KNOW ALL MEN BY THESE PRESENTS that I PERCIVAL PROCTOR BAXTER of Portland 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 Mt. Katahdin region to be forever held by said State as Trustee in Trust for the benefit of the people of Maine, do hereby remise, release, sell and forever quit-claim unto the State of Maine, the following described two parcels of land in township six (6) range eight (8) W.E.L.S. in the county of Penobscot, State of Maine, and subject to the conditions as herein imposed, and bounded and described as follows —

One-twentieth (1/20th) in common and undivided in and to two (2) certain lots or parcels of land in township six (6) range eight (8) W.E.L.S. in the county of Penobscot and State of Maine, being all wild lands, bounded and described as follows —

FIRST LOT: Beginning at the southwest corner of said township; thence running north along the west line of said township which is also the east line of land conveyed to PERCIVAL P. BAXTER the Grantee herein by Eastern Corporation by deed dated August 30, 1947, and recorded in the Piscataquis County Registry of Deeds in book 289, page 174, three (3) miles more or less to a small cove on the west side of First Grand Lake so called; thence running easterly and southerly along the west shore of said lake to the point where the said west shore intersects the north line of the Dam Lot so called which was conveyed to the East Branch Dam Company by deed dated October 28, 1902 and recorded in the Penobscot County Registry of Deeds in book 727, page 335, and reputed to be now owned by the East Branch Improvement Company; thence running west along the north line of said Dam Lot to the northwest corner thereof; thence running south along the west line of said Dam Lot to the southwest corner thereof; thence running east along the south line of said Dam Lot to the East Branch of the Penobscot River; thence running south by said East Branch to a point in the south line of said township where the said East Branch intersects the same; thence running west along the said south line of said township to the point of beginning.

SECOND LOT: A small point of land, likewise part of said township six (6) range eight (8) W.E.L.S. in the County of Penobscot and State of Maine, located immediately north of the northwest corner of said FIRST LOT hereinbefore described, and bounded on the west by the west line of said township; on the north and east by said First Grand Lake and on the south by the said small cove immediately north of the parcel hereinbefore described. The two (2) parcels or lots hereby conveyed contain seventy-six and eight tenths (76.8) acres more or less.

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This conveyance of said two (2) parcels of land is made subject to all the rights, privileges and easements excepted and reserved to SADA COE ROBINSON of Madrone, California, in her deed to said Percival P. Baxter dated June 4, 1951, recorded in Penobscot Registry of Deeds, volume 1335, page 176, and to the IRVING PULP and PAPER, LIMITED, of St. John, New Brunswick, in its deed to Percival P. Baxter dated June 27, 1951, recorded in Penobscot Registry of Deeds, volume 1351, page 41, to both of which deeds reference is made for a more particular description.

The within conveyance of one-twentieth (1/20th) in common and undivided or seventy-six and eight tenths (76.8) acres more or less completes the title to the land in the southwest corner of township six (6) range eight (8) W.E.L.S., nineteen twentieths (19/20ths) of said land containing one thousand four hundred eighty-six (1,486) acres more or less having been conveyed to the State by Deed of said Baxter dated January 3, 1949, already recorded in Penobscot County Registry of Deeds, book 1294, page 344, also described in Chapter 1 of the Private and Special Laws of 1949, to both of which reference is had for a more particular description.

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 forever held in Trust for the **PEOPLE OF MAINE** upon the following conditions, that the premises herein donated and conveyed to the State of Maine, 1— shall forever be kept for and as a State Forest and Public Park and for Public Recreational Purposes, 2— shall forever be kept in their natural wild state and as a sanctuary for wild beasts and birds, 3— that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same, 4— that air-craft forever be forbidden to land on the ground or on the waters of the same, and I the said Percival Proctor Baxter **COVENANT** with the State of Maine that I will **WARRANT AND DEFEND** the said premises to the said 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 twenty-sixth day of August in the year one thousand nine hundred fifty-three.

Signed and Sealed
in the presence of
(Signed) Alice M. Gurney (Signed) Percival Proctor Baxter (L.S.)
U. S. Revenue Stamps not required.

State of Maine:
Cumberland : SS Portland, August 26, 1953

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

Before me
(Signed) Alice M. Gurney
Notary Public (Seal)

1. Secretary of State

STATE OF MAINE

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In Council, Sep 16 1953
Department, Secretary of State

ORDERED.

That the offer of Percival P. Baxter to donate to the State of Maine seventy-six and eight tenths (76.8) acres more or less of land in the South West

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corner of township 6 range 8 W.E.L.S., Penobscot County be and is hereby accepted and said seventy-six and eight tenths (76.8) acres more or less hereby become part and parcel of Baxter State Park, subject to the conditions and reservations as recited in the Deed from said Baxter to the State of Maine dated August 26, 1953, the same to be recorded in the Penobscot Registry of Deeds.

This Acceptance by the Governor and Executive Council is made under the provisions of Section 15, Chapter 11 of the Revised Statutes wherein the said Governor and Executive Council are empowered to accept gifts made to the State of Maine.

(Signed) Harold I. Goss
Harold I. Goss, Secretary of State

In Council, Sep 16 1953

Read and passed by the Council, and by the Governor approved.

(Signed) Harold I. Goss Secretary of State

BC

BAXTER STATE PARK

DEED OF GIFT OF PERCIVAL PROCTOR BAXTER DATED JANUARY 12, 1954 CONVEYING TO THE STATE OF MAINE IN TRUST FOR THE PEOPLE OF MAINE FOURTEEN THOUSAND FIVE (14,005) ACRES, ONE HUNDRED THIRTY-SIX (136) ACRES AND FIVE-SIXTHS (5/6) OF THE PUBLIC LOT IN TOWNSHIP SIX (6) RANGE NINE (9) W.E.L.S. PISCATAQUIS COUNTY THE SAME TO BE ADDED TO BAXTER STATE PARK, RECORDED IN PISCATAQUIS REGISTRY BOOK 309 PAGE 86. ORDER OF GOVERNOR AND EXECUTIVE COUNCIL JANUARY 20, 1954 ACCEPTING SAID GIFT ATTACHED AND MADE A PART HEREOF.

KNOW ALL MEN BY THESE PRESENTS that I, PERCIVAL PROCTOR BAXTER of Portland, 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 Mt. Katahdin region to be forever held by said State as Trustee in Trust for the benefit of the people of Maine, do hereby remise, release, sell and forever quit-claim unto the State of Maine forever, the following described three (3) parcels of land all situated in township six (6) range nine (9) W.E.L.S. in the county of Piscataquis, State of Maine, and subject to the reservations and exceptions as herein imposed, and bounded and described as follows:

FIRST PARCEL

Beginning at the northeasterly corner of Township 6, Range 9; thence southerly by and along the easterly line of said Township a distance of three (3) miles, more or less, to a point in said east line opposite the outlet of Trout Brook, said point being the northeast corner of land conveyed to Percival Proctor Baxter by deed of Eastern Corporation dated August 30, 1947, recorded in Piscataquis County Registry of Deeds, Volume 289, page 174; thence westerly, southwesterly and southerly by and along the thread of Trout Brook to the east line of Lot 26 in said Township where Trout Brook intersects said east line; thence northerly by and along the easterly line of Lots 26, 20 and 14 in said Township a distance of two and one tenth (2.1) miles, more or less, to the northeasterly corner of that portion of said Lot 14 owned or occupied by Great Northern Paper Company; thence westerly two (2) miles, more or less, by and along the northerly

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line of said Great Northern Paper Company's portion of Lots 14 and 13 and parallel to the north line of said Township to the westerly line of said Township; thence northerly by and along the westerly line of said Township a distance of two and one-half ($2\frac{1}{2}$) miles, more or less, to the northwesterly corner of said Township; thence easterly by and along the northerly line of said Township six (6) miles, more or less, to the point of beginning, containing 14,005 acres, more or less.

SECOND PARCEL

Trout Brook Farm. Said farm being bounded and described as follows: Commencing at a point in the southerly bank of Trout Brook and on the fence line at the west end of McCarthy Field, so called, on Trout Brook Farm; thence in a generally easterly direction following the various courses of said fence line, fifty-two (52) chains more or less to a point at an angle in said fence line near the west edge of the pasture on said farm; thence South 21° West twenty-five (25) chains to a point; thence South 69° East (in a course parallel to the south line of the town) twenty (20) chains to a point; thence North 21° East (in a course parallel with the east line of the town) fifty-six (56) chains; more or less, to a point on the southerly bank of said Trout Brook; thence in a generally southwesterly direction following the south bank of said Brook to the point of beginning. Containing one hundred thirty-six (136) acres, more or less. The above described parcel is that portion of the Trout Brook Farm properties, so called, excepted and reserved from the deed of the Eastern Corporation to the grantor herein dated August 30, 1947, and recorded in said Registry, Volume 289, page 174.

THIRD PARCEL

Public Lot. All the right, title and interest of the grantor herein in and to the Public Lot situate in said Township, containing 1,000 acres, more or less.

Excepting and reserving from the above described premises so much thereof as was conveyed to the East Branch Improvement Company by deed of the Eastern Corporation dated January 4, 1954, and so much thereof as was conveyed to the Bangor Hydro Electric Company by deed of said Eastern Corporation dated January 4, 1954 and the premises herein conveyed are further subject to the exceptions and reservations reserved to said Eastern Corporation in its deed to the grantor herein (Percival Proctor Baxter) dated January 4, 1954, as recorded in Piscataquis Registry of Deeds Book 309, page 78, to which reference is had for a more particular description.

The within conveyance to the State of Maine is made expressly subject to the duty of said State to convey to the Bangor Hydro Electric Company, its successors and assigns, by a metes and bounds description the sites selected for such purposes as are set forth in the above mentioned deed of the Eastern Corporation to the said Bangor Hydro Electric Company dated January 4, 1954, and the said State by the acceptance of this deed agrees to make such conveyance when requested to do so by said Bangor Hydro Electric Company, its successors and assigns.

This conveyance is further subject to the right to flow said premises upon payment of damages for such flowage all as set forth in said deed to said Bangor Hydro Electric Company.

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 forever held in Trust for the PEOPLE OF MAINE upon the following conditions, that the premises herein donated and conveyed to the State of Maine, shall forever be kept for and as a State Forest and Public Park and for Public recrea-

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tional Purposes; 2—shall forever be kept in their natural wild state and as a sanctuary for wild beasts and birds; 3—that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same; 4—that air-craft forever be forbidden to land on the ground or on the waters of the same; 5—that the same shall forever be named BAXTER STATE PARK; and I, the said Percival Proctor Baxter will WARRANT AND DEFEND the said premises to the said State of Maine against the lawful claims and demands of all persons claiming by, through or under me. the grantor herein

IN WITNESS WHEREOF I, the said Percival Proctor Baxter, being unmarried, have hereunto set my hand and seal this twelfth day of January in the year one thousand nine hundred fifty-four.

Signed and Sealed
in the presence of:
(Signed)

Alice M. Gurney

(Signed) Percival Proctor Baxter (LS)

STATE OF MAINE

Cumberland, ss

January 12, 1954

Personally appeared the abovenamed Percival Proctor Baxter, and acknowledged the foregoing instrument to be his free act and deed.

Before me

(Signed) Alice M. Gurney
Notary Public

U. S. Revenue Stamps
not required.
1. Secretary of State

(Seal)

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STATE OF MAINE

In Council, Jan 20 1954
Department, Secretary of State

ORDERED,

That the offer of Percival Proctor Baxter to donate to the State of Maine thirteen thousand one hundred forty-one (13,141) acres more or less of land including the Public Lot in the northerly portion of township six (6), range nine (9), W.E.L.S., Piscataquis County as described in his Deed to the State of Maine dated January 12, 1954 be and is hereby accepted and said thirteen thousand one hundred forty-one (13,141) acres more or less hereby become part and parcel of Baxter State Park subject to the conditions, reservations and duties as recited in said deed and the said deed shall be recorded in Piscataquis Registry of Deeds with a copy of this Council Order attached thereto.

This acceptance by the Governor and Executive Council is made under the provisions of Section 15, Chapter 11, of the Revised Statutes wherein the said Governor and Executive Council are empowered to accept gifts made to the State of Maine.

(Signed) Harold I. Goss
Harold I. Goss, Secretary of State

In Council, Jan 20 1954

Read and passed by the Council, and by the Governor approved.

(Signed) Harold I. Goss, Secretary of State

BC

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BAXTER STATE PARK

DEED OF GIFT OF PERCIVAL PROCTOR BAXTER DATED JANUARY 12, 1954 CONVEYING TO THE STATE OF MAINE IN TRUST FOR THE PEOPLE OF MAINE EIGHT THOUSAND (8,000) ACRES IN TOWNSHIP THREE (3) RANGE NINE (9) W.E.L.S. PISCATAQUIS COUNTY THE SAME TO BE ADDED TO BAXTER STATE PARK, RECORDED IN PISCATAQUIS REGISTRY BOOK 309 PAGE 85. ORDER OF GOVERNOR AND EXECUTIVE COUNCIL JANUARY 20, 1954, ACCEPTING SAID GIFT ATTACHED AND MADE A PART HEREOF.

KNOW ALL MEN BY THESE PRESENTS that I, PERCIVAL PROCTOR BAXTER of Portland, 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 Mt. Katahdin region to be forever held by said State as Trustee in Trust for the benefit of the people of Maine, do hereby remise, release, sell and quit-claim unto the State of Maine forever the following described parcel of land situated in Township three (3) Range nine (9) W.E.L.S. in the county of Piscataquis, State of Maine, and subject to the reservations and exceptions as herein imposed, and bounded and described as follows:

Beginning at a point in the southerly line of said township said point being four and one half ($4\frac{1}{2}$) miles westerly from the southeasterly corner thereof and said point being a corner of Baxter State Park; thence northerly parallel to the easterly line of said township in and along the line of said Park two (2) miles more or less to a point at a corner of Baxter State Park; thence easterly parallel to the northerly line of said township in and along the southerly line of said Park two and three quarters ($2\frac{3}{4}$) miles more or less to a point at a corner of Baxter State Park; thence northerly parallel to the easterly line of said township in and along the line of said Park two (2) miles more or less to a point at a corner of Baxter State Park; thence easterly parallel to the northerly line of said township in and along the southerly line of said Park one and three quarters ($1\frac{3}{4}$) miles more or less to a point in the easterly line of said township said point being two (2) miles more or less southerly from the northeasterly corner of said township; thence southerly in and along the easterly line of said township four (4) miles more or less to the southeasterly corner thereof; thence westerly in and along the southerly line of said township to the point of beginning; containing eight thousand (8,000) acres, more or less.

Excepting and reserving to the Great Northern Paper Company its successors and assigns the right to cut and remove the merchantable and standing growth on the said eight thousand (8000) acres in said township up to December 1, 1973, and not thereafter, as provided in the deed of said Great Northern Paper Company to the grantor herein dated the 1st day of December, 1953 and recorded in Piscataquis County Registry Book 309, page 65.

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 forever held in Trust for the PEOPLE OF MAINE upon the following conditions, that the premises herein donated and conveyed to the State of Maine, 1—shall forever be kept for and as a State Forest and Public Park and for Public Recreational Purposes, 2—shall forever be kept in their natural wild state and as a sanctuary for wild beasts and birds, 3—that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same, 4—that air-craft forever be forbidden to land on the ground or on the waters of the same, and I, the said Percival Proctor Baxter WILL

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ACCEPTANCE BY THE STATE OF GIFTS OF LAND

CHAP. 3

PRIVATE AND SPECIAL, 1955

WARRANT AND DEFEND the said premises to the said State of Maine against the lawful claims and demands of all persons claiming by, through or under me the grantor herein.

IN WITNESS WHEREOF I, the said Percival Proctor Baxter, being unmarried have hereunto set my hand and seal this twelfth day of January in the year one thousand nine hundred fifty-four.

Signed and Sealed
in the presence of

(Signed) Frank W. Johnson

(Signed) Percival Proctor Baxter (LS)

STATE OF MAINE

Cumberland, ss

January 12, 1954

Personally appeared the abovenamed Percival Proctor Baxter, and acknowledged the foregoing instrument to be his free act and deed,

Before me

(Signed) Alice M. Gurney
Notary Public

U. S. Revenue Stamps not required.

1. Secretary of State

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STATE OF MAINE

In Council, Jan 20 1954
Department, Secretary of State

ORDERED,

That the offer of Percival Proctor Baxter to donate to the State of Maine eight thousand (8,000) acres more or less of land in the southeast corner of township three (3) range nine (9) W.E.L.S., Piscataquis County as described in his Deed to the State of Maine dated January 12, 1954 be and is hereby accepted and said eight thousand (8,000) acres more or less hereby become part and parcel of Baxter State Park subject to the conditions, reservations and duties as recited in said deed and the said deed shall be recorded in Piscataquis Registry of Deeds with a copy of this Council Order attached thereto.

This acceptance by the Governor and Executive Council is made under the provisions of Section 15, Chapter 11, of the Revised Statutes wherein the said Governor and Executive Council are empowered to accept gifts made to the State of Maine.

(Signed) Harold I. Goss
Harold I. Goss, Secretary of State

In Council, Jan 20 1954

Read and passed by the Council, and by the Governor approved.

(Signed) Harold I. Goss, Secretary of State

BC

Effective August 20, 1955

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AMENDING DEED OF GIFT OF LAND
PRIVATE AND SPECIAL, 1955

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CHAP. 4

Chapter 4

AN ACT AMENDING by Mutual Consent of Percival Proctor Baxter and the State of Maine the Deed of Gift of Lands in Piscataquis County Dated January 12, 1954 of Fourteen Thousand Five (14,005) Acres of Land and Five-sixths (5/6ths) of the Public Lot in Township Six (6) Range Nine (9) W.E.L.S. Piscataquis County Recorded in Said Registry Book 309 Page 86 Made by Said Percival Proctor Baxter to the State of Maine as Trustee and Accepted by the Said State IN TRUST by the Governor and Executive Council Acting Under the Provisions of Section 15, Chapter 11 of the 1944 Revised Statutes Wherein the Governor and Executive Council Are Empowered to Accept Gifts Made to the State of Maine, and ACCEPTING the Deed of Gift of Said Land as Modified and Amended by Deed of Gift of Said Baxter Dated December 1, 1954.

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

WHEREAS Percival Proctor Baxter by deed dated January 12, 1954 recorded in Piscataquis Registry of Deeds book 309 page 86, among other properties donated and conveyed fourteen thousand five (14,005) acres of land and five-sixths (5/6ths) of the Public Lot in township six (6) range nine (9) W.E.L.S. Piscataquis County (Baxter State Park) to the State of Maine IN TRUST for Public Purposes as stated in said Deed and accepted by the Governor and Executive Council by Resolve January 20, 1954.

WHEREAS the said Deed among other things contains certain conditions, limitations and restrictions which provide that the land so conveyed "2—shall forever be kept as a sanctuary for wild beasts and birds, 3—that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same, 4—that air-craft forever be forbidden to land on the ground or on the waters of the same,"

WHEREAS it now appears to be in the public interest to modify said conditions, limitations and restrictions in order to increase the public use and enjoyment of that portion of said land so donated, conveyed and described in said Deed of January 12, 1954 which is above specifically referred to, and

WHEREAS said Percival Proctor Baxter has duly executed and delivered to the State of Maine a Deed dated December 1, 1954 releasing the fourteen thousand five (14,005) acres of land and the five-sixths (5/6ths) of the Public Lot in said township six (6) range nine (9) Piscataquis County described in said Deed from the conditions, limitations and restrictions as to the sanctuary for wild beasts and birds, the use of fire-arms, trapping and hunting, not including fishing, and that air-craft forever be forbidden to land on the ground and on the waters of the same, a copy of the Deed being as follows:

DEED

WHEREAS I Percival Proctor Baxter of Portland, County of Cumberland, State of Maine donated and conveyed fourteen thousand five (14,005) acres of land and five-sixths (5/6ths) of the Public Lot in township six (6) range nine (9) Piscataquis County known as BAXTER STATE PARK to the State of Maine IN TRUST for certain Public Purposes by Deed dated January 12, 1954 the same being recorded in Piscataquis County Registry book 309, page 86, and

WHEREAS said above mentioned Deed contains certain conditions, limitations and restrictions as stated therein including the conditions, limitations

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AMENDING DEED OF GIFT OF LAND

CHAP. 4

PRIVATE AND SPECIAL, 1955

and restrictions that the land "forever be kept as a sanctuary for wild beasts and birds, that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same, that air-craft forever be forbidden to land on the ground or on the waters of the same,"

WHEREAS it now appears to be in the public interest and for the benefit of the People of the State of Maine to whom this Gift was made and for whose benefit the TRUSTS in said Deed are created that the above quoted conditions, limitations and restrictions herein be removed and cancelled insofar as they apply to the fourteen thousand five (14,005) acres of land and to the five-sixths (5/6ths) of the Public Lot in township six (6) range nine (9);

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 quoted conditions, limitations and restrictions made in said Deed of January 12, 1954 insofar as they apply to the fourteen thousand five (14,005) acres of land and to the five-sixths (5/6ths) of the Public Lot in said township, and

I the said Percival Proctor Baxter hereby ratify and confirm the conveyance of said lands described in said within mentioned Deed of Trust of January 12, 1954, but with the above quoted conditions, limitations and restrictions as to the sanctuary for wild beasts and birds, the use of fire-arms, trapping and hunting, not including fishing, and the landing of air-craft on the ground or on the waters of the same removed and cancelled from said Deed as specified herein, but all the other terms, limitations and restrictions and Trusts in said Deed of January 12, 1954 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 first day of December in the year one thousand nine hundred fifty-four.

Signed in the presence of
ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER (LS)

State of Maine: SS
Cumberland :

Portland, December 1, 1954

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

Before me
ALICE M. GURNEY,
Notary Public

(Commission expires in 1957)
(No U. S. Revenue Stamps required)

ACCEPTANCE

Now by mutual consent between said Percival Proctor Baxter and said State of Maine the said Deed of January 12, 1954 and the Acceptance thereof by the Governor and Executive Council of January 20, 1954 are hereby amended by repealing from said Deed and Acceptance insofar as they apply to the fourteen thousand five (14,005) acres of land and to the five-sixths (5/6ths) of the

Public Lot in township six (6) range nine (9) Piscataquis County, the following conditions, limitations and restrictions that appear in said Deed as follows:

"2—shall forever be kept as a sanctuary for wild beasts and birds, 3—that the use of fire-arms, trapping and hunting, not including fishing, shall forever be prohibited upon or within the same, 4—that air-craft forever be forbidden to land on the ground or on the waters of the same";

NOW THEREFORE the State of Maine by Act of the Legislature hereby further ACCEPTS from Percival Proctor Baxter by deed of gift and conveyance the lands described in said deed of January 12, 1954 with the conditions, limitations and restrictions as to the sanctuary, the use of fire-arms, trapping and hunting, and the prohibition of air-craft ever landing on the ground or waters of the same cancelled and removed insofar as they relate to the fourteen thousand five (14,005) acres of land and the five-sixths (5/6ths) of the Public Lot all in accordance with the terms and conditions of the Deed dated December 1, 1954 above referred to, said Deed dated December 1, 1954 being hereby accepted by said State and being hereby made a part of this Act of Amendment and Acceptance.

Effective August 20, 1955

Chapter 61

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift in Trust of Three Thousand Five Hundred Sixty-nine (3,569) Acres in Township Six (6) Range Nine (9) W.E.L.S. Piscataquis County, State of Maine.

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

WHEREAS Percival Proctor Baxter of Portland in the County of Cumberland, State of Maine, has heretofore donated and conveyed to the State of Maine as TRUSTEE IN TRUST certain real estate in townships three (3), four (4), five (5) and six (6) range nine (9) and in townships three (3), four (4) and five (5) range ten (10) all seven (7) in Piscataquis County and in township six (6) range (8) in Penobscot County, all W.E.L.S. in the Mount Katahdin area State of Maine, known as BAXTER STATE PARK all the said gifts and conveyances being subject to the Trusts and Conditions specified in said Deeds of Conveyance, and

WHEREAS all the above gifts of land have been accepted by the State of Maine as TRUSTEE IN TRUST subject to the Trusts and Conditions therein specified, and

WHEREAS the said Baxter now desires to donate and convey to the State of Maine as TRUSTEE to be held by said State in Trust an additional area of land in township six (6) range nine (9) Piscataquis County containing three thousand five hundred sixty-nine (3,569) acres more or less:

NOW THEREFORE the State of Maine by Act of the Legislature hereby accepts from Percival Proctor Baxter a Deed of Gift and Conveyance of said three thousand five hundred sixty-nine (3,569) acres more or less in township six (6) range nine (9) all as described in the following Deed of Conveyance the same to be held by said State forever as TRUSTEE IN TRUST for the benefit of the PEOPLE OF MAINE, the same to be forever named BAXTER STATE PARK, the same to be forever held by said State for State Forest, Public Park and Public Recreational Purposes and for the practice of Scientific Forestry, reforestation and for the production of forestry wood products. All harvesting of said products shall be done according to the most approved practices of Scientific Forestry and all revenue derived from the sale of said products shall be used by said State for the care, management and protection of Baxter State Park as now or hereafter defined; and the said three thousand five hundred sixty-nine (3,569) acres forever shall be held 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 County of Cumberland State of Maine in consideration of one (\$1.00) dollar and other valuable considerations paid to me 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 forever held by said State as TRUSTEE IN TRUST for the benefit of the PEOPLE OF MAINE and subject to the conditions herein imposed do hereby remise, release, sell and forever quit-claim unto the said State forever all my right, title and interest in and to a certain lot or parcel of land situated in township six (6) range nine (9) Piscataquis County W.E.L.S. State of Maine, together with the Grantor's one-sixth (1/6) interest in the Public Lot in said township the said land being bounded and described as follows, viz:

BEGINNING at the point on the westerly line of lot twenty-seven (27) where said line intersects Trout Brook so called; thence westerly, southerly and south-westerly following the thread of Trout Brook to its intersection with Wadleigh Brook; thence westerly by the thread of Wadleigh Brook to the west line of said township; thence northerly along the west line of said township to the southwest corner of the Public Lot; thence easterly along the southerly line of said Public Lot to the southeast corner thereof; thence northerly along the easterly side of said Public Lot to the northeasterly corner thereof; thence westerly along the northerly line of said Public Lot to the westerly line of said township; thence northerly along the westerly line of said township to that portion of lot thirteen (13) owned by the State of Maine; thence easterly and parallel with the northerly line of said township along the line of the land of the State of Maine across lots thirteen (13) and fourteen (14) to the westerly line of lot fifteen (15); thence southerly along the westerly line of lots fifteen (15), twenty-one (21) and twenty-seven (27) to the point of beginning; meaning and intending to convey and hereby conveying to the Grantee the same premises conveyed to the Grantor herein by deed of the Eastern Corporation dated March 10, 1955 to which reference may be had for source of title, containing, including the interest in the Public Lot three thousand five hundred sixty-nine (3,569) acres more or less:

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 forever held IN TRUST for the People of Maine upon the following conditions, that the premises herein donated and conveyed to the State of Maine shall forever be named BAXTER STATE PARK and shall forever be kept for and as a State Forest, Public Park and Public Recreational Purposes and for the practice of Scientific Forestry, reforestation and the production of forestry wood products. All harvesting of said products shall be done according to the most approved practices of Scientific Forestry and all revenue derived from the sale of said products shall be used by said State for the care, management and protection of Baxter State Park as now or hereafter defined:

The said three thousand five hundred sixty-nine (3,569) acres forever shall be held by said State as TRUSTEE IN TRUST subject to the conditions as set forth and expressed herein;

and I the said PERCIVAL PROCTOR BAXTER COVENANT with the State of Maine that I will WARRANT AND DEFEND the said premises to the said 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 seventeenth day of March in the year one thousand nine hundred fifty-five.

Signed and Sealed
in the presence of

Seal

ALICE M. GURNEY

PERCIVAL PROCTOR BAXTER

State of Maine:
Cumberland: SS

Portland, Maine, March 17, 1955.

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

Before me

ALICE M. GURNEY
Notary Public

Seal

Effective August 20, 1955

Chapter 171

AN ACT Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift in Trust of Twenty-Five Thousand Twenty-Five (25,025) Acres the Same Being All of Township Six (6) Range Ten (10) Including the Public Lot, W.E.L.S., Piscataquis County, State of Maine.

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

WHEREAS Percival Proctor Baxter of Portland in the County of Cumberland, State of Maine, has heretofore donated and conveyed to the State of Maine as TRUSTEE IN TRUST certain real estate in townships three (3), four (4), five (5) and six (6) range nine (9) and in townships three (3), four (4) and five (5) range ten (10) all seven in Piscataquis County and in township six (6) range eight (8) in Penobscot County, State of Maine, known as BAXTER STATE PARK all the said gifts and conveyances being subject to the Trusts, Reservations and Conditions specified in said Deeds of Conveyance, and

WHEREAS all the above gifts of land have been accepted by the State of Maine as TRUSTEE IN TRUST subject to the Trusts, Reservations and Conditions therein specified, and

WHEREAS the said Baxter now desires to donate and convey to the State of Maine as TRUSTEE to be held by said State in TRUST an additional area of land being all of township six (6) range ten (10) Piscataquis County containing twenty-five thousand twenty-five (25,025) acres more or less including the Public Lot, which with the previous gifts brings the Park to a total of one hundred ninety-three thousand two hundred fifty-four (193,254) acres or eight (8) complete townships and a portion of a ninth township.

NOW THEREFORE the State of Maine by Act of the Legislature hereby accepts from Percival Proctor Baxter a Deed of Gift and Conveyance of said twenty-five thousand twenty-five (25,025) acres more or less the same being all of township six (6) range ten (10) including the Public Lot all as described in the following Deed of Conveyance, the same to be held by said State as TRUSTEE IN TRUST for the benefit of the PEOPLE OF MAINE the same to be forever named Baxter State Park, the same to be forever held by said State for State Forest, Public Park and Public Recreational Purposes and for the Practice of Scientific Forestry and Reforestation. The trees harvested may be cut and yarded on the premises but no manufacturing operations shall be carried on or within said township. All revenue derived from the sale of timber shall be used by the State IN TRUST for the care, management and protection of Baxter State Park as now or hereafter defined, and the said twenty-five thousand twenty-five (25,025) acres forever shall be held by said State as TRUSTEE IN TRUST subject to the rights, easements and privileges of the Bangor Hydro Electric Company and of the Eastern Corporation as set forth and expressed in the following Deed of Conveyance.

DEED

KNOW ALL MEN BY THESE PRESENTS that I PERCIVAL PROCTOR BAXTER of Portland County of Cumberland, State of Maine in consideration of one (\$1.00) dollar and other valuable considerations paid to me 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 forever held by said 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 forever all my right, title and interest in and to the entire township six (6) range ten (10) including the Public Lot in Piscataquis County W.E.L.S. State of Maine.

EXCEPTING AND RESERVING so much of said premises as was conveyed to the Bangor Hydro Electric Company by deeds of Eastern Corporation dated January 4, 1954 recorded in Piscataquis County Registry of Deeds book 309, page 80, and April 20, 1955 recorded in said Registry book 315, page 211.

This conveyance is made expressly subject to the rights, easements and privileges reserved by Eastern Corporation as set forth in its deeds to Percival Proctor Baxter dated April 21, 1955 recorded in said Piscataquis Registry book 315, page 210; to the rights, easements and privileges conveyed to the Bangor Hydro Electric Company by said deeds dated January 4, 1954 and April 20, 1955 and to the duty to convey lands for storage purposes and for power purposes all as set forth in said deed to the Bangor Hydro Electric Company dated January 4, 1954.

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 forever held in TRUST for the People of Maine upon the following conditions that the premises herein donated and conveyed to the State of Maine shall forever be named Baxter State Park, shall forever be held for and as a State Forest, Public Park and Public Recreational Purposes and for the practice of Scientific Forestry and Reforestation.

I the said Percival Proctor Baxter covenant with the State of Maine that I will WARRANT AND DEFEND the said premises to the 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 second day of May in the year one thousand nine hundred fifty-five.

Signed and Sealed
in the presence of

Alice M. Gurney

Percival Proctor Baxter (Seal)

State of Maine:
Cumberland : SS

Portland, May 2, 1955.

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

Before me

Alice M. Gurney,
Notary Public.

(Commission expires in 1957)

Effective August 20, 1955

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundred and First Legislature

1963

Chapter 1

AN ACT Ratifying and Confirming the Acceptance by the State of Maine Under a Resolve of the Governor and Executive Council Dated September 5, 1962 of a Gift of Land in Trust Made by Percival Proctor Baxter the Same to be Added to Baxter State Park.

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

WHEREAS the Governor and Executive Council by Resolve dated September 5, 1962 accepted seven thousand seven hundred sixty-four (7,764) acres more or less of land in township two (2) range nine (9) Piscataquis County as donated and conveyed to the State of Maine on the trusts and conditions set forth in deed of Percival Proctor Baxter dated the sixth day of August 1962 recorded in Piscataquis County Registry of Deeds, book 349, page 148.

WHEREAS the said Percival Proctor Baxter desires to have the State Legislature accept the within Deed of Gift and Trust in order that it may be recorded in the Laws of Maine 1963, all previous gifts from said Baxter having been accepted by the Legislature and so recorded.

NOW THEREFORE, the State of Maine by Act of the Legislature hereby ratifies and confirms the action of the Governor and Executive Council in accepting the said Deed of Gift subject to the trusts and conditions therein stated.

BAXTER STATE PARK

DEED OF GIFT OF PERCIVAL PROCTOR BAXTER DATED AUGUST 6, 1962 CONVEYING TO THE STATE OF MAINE IN TRUST FOR THE PEOPLE OF MAINE SEVEN THOUSAND SEVEN HUNDRED SIXTY-FOUR (7,764) ACRES IN TOWNSHIP TWO (2) RANGE NINE (9)

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BAXTER STATE PARK

CHAP. 1

PRIVATE AND SPECIAL, 1963

W.E.L.S. PISCATAQUIS COUNTY THE SAME TO BE ADDED TO BAXTER STATE PARK AND MADE A PART THEREOF; SAID DEED READS AS FOLLOWS:

"BAXTER STATE PARK

KNOW ALL MEN BY THESE PRESENTS that I, PERCIVAL PROCTOR BAXTER of Portland, 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 Mt. Katahdin region to be forever held by said State as Trustee in Trust for the benefit of the people of Maine, do hereby remise, release, sell and quit-claim unto the State of Maine forever the following described parcel of land situated in Township two (2) Range nine (9) W.E.L.S. in the County of Piscataquis, State of Maine, and subject to the reservations and exceptions as herein imposed, and bounded and described as follows:

Land and real estate in the County of Piscataquis, State of Maine, described as follows: A certain tract or parcel of land in Township two (2) Range nine (9) W.E.L.S. bounded as follows: Beginning at a point in the westerly line of said Township, said point being one hundred and fourteen (114) chains southerly as measured by and along the westerly line of the Township from the northwesterly corner thereof; thence south thirty-six degrees and thirty-four minutes east (S 36° 34' E) one hundred and two (102) chains more or less to a point; thence easterly parallel to the northerly line of said Township three hundred ninety-four and five tenths (394.5) chains more or less to a point on the easterly line of said Township; thence northerly as measured by and along the easterly line of the Township one hundred sixty-five and six tenths (165.6) chains to the northeasterly corner of said Township; thence westerly as measured by and along the northerly line of said Township four hundred eighty-two (482) chains more or less to the northwesterly corner of said Township; thence southerly as measured by and along the westerly line of said Township one hundred fourteen (114) chains more or less to the point of beginning. The above described parcel contains seven thousand seven hundred and sixty-four (7,764) acres more or less.

EXCEPTING AND RESERVING to the Great Northern Paper Co., its successors and assigns, the right to cut and remove the merchantable timber and standing growth on the land herein conveyed, and to use the existing Togue Pond-Roaring Brook gravel road for ingress and egress to Township 3, Range 9 W.E.L.S. up to and including December 1, 1973 and not thereafter.

This conveyance is made subject to three existing camp leases, viz.: (A) lease on north shore of Abol Stream at outlet of Abol Pond to The Fin and Feather Club; (B) lease on shore of Abol Pond to Abol Pond Scout Camp Committee; and (C) lease on Togue Stream to Ronald Budreau et als; so long as said lessees use said leased premises for the purposes as now established, each of said lessees may continue its and his occupation under said lease in accordance with the terms thereof.

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 forever held in Trust for the people of Maine upon the following conditions: That the premises herein donated and conveyed to the State of Maine, 1 - shall forever be kept for and as a State Forest and Public Park and for Public Recreational Purposes, 2 - shall forever be kept in their natural wild state, 3 - that aircraft forever be forbidden to land on the ground or on the waters of the same, and I, the said Percival Proctor Baxter, WILL WARRANT AND DEFEND the said premises to the said State of Maine against the lawful claims and demands of all persons claiming by, through or under me the grantor herein.

IN WITNESS WHEREOF, I, the said Percival Proctor Baxter, being unmarried, have hereunto set my hand and seal this sixth day of August in the year one thousand nine hundred sixty-two.

Signed and Sealed in the
presence of

/s/ John E. Willey
State of Maine:
Cumberland : ss

/s/ Percival Proctor Baxter (Seal)

Portland, August 6, 1962

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

Before me,

/s/ John E. Willey
Notary Public

(Notarial Seal)"

Effective September 21, 1963

State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine

1931

Message Accompanying Deed to a Portion of Mount Katahdin

STATE OF MAINE

In Senate, March 4, 1931.

ORDERED, That, the House concurring, the Message of Percival P. Baxter to Governor Gardiner, the Senate and House of Representatives be printed in the Acts and Resolves for 1931, and that five hundred copies be printed for distribution to the members of the Legislature.

(In Senate Chamber
Mar. 4, 1931,
read and passed.)

(House of Representatives
Read and passed in concurrence)
March 4, 1931.

A true copy;
Attest:

ROYDEN V. BROWN,
Secretary of the Senate.

THE MESSAGE

March third, 1931.

To

Hon. William Tudor Gardiner, Governor,
and the Senate and House of Representatives of the State of Maine:—

It long has been my ambition to have the State of Maine own Mt. Katahdin, for to my mind that mountain is the grandest and most beautiful of all the natural attractions of our State.

Beginning as a member of the House of Representatives, continuing through my service as Senator and Governor, and later as a private citizen I have consistently maintained my interest in this region and expect some day to see my ambition realized. It has been necessary to overcome many obstacles and some are yet to be surmounted, but time and patience aid a good cause and I am confident of the outcome.

Some time ago I acquired an undivided three-eighths ($\frac{3}{8}$) interest in an area comprising sixteen (16) square miles in Township three (3), Range nine (9), Piscataquis County, within which lies Mt. Katahdin, having purchased the same from the Great Northern Paper Company, whose officials showed a fine public spirit in their willingness to aid me in carrying out my plans.

It was my hope by this time to have acquired the remaining undivided five-eighths ($\frac{5}{8}$) of this area, but this has not yet been accomplished. I, however, shall continue my efforts to obtain the outstanding interest in order to give it to the State at some future date.

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THE BAXTER MESSAGE.

The problem that thus confronted me was whether at once to donate to the State my three-eighths ($\frac{3}{8}$) interest, or wait until the remaining portion is acquired. Owing to the uncertainty of life, and being apprehensive lest something might happen to thwart my plans, I have decided to offer at this time to convey my interest in this mountain area as a gift to the State of Maine, and ask that it be accepted by Act of the Eighty-Fifth Legislature in accordance with the terms of the Act of Acceptance submitted herewith.

The only requests that I have to make in connection with this gift are that, in so far as can legally be done with an undivided interest, the donated area forever be used for public park and recreational purposes, forever be left in the natural wild state, forever be kept as a sanctuary for wild beasts and birds, that no roads or ways for motor vehicles shall hereafter be constructed thereon or therein, and that I be allowed to retain, during my lifetime, the right to determine, and to place whatever markers or inscriptions shall be maintained or erected on or within the donated area herein offered to the State.

In making this gift I desire to show to the people of my native State my appreciation of the honors they conferred upon me in the years gone by.

PERCIVAL PROCTOR BAXTER.

State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine

1933

To the Honorable Senate and House of Representatives:

I am pleased to submit herewith a communication from Ex-Governor Percival P. Baxter, distinguished citizen of Maine, with accompanying Act and Deed.

I suggest that prompt action be taken upon the Submitted Act, expressing definitely and conclusively our gratitude and appreciation.

It is the desire of Governor Baxter that the validity and public purpose of this very magnanimous gift be properly legalized, authenticated and recorded in the Laws of Maine.

No gift could be more generous, unselfish and disinterested.

This great public domain is for the enjoyment of our people for all time.

I desire to express to Governor Baxter the appreciation and thanks of the people of Maine.

Respectfully submitted,

LOUIS J. BRANN,
Governor.

STATE OF MAINE

In Senate, February 7, 1933.

ORDERED, the House concurring, that in order that the records of the Gift and Conveyance to the State of MOUNT KATAHDIN by PERCIVAL PROCTOR BAXTER shall be complete, the communication dated February 7, 1933, addressed by said BAXTER to the HONORABLE LOUIS J. BRANN, GOVERNOR, and to the SENATE AND HOUSE OF REPRESENTATIVES be printed in the Laws of Maine, 1933.

IN SENATE CHAMBER

Feb. 7, 1933

Read and Passed

Sent Down for Concurrence

ROYDEN V. BROWN,

Secretary

HOUSE OF REPRESENTATIVES

Read and Passed

In Concurrence

Feb. 8, 1933

HARVEY R. PEASE,

Clerk

DEED OF GIFT TO THE STATE OF MAINE.

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Portland, Maine, February 2, 1933.

To Honorable Louis J. Brann, Governor and the Senate and House of Representatives of the Eighty-Sixth Legislature of the State of Maine:

On March 3, 1931 I conveyed by Deed of Gift to the State of Maine an undivided three-eighths ($\frac{3}{8}$) interest in a tract of land located in Township three (3) Range nine (9) W. E. L. S. Piscataquis County (Mt. Katahdin) which, had the Township been divided according to the fractional interests then outstanding, would have amounted to an area of six (6) square miles and this gift and conveyance was accepted, subject to the conditions therein imposed, by Act of the Legislature approved by the Governor on March 4, 1931 (Private and Special Laws of 1931, Chapter 23).

Subsequent to the conveyance and to the passage of the Act above mentioned a division of the Township was effected under which the former undivided interests were consolidated into separate and distinct ownerships, and this enabled me to complete and enlarge my Gift to the State. On October 7, 1931 I thereupon completed the former Gift and at the same time conveyed to the State an additional area slightly in excess of three (3) square miles which additional area when added to that first conveyed gave the State full title and ownership to an area of nine (9) square miles in said Township. This second conveyance was accepted by the State on October 7, 1931 by Hon. Neil L. Violette, Forest Commissioner, approval being given thereto by Governor William T. Gardiner and the Executive Council and by Hon. Clement F. Robinson, Attorney General, all of them acting under authority conferred upon them by Sections fifteen (15) and sixteen (16) of Chapter eleven (11) of the Revised Statutes of 1930.

In order that the total area of nine (9) square miles or to be more exact about 5,960 acres, conveyed to the State by the two (2) Deeds above referred to shall finally be accepted by the Senate and House of Representatives directly representing the People of the State and shall be approved by the Governor, I have prepared and submit herewith an Act of the Legislature which I request your Honorable bodies to enact into law and your Excellency to approve. The description of the area and the conditions of the Gift are the same as in the two original conveyances. The passage of this Act makes the acceptance of the two Gifts above mentioned somewhat more formal and complete and it is this that I seek to accomplish.

Respectfully,

PERCIVAL PROCTOR BAXTER.

State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine

1939

STATE OF MAINE
EXECUTIVE DEPARTMENT

Augusta

January 19, 1939.

To the President of the Senate and the Speaker of the House of Representatives:

I have the honor to transmit to the Eighty-ninth Legislature a communication addressed to me and to your honorable bodies, accompanied by an Act of acceptance of 12,000 acres to be added to the Baxter State Park, by the donor, Honorable Percival P. Baxter.

I respectfully call to your attention the fact that by the action of former Governor Baxter the State of Maine is acquiring a large area of wild forest land to forever be held in trust by the State for state park purposes. In addition to the 12,000 acres herein presented to the State, the State already has accepted 6,000 acres from the same donor. These areas are accepted under the terms of a definite, unbreakable trust, providing that it be forever held by the State as trustee for the benefit of the People of the State of Maine for state forest, public park and public recreational purposes.

A state trust of this character is a solemn obligation and I am confident that the word of the Sovereign State of Maine, once given, will never be broken. I am informed that in the near future 20,000 acres additional to the present gift will be presented to the State of Maine, making a total area for state park purposes of 38,000 acres.

This gift from a distinguished former Governor of Maine is a most commendable one because it will preserve for all time an extensive area of virgin wild land for all our people. The people of Maine should be deeply obligated to former Governor Baxter for his continued interest in the development of this great natural resource of the State and I am confident that present and future generations of Maine people will approve your action in accepting this memorable gift.

Respectfully submitted,

LEWIS O. BARROWS,
Governor.

To Honorable Lewis O. Barrows, Governor, and the Honorable Senate and House of Representatives of the Eighty-ninth Legislature:

On the 2nd of February, 1933, I donated and conveyed to the State of Maine as Trustee in Trust an area of about 6,000 acres (Mt. Katahdin) in Township 3 Range 9 W. E. L. S. Piscataquis County and this gift was accepted by the eighty-sixth Legislative Private and Special Laws of Maine 1933 Chapter 3 approved by the Governor February 9, 1933, and the donated area later was named by the said Legislature "BAXTER STATE PARK."

On November 9, 1938, I donated and conveyed to the State as Trustee in Trust a second area of about 6,000 acres being the Northwest one-quarter of Township 5 Range 9 W. E. L. S. Piscataquis County north of Katahdin, and Honorable Waldo N. Seavey, State Forest Commissioner, accepted this gift in the name and in behalf of the State of Maine with the approval of Hon. Lewis O. Barrows, Governor, the Executive Councilors and Hon. Franz U. Burkett, Attorney General, all acting under the provisions of Chapter eleven Sections 15 and 16 Revised Statutes of 1930.

I now desire to donate and convey to the State in Trust a third area of about 6,000 acres being the Southeast one-quarter of said Township 5 Range 9 which if accepted by the State will give the State 18,000 acres of wild forest land to be forever held in Trust for State forest, public park and public recreational purposes.

In order that my gifts to the State all shall be accepted by the Senate and House of Representatives as the direct representatives of the People of Maine and that said acceptance shall be approved by the Governor, I have prepared an Act of Acceptance of the two conveyances of the land in Township 5 Range 9 that total 12,000 acres and I request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the State as Trustee in Trust for the People of Maine.

It long has been my major public interest to acquire and donate to the State a large area of wild forest land to be forever held in Trust by the State for the benefit of the people of Maine. Including the land already conveyed to the State by me I have acquired a total of 38,000 acres all of which will be conveyed and donated to the State from time to time as I arrange my personal affairs. Moreover I now am negotiating for other areas of nearby wild forest land which will be added to the acreage already acquired for this Park if I succeed in securing them. Should I die before my plans are completed provision has been made that they be carried out strictly in accordance with my wishes as herein expressed.

In conveying these lands to the State of Maine a definite Trust is created and I have the utmost confidence that the word of this Sovereign State as given by the Chief Executive and by the representatives of the people never

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will be broken and that this State never will violate the Trust provisions in the Deeds it accepts from me. I have faith in the integrity of my fellow citizens and ask them to have faith in me. I now submit this Act of Acceptance to your Excellency and to your Honorable Bodies and ask for its passage and approval.

Respectfully,

(Signed) PERCIVAL P. BAXTER.

Order

On motion by Mr. Spear of Cumberland, it was

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 Twelve thousand (12,000) acres in Township five Range nine, Piscataquis County (BAXTER STATE PARK) be complete and in enduring form, the communication dated January 17, 1939 addressed by said Baxter to Honorable Lewis O. Barrows, Governor, and to the Honorable Senate and House of Representatives together with the message of Governor Barrows transmitting the said communication to the Legislature be printed in the Laws of Maine for 1939. (S. P. 103).

Sent down for concurrence.

STATE OF MAINE
EXECUTIVE CHAMBER

Augusta, Maine

January 4, 1939.

To the Honorable Senate and House of Representatives:

In compliance with the Constitution of the State I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years, 1937 and 1938, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation of sentence, and the condition, if any, upon which the same was granted.

LEWIS O. BARROWS,
Governor.

State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine

1941

ORDERS

Passed by the 90th Legislature That Affect State Agencies After Its
Adjournment.

Orders that related only to expediting the business of the legislature
and were carried out before the adjournment are omitted.

SMITH DUNNACK,
Revisor of Statutes.

STATE OF MAINE

In Senate, Jan. 1, 1941.

ORDERED, that the Senate rules be amended by adding thereto the
following rule:

'A copy of each Senate order requiring action by any department, bureau, commission, board or agency of the state which is passed by both branches of the legislature shall be forwarded to such department, bureau, commission, board or agency by the secretary of the senate immediately after the adjournment for the legislative day in which the order was passed by the concurring branch of the legislature. Another copy of all such orders shall be sent to the Revisor of Statutes, and shall be published in the official volume of the public law.'

Jan. 8, 1941.

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 approximately twelve thousand (12,000) acres in Township four (4), Range nine (9) W. E. L. S. Piscataquis County (**BAXTER STATE PARK**) be complete and in enduring form, the communication dated January eighth, 1941, addressed by said Baxter to **HONORABLE SUMNER SEWALL**, Governor, and to the Honorable Senate and House of Representatives together with the message of Governor Sewall transmitting the said communication to the Legislature be printed in the Laws of Maine for 1941-42. (S. P. 35)

Finally passed Jan. 9, 1941.

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ORDERS

STATE OF MAINE
EXECUTIVE DEPARTMENT
Augusta

January 8, 1941.

The Honorable President of the Senate

The Honorable Speaker of the House of Representatives 90th Legislature

Dear Sir:

I am very happy to transmit herewith a letter along with accompanying act from the Honorable Percival P. Baxter of Portland in which he generously offers another substantial gift of land for park purposes.

Baxter State Park, including Mt. Katahdin, now comprises 23,000 acres. With the acceptance of this latest donation, if the 90th Legislature votes this action, the total area of the park will be 35,000 acres. Additional land already acquired and to be conveyed to the State at a later time will increase the size of this park to approximately 100,000 acres.

The thoughtfulness, vision and action through which Mr. Baxter has undertaken to make this vast acre forever available to us and to our children commands deep appreciation and gratitude. It will long be remembered by the people of Maine.

I recommend the acceptance of this gift.

Respectfully submitted,

(Signed) SUMNER SEWALL,
Governor.

Portland, Maine, January 8, 1941.

To—

Honorable Sumner Sewall, Governor, and

Honorable Senate and House of Representatives of the Ninetieth Legislature—

In furtherance of my ambition to create an extensive State Park in the forest regions of Maine for the benefit of the People of Maine of today and tomorrow, I have acquired and still am acquiring, certain areas of wild forest land in the mountainous region of Katahdin.

From time to time I have deeded and conveyed to the State of Maine

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as Trustee in Trust, certain of these areas and I now desire to donate and convey to the State twelve thousand (12,000) acres more or less in township 4 range 9, Piscataquis County. This township is called Traveler Town for within its boundaries is located Traveler Mountain 4,000 feet in height, together with several other peaks of lesser altitude. Moreover in the heart of this township is located a complete set of camps available for tourists and mountain climbers. Probably there is no section of Maine where there is a larger population of moose and bear than in this Traveler Town; it is one of the wildest portions of our State. I am informed that in this township there are sections on the slopes of Traveler Mountain that never have been touched by the axe of Man.

This gift if accepted and added to the areas already conveyed gives the State approximately 35,000 acres of wild forest land including Mount Katahdin. Other land, 64,000 acres in extent, already acquired by me make a total area of 99,255 acres for this park and this later will be donated to the State. In case of my decease provision has been made to carry out my plan to complete this park project. In order that certain lines may be straightened out and certain gaps filled I am endeavoring to acquire still other land in this interesting region later to be added to the 99,255 acres herein referred to.

In offering to you this conveyance and deed of gift, I am confident that if you accept it in Trust for the People of Maine that the Trust therein created never will be violated by the People of the Sovereign State of Maine. Therefore, I now present to you an Act of Acceptance and request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the State as Trustee in Trust for the People of Maine.

Respectfully,

(Signed) PERCIVAL PROCTOR BAXTER.

February 27, 1941.

ORDERED, the House concurring, that the State Highway Commission be and hereby is authorized and directed to expend not to exceed \$25,000 from the highway maintenance fund, Appropriation 9055, for matching federal funds for the construction of defense highways with the provision that the maintenance fund shall be reimbursed from the general highway fund, Appropriation 9010, within the present fiscal year. (S. P. 474)

Finally passed, Feb. 28, 1941.

State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine

(from July 22, 1940 to May 1, 1943, except those printed
in the 1941 Session Laws)

COMMUNICATION

STATE OF MAINE
EXECUTIVE DEPARTMENT

Augusta

July 23, 1940

To the President of the Senate and the Speaker of the House:

I herewith transmit a proposal from Honorable Percival P. Baxter, offering to donate further acreage of land for State Park purposes at Mt. Katahdin.

This communication is accompanied by a proposed Act accepting the gift of said land.

Respectfully submitted,

LEWIS O. BARROWS,
Governor. (S. P. 772.)

Which was read and ordered placed on file.

COMMUNICATION

To Honorable Lewis O. Barrows, Governor, and the Honorable Senate and House of Representatives of the Eighty-Ninth Legislature:

On the second day of February 1935 and on the seventh of January 1939, I donated and conveyed to the state of Maine as trustee in trust certain lands in townships three (3) and five (5), range nine (9), W. E. L. S. Piscataquis County (Mt. Katahdin) and these gifts were accepted by the eighty-sixth Legislature Private and Special Laws of Maine 1933 Chapter three (3) and by the eighty-ninth Legislature Private and Special Laws of Maine Chapter one (1) approved by the Governor February ninth, 1933 and January nineteenth 1939 respectively.

As I now desire to donate and convey to the state in trust an additional area of approximately four thousand one hundred seventy-four (4,174) acres being a portion of the southeast one-quarter ($\frac{1}{4}$) of township three (3), range ten (10), to be held forever in trust for state forest, public park and public recreational purposes I have prepared an Act of Acceptance of the said land and request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the state of Maine as trustee in trust for the people of Maine.

The land now offered to the State of Maine in township three (3), range ten (10) is located at the base of, and on the westerly slopes of Mt. Katahdin. On this area there has been erected a number of camps, Adirondack lean-tos, fire-places, lunch shelters and other structures for tourists and mountain climbers. This area of approximately four thousand one hundred seventy-four (4,174) acres is the most frequented section of the Katahdin region for the ascent of the mountain over the Hunt Trail starts therein at this camp site on Katahdin Stream and the Millinocket-Sourdunhunc road passes through this one-quarter ($\frac{1}{4}$) of the township.

You will be interested to know that the land already donated to the state and the land already acquired by me to be donated to the state from time to time now totals approximately seventy-four thousand five hundred thirty-three (74,533) acres and I shall not consider my Katahdin project completed until at least one hundred thousand (100,000) acres have been acquired by me and donated to the state for public park, forest and recreational purposes.

In conveying these lands to the state of Maine a definite trust is created and I have the utmost confidence that the word of this sovereign state as given by the Chief Executive and by the chosen representatives of the

GIFTS OF EX-GOVERNOR BAXTER

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people of Maine never will be broken and that this state never will violate the trust provisions under the deeds it accepts from me.

I now submit this Act of Acceptance to your Excellency and to your Honorable Bodies and ask for its passage and approval.

Respectfully,

PERCIVAL PROCTOR BAXTER.

July 22, 1940 (S. P. 773).

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 approximately four thousand one hundred seventy-four (4,174) acres in township three (3), range ten (10), W. E. L. S. Piscataquis county (BAXTER STATE PARK) be complete and in enduring form, the communication dated July twenty-second 1940, addressed by said Baxter to Honorable Lewis O. Barrows, Governor, and to the Honorable Senate and House of Representatives, together with the message of Governor Barrows transmitting the said communication to the Legislature be printed in the Laws of Maine for 1939-40. (S. P. 775)

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

EXECUTIVE DEPARTMENT

Augusta

January 12, 1942.

The Honorable President of the Senate

The Honorable Speaker of the House of Representatives, 90th Legislature

Dear Sirs:

It gives me great pleasure to transmit herewith a letter from the Honorable Percival P. Baxter, of Portland, in which he again offers a substantial gift of land to be added to the Baxter State Park.

This Park, including Mount Katahdin, now comprises 35,000 acres. If

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the 90th Legislature accepts this additional donation the total area of the Park will be 47,000 acres.

The continued generosity and devotion to his native state which has impelled former Governor Baxter to make such an incomparable gift to the people of Maine deserves and will receive their utmost appreciation.

I earnestly recommend the acceptance of this gift.

Respectfully submitted,

SUMNER SEWALL.

(S. P. 583)

Which was read and ordered placed on file.

Portland, Maine,

January 12, 1942.

To the Honorable Sumner Sewall, Governor, and the Honorable Senate and House of Representatives of the Ninetieth Legislature:

You are familiar with my plan to establish a State Park in the forest areas of the Mount Katahdin region, and you and your predecessors from time to time graciously have accepted the gifts of land which I have offered to our State.

I now offer you another area of twelve thousand (12,000) acres the same being the easterly one-half ($\frac{1}{2}$) of Township four (4) Range nine (9) W. E. L. S., Traveler Town. If you accept this gift the State will have received from me forty-seven thousand (47,000) acres. In addition to this I have acquired and now own sixty-five thousand nine hundred forty-five (65,945) acres which, when succeeding Legislatures are in Session will be donated to the State.

I wish you to understand my reason for making these gifts from time to time, rather than by deeding to the State at one Legislative Session all of my park land.

Some of you will recall that in 1931 shortly after my first gift to the State was completed, an attempt was made to take this land away from the State and transfer it to the National Government.

Naturally I was greatly disturbed by this proposal, and although I could

not believe that the State of Maine ever would break the sacred Trust it made with me, a Trust which provides that these lands forever shall be held by the State in Trust for Maine people, I immediately took steps to protect the State's interest.

After consulting with several of the leading judges and lawyers of our State a definite plan has been adopted under which I am to deed a considerable area to the State at each Legislative Session, each deed to be accepted in the form of a separate State law carefully worded into a binding and unbreakable Trust Deed. In this manner a long list of precedents is being established; precedents which, as time passes, will show that eight or ten different Governors and as many Legislatures, by laws duly passed and signed by these Governors, have entered into solemn pacts that create a succession of irrevocable trusts. These trusts, beginning with 1931, are printed in the Laws of Maine, and as each session enacts them they thus become public documents.

He would be a rash individual who in the years to come, even after I have passed away, would seek to take these lands from the State and would attempt to break these Trusts created not by one Governor or one Legislature but by several. While I live I can successfully oppose any such action; I seek to prevent it after I have gone.

From the above you will understand my plan. When you meet again in 1943 I shall be on hand with another deed, and so on year after year until the park is finally completed and accepted by the representatives of the people of Maine. It would be far easier for me to donate this land all at one time and I should prefer to do so. However, in order to safeguard this Park for the future, it seems wise to adhere to the plan I have outlined to you. In case of my decease all my remaining land under my will immediately becomes the property of the State of Maine.

At the present time I am negotiating for additional land to be added to the Park, for ultimately I want this Park to contain at least six (6) complete townships of approximately twenty-four thousand (24,000) acres each.

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

PERCIVAL PROCTOR BAXTER.

(S. P. 584)

Which was read and ordered placed on file.

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GIFTS OF EX-GOVERNOR BAXTER

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 approximately twelve thousand (12,000) acres in Township four (4), Range nine (9) W. E. L. S. Piscataquis County (BAXTER STATE PARK) to be complete and in enduring form, the communication dated January twelfth, 1942, addressed by said Baxter to Honorable Sumner Sewall, Governor, and to the Honorable Senate and House of Representatives together with the message of Governor Sewall transmitting the said communication to the Legislature be printed in the Laws of Maine for 1941-1942. (S. P. 582)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

STATE OF MAINE

Executive Department

Augusta

SUMNER SEWALL

Governor

January 13, 1943.

The Honorable President of the Senate

The Honorable Speaker of the House
Ninety-first Legislature

Dear Sirs:

It is my great pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland, in which he generously offers substantial gifts of land for public purposes.

Baxter State Park, including Mount Katahdin, now comprises 47,000 acres. If it is the pleasure of the Ninety-first Legislature to accept this present offer, the area of the Park will be brought to 59,000 acres.

Mr. Baxter's generosity in undertaking to set up and give to the State one of the most magnificent natural recreational areas in the nation for our benefit and that of our children should command the deepest appreciation and gratitude.

Included with this present gift of additional land to the Katahdin tract,

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GIFTS OF EX-GOVERNOR BAXTER

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Mr. Baxter proposes to give to the State, Mackworth Island located in the town of Falmouth in Portland Harbor.

Looking forward to the time when there will be maintenance costs in connection with the various structures on this property Mr. Baxter advises that he plans the establishment of a trust fund, to which he now donates \$10,000 as the initial gift. During his lifetime he wishes to retain his use of this Island without expense to the State.

Mr. Baxter has lived many years on this Island and believes its dedication to appropriate public use will prove of real benefit to the people of Maine.

It is well that we view these matters with vision and imagination, for the future may show human needs of great urgency which are not clearly perceptible today.

I, therefore, commend this proposal to your very thoughtful consideration, and urge acceptance of these gifts as being in the public interest.

Respectfully submitted,

SUMNER SEWALL.

(S. P. 27)

January 13, 1943.

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

Governor Sumner Sewall and many of the members of this Legislature are familiar with my plans to donate to the State an extensive area of land in the Mount Katahdin region, the same to be held in Trust by the State for certain public purposes.

During the past thirteen years from time to time the State has accepted from me a total of forty-seven thousand (47,000) acres and I now offer you the gift of an additional area of twelve thousand (12,000) acres, which if accepted will give the State fifty-nine thousand (59,000) acres, all of which is located in Piscataquis County.

In order that those of you who were not members of the ninetieth Legislature may understand why these donations are made separately over a period of years instead of being transferred under a single deed, I refer you to a communication dated January 12, 1942, addressed by me to Governor Sewall and the ninetieth Legislature and published in the Legislative Record of the Special Session of that date, page 15 Senate Record and page

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GIFTS OF EX-GOVERNOR BAXTER

33 House Record under date of January 13, 1942. By joint order of the Senate and House this communication was ordered published in the Laws of Maine and Mr. Smith Dunnack, the Revisor of Statutes, informs me it will be printed in the Laws of Maine for 1943.

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.

I have acquired and now own fifty-four thousand (54,000) acres in addition to the fifty-nine thousand (59,000) acres above referred to, making a total of one hundred thirteen thousand (113,000) acres, and each year hereafter beginning with 1944 I shall continue to deed to the State of Maine certain portions of this fifty-four thousand (54,000) acres until it all has been so transferred. In case of my decease before my work is completed, whatever portion of this fifty-four thousand (54,000) acres has not been given to and accepted by the State will pass under my Will and thus become a part of what by State law is BAXTER STATE PARK.

This Park project has become my life work and before it is completed I hope to secure an additional thirty-one thousand (31,000) acres which will comprise six entire townships totaling one hundred forty-four thousand (144,000) acres. To do this requires time and patience for just at present the owners do not care to sell their lands. Even though I may not

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GIFTS OF EX-GOVERNOR BAXTER

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succeed in completing this in my life time, I have made provision in my Will so that in due time my plans will be carried through as I desire.

In the Act submitted herewith I have recited the several Deeds and conveyances made by me to the State in order that the record thereof may be clear and understandable to future generations of Maine people.

IT NOW IS MY DESIRE to make a second gift to the State of Maine and in the Deed and Act that accompanies this communication I have included MACKWORTH ISLAND, situated in the Town of Falmouth in Portland Harbor, Casco Bay, together with MACKWORTH or HALF-WAY ROCK southerly of said Island and also together with the Bridge to said Island, a right-of-way from the bridge to the State Highway, and certain Pole rights leading to said Island.

This Island means everything to me. For fifty-six (56) years I have spent the happiest days of my life there and I want the people of Maine to own and enjoy this Island in the years to come. This Island must never be exploited for private gain nor would I ever sell it for any price. My giving this Island to the State is not the result of any sudden impulse, because for twenty-nine (29) years there has been a provision in my Will that upon my decease it becomes the property of the people of Maine. In order, however, to make doubly sure that my wishes are carried out I now offer Mackworth Island as a gift to the State to be held forever in Trust by the State for State public purposes. A man does well to attend to these matters while living, rather than to leave them for others to do after he has gone.

Mackworth Island in many ways is unique. It was first settled by Arthur Mackworth, an Englishman, in 1631. This man lived there many years and became the leading citizen of the Casco Bay area. He often went to Boston to represent his fellow colonists in matters that came before the King's authorities in the Massachusetts Colonial government. According to ancient deeds the Island is "one hundred acres more or less" in extent. It lies at the mouth of the Presumpscot River on the westerly border of the Town of Falmouth and within less than one-half a mile from the easterly line of the City of Portland. For unknown centuries this Island was the home of the Indian and many unusual relics have been unearthed there. In the Museum here at the State Capitol is a collection of arrow heads and implements taken over a period of years from the Indian camp sites on the Island. Some time ago I donated this collection to the State and Mr. Joseph Wilson, curator in charge of the Museum, has made of it a most interesting display.

About one-quarter of the Island is well wooded with pine and spruce, one-quarter is pasture-land and the remainder is excellent land for such

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crops as usually are found in southwestern Maine. I, myself, have planted in excess of 50,000 pine and spruce on this Island. There also is an orchard of about seventy-five fruit trees, apples, pears, cherries, plums and peaches. There are extensive clam flats on the northerly side and a good depth of water for boating on the southerly and easterly shores. Moreover the Island has several beaches suitable for bathing. The Island also has ample water supply from its own springs but these are not now in use because two large pipe lines bringing water from Sebago Lake cross the Island and carry water to the outlying Islands of Casco Bay now being fortified by the U. S. Army and Navy. These water lines are tapped on the Island for use there, and telephone and electric services also come to the Island over the bridge that connects it with the mainland. The buildings on the Island consist of a complete set of farm buildings, house, barn and other structures together with three residences, one brick and two wooden, all in good repair. This Island with the surrounding waters by State law is a wild life sanctuary and I have provided that it always shall so remain. A small colony of pheasants and one of partridges live there and occasionally one or two deer swim across the channel from the mainland and remain for a few days.

The uses to which this Island can be put by the State are numerous. In the deed I offer you it is provided that the Island always shall be used for State public purposes only. It is well adapted for recreational and educational purposes, for a hospital, for a home for sick or under-privileged children, for forestry, park or agricultural experimental purposes, or for any of the numerous activities of the State which require a large area in the country conveniently located near the advantages of a City. Its use for children would be especially pleasing to me. Certainly I ask that it never be used for penal or corrective institutions nor for any purpose connected with the enforcement of the laws of the State relating to criminals. The deed includes the bridge and right-of-way connecting it with State Highway No. 1, also certain pole rights and a rocky islet south of the Island.

As this Island is my home I wish to live there for some time to come and so have provided in the Deed of Gift and Act of Acceptance that the State may lease this to me for a period of fifteen (15) years with the right on my part to renew the same for a similar term. During the period of the lease, as Lessee I shall assume all expenses in connection with my occupation of the Island, including insurance and repairs on the buildings and bridge. It further is provided that in case at any time I no longer shall desire to occupy the Island I may terminate the lease. In such case and also upon my decease the lease terminates and the State then takes immediate possession.

It long has been my intention, subject to the vicissitudes of business, to

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establish a fund to be donated to the State, the same to be held in Trust by the State and to be used in the discretion of the Governor and Council for some State public purpose in connection with the State's ownership of this Island. In order now that a beginning be made in this direction I hereby offer to the State of Maine the sum of ten thousand (\$10,000) dollars and in the accompanying Act it is provided that this sum, together with such gifts as later may be added to, it by me, be accepted by said State as a Trust Fund as therein stated.

In offering you the gift of my Island I ask you to look beyond the present and into the future. Some may raise objections to its acceptance and may say "What will the State do with it". I am confident such a short-sighted view will not prevail.

As I look into the years ahead, I see great social changes coming. There is no stopping them, nor would I do so. Our State is destined to expand its activities far beyond what it now is doing. It will assume added responsibilities for the care of children, the sick, the crippled, the needy. New institutions will be established, new methods adopted for the care of the unfortunate and defective. The State is bound to play a far more important part than ever in the regulation and conduct of our lives and methods of living. Whether some persons approve or not, all of us will be profoundly affected. The good things of life are destined to be more widely distributed and we should prepare for the changes that are sure to come. My gifts though perhaps not now fully appreciated will, in the future, be regarded as valuable contributions to the public welfare. In this connection it is significant to recall certain incidents of the past.

Almost sixty years ago my late father James Phinney Baxter donated a public library building to the City of Portland. He was a pioneer in public giving. It is hard to believe, but certain persons of influence objected to the acceptance of the gift by the City. They openly opposed it. "What shall we do with it; it may cost the City something to maintain it" was the cry. Never for a moment, however, did my father regret having made the gift. He brushed aside this opposition and completed his task.

Again my father laid the plans for the construction of the Baxter Boulevard in Portland with which you all are familiar. Again those without vision opposed him and said "What shall we do with it". He drove ahead, however, and lived to see the project so far advanced that no one dared stop it. Today the Boulevard is the City's chief natural attraction.

In my own life I have had a similar experience. Twenty-six years ago when I first conceived the idea of a State Park at Katahdin there was determined opposition. I was attacked as a dreamer and branded as a socialist. Several of our newspapers came out against me, "We don't want a Park, leave things as they are; what shall we do with it", again was

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heard. Session after session I fought on and made speech after speech up and down the State. It was a long road to travel, but to-day the State Park is acknowledged to be one of the State's great natural attractions and the people of the future will appreciate it even more than do those of to-day.

In accepting the gifts I now offer there is no reason for anxiety as to what the State will do with the Island. In the ordinary course of events my life may continue for a number of years, and during the period of my occupancy of the Island under the lease, all expenses are assumed by me. Meanwhile I hope to increase the Trust Fund which is established under the Act and which is a part of the Gift.

As an example of what increases may mean, I remind you that my first gift of Katahdin land thirteen years ago was an area of but 6,000 acres. To-day, a total of 113,000 acres have been acquired by me for this project, with more to come.

I have a vision of what this Island is to be in the future. It will be a haven for those, young and old, who need refreshment in body and in spirit. From it will radiate kind and wholesome influences that will go far toward making Maine a better State in which to work and live.

In this communication I have gone into some detail so that all may understand my purpose. I desire to do something worth while for my native State and want the People of Maine to enjoy both the Park at Katahdin and my Island in Casco Bay. I ask you men and women who for the time being guard our destinies, to take the broad, long vision and accept that which I now offer to my fellow citizens.

Respectfully,

PERCIVAL PROCTOR BAXTER.

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 approximately twelve thousand (12,000) acres in township five (5) range nine (9) W. E. L. S. Piscataquis County (Baxter State Park), and the gift of Mackworth Island together with the ten thousand (\$10,000) dollars Trust Fund given for said Island, be complete and in enduring form, the communication dated January 13, 1943, addressed by the said Baxter to the Honorable Sumner Sewall and 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 1943. (S. P. 30)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

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STATE PAPERS RELATING

to

Gifts of Ex-Governor Baxter

to

The State of Maine

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

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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.

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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.

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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.

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GIFTS OF EX-GOVERNOR BAXTER

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.

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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 to-day, 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

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(1,926) 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-Sourdnhunk 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

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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-

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GIFTS OF EX-GOVERNOR BAXTER

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.

STATE PAPERS RELATING

to

Gifts of Ex-Governor Baxter

to

The State of Maine

(from May 1, 1945 to May 12, 1947)

COMMUNICATION

STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta

January 8, 1947

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

Dear Sirs:

I deem it a pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland in which he offers an additional 10,740 acres of land in the Katahdin Baxter State Park area for public purposes.

This generous gift, if accepted by the 93rd Legislature, would increase the area of the Baxter State Park, which includes Mount Katahdin, to 127,028 acres.

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, under the same terms and conditions as the previous ones, as being in the public interest.

Respectfully submitted,

HORACE HILDRETH,
Governor.

(S. P. 23)

In Senate Chamber
Jan. 8, 1947
Rec'd and Placed on File
Sent Down for Concurrence
CHESTER T. WINSLOW, Sec.

House of Representatives
Jan. 8, 1947
Read and Placed on File
In Concurrence
HARVEY R. PEASE, Clerk

COMMUNICATION

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

Beginning in 1931 I have come to several Maine Legislatures offering gifts of land to the State of Maine in Trust, and I now come to you to offer another gift, this one of ten thousand seven hundred forty (10,740) acres, the same to be added to BAXTER STATE PARK in the MOUNT KATAHDIN region.

Up to the present time I have donated to the State one hundred sixteen thousand two hundred eighty-eight (116,288) acres and the additional acreage which I now bring to you will increase the total area of the Park to one hundred twenty-seven thousand twenty-eight (127,028) acres, or approximately five and one-half (5½) Maine Wild Land townships.

In order that there may be a complete and accurate record of my Gifts to the State over the years, I am including in the Act of Acceptance a list of the Gifts in detail so that in the years to come this will be available to those who may be interested to have the record spread before them. Those of the members of this Ninety-third Legislature who have served in previous Legislatures, no doubt are familiar with the procedure adopted in connection with these Gifts.

The land that is now being donated to the State is my most recent purchase. When you accept this Gift I then shall have donated to the State all the land in the Katahdin area that I have acquired since I began my project in 1917. This one hundred twenty-seven thousand twenty-eight (127,028) acres is a continuous unbroken area except for the fact that in the south-western corner there is still outstanding an undivided ownership of six thousand seventeen (6,017) acres which I have not yet acquired and which is not included in the total of one hundred twenty-seven thousand twenty-eight (127,028) acres.

I am still interested to enlarge the area of the Park and shall do so from time to time as additional purchases are made.

The conditions placed in the Act of Acceptance are the same as those in former Deeds of Gift. It now is just thirty (30) years since in 1917 I

GIFTS OF EX-GOVERNOR BAXTER

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first conceived the project of donating to the State of Maine a large area of land for Public Park and Recreational purposes. I shall be pleased if you will accept this Gift in the spirit in which it is offered.

Respectfully,

PERCIVAL P. BAXTER.

Portland, Maine
January 8, 1947.

(S. P. 24)

In Senate Chamber
January 8, 1947
Rec'd and Placed on File
Sent Down for Concurrence
CHESTER T. WINSLOW, Sec.

House of Representatives
January 8, 1947
Read and Placed on File
In Concurrence
HARVEY R. PEASE, Clerk

January 8, 1947

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 ten thousand seven hundred forty (10,740) acres in township four (4) range ten (10), W. E. L. S. Piscataquis County (BAXTER STATE PARK) be complete and in enduring form, the communication dated January eighth, 1947, addressed by said Baxter to the Honorable HORACE A. HILDRETH, Governor, and to the Honorable Senate and House of Representatives of the Ninety-third Legislature, together with the message of Governor HORACE A. HILDRETH transmitting the said communication to this Legislature, be printed in the Laws of Maine for 1947.

SP 26

In Senate Chamber
Jan. 8, 1947
Read and Passed
Sent Down for Concurrence
CHESTER T. WINSLOW, Sec.

House of Representatives
Read and Passed
January 8, 1947
In Concurrence
HARVEY R. PEASE, Clerk

Cleaves
Cumberland

(17)

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STATE PAPERS RELATING

to

Gifts of Ex-Governor Baxter

to

The State of Maine

(from May 13, 1947 to May 1, 1949)

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COMMUNICATION
STATE OF MAINE
Office of the Governor
Augusta

January 12, 1949.

The Honorable President
The Honorable Speaker of the House
Ninety-Fourth Legislature

Gentlemen:

It is a pleasure and a privilege to transmit herewith a letter from the Honorable Percival P. Baxter of Portland, a former Governor of Maine, in which he offers an additional 14,286 acres of land comprised in three tracts in Piscataquis County, and one tract in Penobscot County, for inclusion in Baxter State Park. All of this land is designated for public purposes.

Please note that the Honorable Mr. Baxter's communication is accompanied by two Acts. First, an Act accepting the 14,286 acres, and, second, an Act amending by mutual consent certain provisions of the laws of 1945 and 1947 relating to construction and maintenance of roads within the Park area. The Honorable Mr. Baxter states that in his opinion, the original deed of gift provisions as to roads seem somewhat too severe, and it is his desire to change them, in order to provide latitude for road construction and maintenance in future years.

If you accept this extraordinary gift, the Baxter Park area will contain 141,712 acres, which will be maintained in the natural wild state of this beautiful region. Prior gifts have been ten in number, and have been accepted by ten legislative Acts and by two Resolutions of the Forestry Commissioner and the Governor and Executive Council.

Mr. Baxter's altruistic beneficence will make certain that this vast area be kept in its natural state for the enjoyment of all Maine citizens and for the pleasure of thousands of visitors who come to Maine each year in search of unspoiled, healthful recreation, and will guarantee in perpetuity this immense area of the State which includes Mount Katahdin.

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GIFTS OF EX-GOVERNOR BAXTER

It is urged that you give your most serious consideration to the immediate acceptance of this gift under the terms and conditions as defined in the acceptance Act and the Act amending by mutual consent certain provisions in the current law relating to construction and maintenance of roads within the Park area.

Sincerely yours,

FREDERICK G. PAYNE
(S. P. 25)

Which was read and ordered placed on file.

COMMUNICATION

January 3, 1949.

To the honorable Frederick G. Payne, Governor
and the Honorable Senate and House of Representatives
of the Ninety-fourth Legislature.

During the period from March 3, 1931 to January 8, 1947 inclusive I have donated and conveyed to the State of Maine one hundred twenty-seven thousand four hundred twenty-six (127,426) acres of forest land in Piscataquis County, the same being the area known as Baxter State Park. These gifts, twelve in number, have been accepted by ten (10) Legislative Acts and by two (2) Resolutions of the Forest Commissioner and the Governor and Executive Council.

Since the last gift was made by me and accepted by the Legislature, Chapter 1 of the Private and Special Laws of 1947, I have acquired three (3) additional tracts of land in Piscataquis County and one (1) tract in Penobscot County, the four (4) totaling fourteen thousand two hundred eighty-six (14,286) acres. I now come to you offering these four (4) areas as an addition to said State Park. If you accept this gift the Park area then will be one hundred forty-one thousand seven hundred twelve (141,712) acres in extent.

The three (3) areas in Piscataquis County I now offer you are, 1—six thousand two hundred forty-seven (6,247) acres and 2—five hundred thirty-six (536) acres both in township six (6) range nine (9), and 3—six thousand seventeen (6,017) acres in township three (3) range ten (10).

The fourth (4th) area of one thousand four hundred eighty-six (1,486) acres is in township six (6) range eight (8) Penobscot County, all W. E. L. S. Except for one small undivided ownership of less than seventy-five

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GIFTS OF EX-GOVERNOR BAXTER

1369

75) acres in this Penobscot County tract which I expect to acquire in the near future, all of the land heretofore and now donated to the State of Maine is one unbroken area free from undivided ownerships.

It is fortunate that I was able to acquire for the State these four (4) areas, for we now have a Park with its northeast corner bordering on the East Branch of the Penobscot River and on First Grand or Matagamom Lake. Its southwest corner borders on the West Branch of that River. Mount Katahdin, Traveler Mountain and the other thirty peaks and mountains in the Park lie between these two branches of this river.

With this communication I am offering the State two (2) Deeds that convey the four (4) areas referred to; one is a Deed from me as an individual and one from me as a Trustee. The Deed from me as Trustee of the six thousand seventeen (6,017) acres in township three (3) range ten (10) conveys to the State land bought by me from the Trustees of a Bangor estate under a Decree of Honorable Raymond Fellows, Justice of our Supreme Judicial Court. This method of acquiring this area was necessary in order to clear away certain legal technicalities.

ROADS IN BAXTER STATE PARK

In my former Deeds of January 2, 1945 and January 8, 1947 as recorded in Chapter 1 Laws of 1945 and Chapter 1 Laws of 1947, certain restrictions as to the construction and maintenance of roads within the Park were imposed in the gift. Although I want this area always to be left in "its natural wild state" as provided in all my Deeds to the State, I also want this area to be reasonably accessible to those persons who enjoy the wilderness and who wish to go there for rest and recreation. That of course is my principal reason for creating this Park.

On mature deliberation I now have come to the conclusion that my restrictions as to roads are somewhat too severe. Without proper access roads the number of persons who would enjoy the Park would be limited. In view of this I deem it best to allow the existing roads to remain open and to permit the State in the years to come to construct such additional roads as may be necessary to accommodate those persons who wish to enjoy the great, unspoiled area that now is the property of our State.

I now present to you an Amended Act of Acceptance together with a Deed, which makes the necessary changes in the former Deeds of Trust that contain the road restrictions herein referred to. In order, however, that there may be some reasonable check in the future on the construction and maintenance of roads in the Park it is provided in these Amendments that no roads or ways shall be constructed or maintained that will interfere with or detract from "the natural wild state" of this region. In this,

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GIFTS OF EX-GOVERNOR BAXTER

however, I must rely upon the good faith of the State of Maine and am confident that the State will live up to the terms of this TRUST and will not break faith with me.

The other conditions in the two (2) Acts of Acceptance and in the three (3) Deeds which I now present to you are the same as those contained in my former Deeds. I shall be pleased if you will accept these Gifts in the spirit in which they are offered.

Respectfully,

PERCIVAL PROCTOR BAXTER

(S. P. 26)

January 3, 1949 (S. P. 26)

Which was read and ordered placed on file.

Order

ORDERED, the House concurring, that in order that the records of the Gifts by Percival Proctor Baxter, individually and as Trustee, to the State of Maine as Trustee in Trust of fourteen thousand two hundred eighty-six (14,286) acres in township six (6) range nine (9) and in township three (3) range ten (10) W. E. L. S. Piscataquis County, and in township six (6) range eight (8) W. E. L. S. Penobscot County (Baxter State Park), be complete and in enduring form, the Communication dated January 3, 1949 addressed by said Baxter to Honorable Frederick G. Payne and to the Honorable Senate and House of Representatives of the Ninety-fourth Legislature, together with the Message of Governor Frederick G. Payne, transmitting the said Communication to this Legislature, be printed in the Laws of Maine for 1949.

(S. P. 29)

January 13, 1949

Comes from the Senate read and passed.

January 13, 1949

In the House, read and passed in concurrence.

STATE PAPERS RELATING

to

Gifts of Ex-Governor Baxter

to

The State of Maine

(from May 1, 1949 to May 1, 1953)

COMMUNICATION
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta

March 4, 1953

To the Honorable Senate and House of
Representatives of the 96th Legislature:

Herewith I hand you for your consideration a communication addressed to the Governor, the Senate and House of Representatives by Honorable Percival Proctor Baxter relative to a gift for the development of Mackworth Island, Bridge and Rock, as a School for the Deaf, and or, a Children's Honor Home and School.

We all appreciate the generous offer from our former Governor, and recognize his fine public spirit. We shall give our best thought to his suggestions and hope that the State will be able to benefit from this, his most recent benefaction.

BURTON M. CROSS,
Governor

(H. P. 1149)

HOUSE OF REPRESENTATIVES

Read and placed on
file with accompanying papers
March 4, 1953
Sent up for concurrence
HARVEY R. PEASE, Clerk

IN SENATE CHAMBER

Read and Placed on File
March 5, 1953
In concurrence
CHESTER T. WINSLOW, Sec.

COMMUNICATION

Portland, Maine
March 4, 1953

To the Honorable Burton M. Cross, Governor
and the Honorable Senate and House of Representatives
of the Ninety-sixth Legislature of the State of Maine—

In 1943 (Chapter 1 of the Private and Special Laws of Maine) the State accepted from me the GIFT IN TRUST of Mackworth Island, the Bridge to the same and Mackworth Rock all in the Town of Falmouth forever

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GIFTS OF EX-GOVERNOR BAXTER

to be held in Trust for the People of Maine. Under the terms of this Trust the State has full authority to use the Island, Bridge and Rock in any way it may choose provided the use is for "STATE PUBLIC PURPOSES."

In the Deed of Trust this property was leased to me for my use as long as I desired provided I assumed all expenses incident to its care and operation. At that time I also donated to the State of Maine the sum of ten thousand (\$10,000.00) dollars as a TRUST FUND for Island, Bridge and Rock purposes.

From 1943 to 1949 during the Summer months I lived on the Island and maintained it and the Bridge without expense to the State. In 1949, however, I moved from the Island and thereafter the State assumed full ownership and responsibility.

In an OFFICIAL COMMUNICATION addressed to the Legislature (pages 703 to 708 of the said Laws of 1943) this property is described and I suggested that it be used as "a home for sick and underprivileged children" and further stated that "ITS USE FOR CHILDREN WOULD BE ESPECIALLY PLEASING TO ME." This is merely a suggestion and imposes no obligation upon the State other than the "State Public Purposes" provision as specified in the Deed of Trust. Ten years have passed and now I am desirous of having my Gift put to a useful purpose during my lifetime.

I now offer the State the sum of six hundred twenty-five thousand (\$625,000.00) dollars in two items: five hundred thousand (\$500,000.00) dollars to be expended toward the construction of a new school for the Deaf or toward the construction of a new Home and School for the wards of the State as hereafter described, and one hundred twenty-five thousand (\$125,000.00) dollars for the construction of a new bridge to the same. The Bridge Engineer of the Highway Department has given me the latter figure as his estimate of the cost of a suitable Bridge.

My suggestion is that you first construct a new Maine School for the Deaf on the Island, and that later you erect thereon a Home and School for such of the State's younger wards as it may be desirable to take from some of the private homes throughout the State where they now are boarding at an expense to the State of about five hundred (\$500.00) dollars per year per child. My thought as to a second institution is that in the boarding homes referred to no doubt there are certain younger children of exceptional promise whose removal to a special institution might give them a better chance to develop into useful citizens. It well may be

that in time both institutions referred to can be established on the Island; the new School for the Deaf and what may be called an Honor Home and School for one hundred or two hundred of the State's selected children. There is ample room for these two institutions. It is for you to decide on which one of them you will expend this five hundred thousand (\$500,000.00) dollars Gift.

It is well for the offer of this Gift to contain some limitation of time for its acceptance and my offer will hold during the present Legislative Session. If accepted by Legislative Act I pledge to place this six hundred twenty-five thousand (\$625,000.00) dollars in the hands of the Governor as soon as he gives his approval to the plans and orders construction begun.

This offer will be considered as withdrawn if the construction of one or the other of the suggested institutions and of the Bridge be not begun by January 1, 1955. Provision will be made so that my Gift obligation will be honored in case of my decease.

I request that this communication be published in full in the Laws of Maine 1953 as a permanent record for the guidance of future generations.

Respectfully,

PERCIVAL PROCTOR BAXTER

HOUSE OF REPRESENTATIVES

Read and Placed on File

March 4, 1953

Sent up for concurrence

HARVEY R. PEASE

Clerk

IN SENATE CHAMBER

Read and Placed on File

March 5, 1953

In Concurrence

CHESTER T. WINSLOW

Secretary

ORDER

In Senate, March 4, 1953

ORDERED, the House concurring, that in order that the Record of the offer of a Gift by Honorable Percival Proctor Baxter to the State of Maine of six hundred twenty-five thousand (\$625,000.00) dollars, the same to be used toward the construction of a State institution on Mackworth Island and for a Bridge thereto in the Town of Falmouth be complete and in enduring form, the

COMMUNICATION dated March 4, 1953 addressed by said Baxter to Honorable Burton M. Cross, Governor, and to the Honorable Senate

and House of Representatives of the Ninety-sixth Legislature, together with the MESSAGE of Governor Cross transmitting the said Communication to this Legislature be printed in the Laws of Maine for 1953.

(S. P. 474)

IN SENATE CHAMBER

Read and Passed

March 5, 1953

Sent down for concurrence

CHESTER T. WINSLOW

Secretary

HOUSE OF REPRESENTATIVES

Read and Passed

March 10, 1953

In concurrence

HARVEY R. PEASE

Clerk

Haskell
Penobscot

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State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine
(from May 1, 1953 to May 6, 1955)

COMMUNICATION
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

January 11, 1955

The Honorable President
The Honorable Speaker of the House
Ninety-seventh Legislature

Gentlemen:

I consider it a privilege to transmit herewith a letter from the Honorable Percival P. Baxter of Portland in which he offers an additional 2000 acres of land in the Baxter State Park area for public purposes. He also requests that the legislature ratify the January 20, 1954 acceptance by the Governor and the Executive Council of 14,005 acres of land in Township 6, Range 9.

In recognition of the legitimate interests of citizens in the surrounding areas who operate stores and camps, Mr. Baxter thoughtfully imposes no hunting restrictions in connection with his most recent gift, and he proposes removal of such restrictions in connection with his gift of January 20, 1954.

In another generous concession, Mr. Baxter proposes legislation under which the State's powers relating to the care and management of the Park are broadened and made more flexible.

I submit Mr. Baxter's generous offer and these several pieces of legislation to your serious consideration as being in the public interest.

Respectfully yours,

(Signed) EDMUND S. MUSKIE,
Governor

(S. P. 26)

IN SENATE CHAMBER
Read and placed on file
January 12, 1955
Sent down for concurrence

HOUSE OF REPRESENTATIVES
Read and placed on file
January 12, 1955
In concurrence

CHESTER T. WINSLOW, Secretary

HARVEY R. PEASE, Clerk

COMMUNICATION

Portland, Maine
January 11, 1955.

To the Honorable Edmund S. Muskie, Governor
and the Honorable Senate and House of Representatives
of the 97th Legislature of the State of Maine.

In this communication I submit for your consideration certain matters relating to Baxter State Park, an area which now comprises 166,676 acres of wild forest

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1144

COMMUNICATION

land forever to be held by the State of Maine IN TRUST for the PEOPLE OF MAINE. These Acts are four in number.

The FIRST Act ratifies and confirms the former Acceptance on January 20, 1954 by the Governor and Executive Council of my gifts of three parcels of wild land in the Katahdin area which were acquired by me when the Legislature was not in Session. As I was about to journey to foreign lands I deemed it wise to place this area in the safe ownership of the State in case I should not return. Moreover all my gifts to the State over the years have been accepted by the several Legislatures and so have been published in the Laws of Maine. I wish these gifts to conform to that plan.

The SECOND Act is a new gift of two thousand (2000) acres in township six (6) range nine (9) Trout Brook township so called. This completes the gift of the entire township except about 3402 acres and the 1/6th of the Public Lot both of which I hope to acquire from the Great Northern Paper Company so that later I can donate it to the State. In this gift of two thousand (2000) acres hunting is not forbidden.

The THIRD Act is an Act interpreting certain provisions relating to the care and management of this State Park. In consultation with our Forest and Game officials and with the Attorney General's Department it seems desirable to provide for an understanding as to what is required under the Trust Deeds. Under the Act now submitted to you the powers of the State management are broadened and made more flexible in order that the Trusts will not be violated in the years to come. As all my Trusts have been made for perpetuity great care has to be taken to make them understandable and enforceable.

The FOURTH Act relates to a distinct concession on my part in regard to the "No Hunting" or "Sanctuary" provisions in the Deed of Gift of the fourteen thousand five (14005) acres and of the five-sixths (5/6ths) of the Public Lot north of Trout Brook in township six (6) range nine (9). Under the original Deed to this area which was accepted by the Governor and Executive Council on January 20, 1954 hunting was forever prohibited. However, when I learned that the closing of this area might be detrimental to the citizens in Patten and surrounding territory who operate stores and camps I was pleased to yield to their appeals. This Act accomplishes that purpose and the people in that area are well satisfied. The "No hunting" clause is removed by this Act.

In 1917 I first proposed that the State make a beginning in creating a Park at Katahdin. From that date until now I have worked diligently and patiently upon this project and have seen it grow from small beginnings to its present ample proportions. In the years to come when the Forests of our State have been cut off and disappeared, when civilization has encroached upon the land we now refer to as "Wild Land", this Park will give the people of succeeding generations a living example of what the State of Maine was "in the good old days" before the song of the woodsman's axe and the whine of the power saw was heard in the land. I am confident that the people of Maine as time passes will appreciate this Park and that the State never will break these Trusts. I know the conscience and the Soul of Maine. The word of this State as given in Acts passed by its Legislatures and signed by its Governors is as sacred a pledge and trust as Man can make.

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COMMUNICATION

1145

I request you to enact into Law these four documents if you deem it in the public interest so to do.

S. P. 27

Respectfully

(Signed) PERCIVAL PROCTOR BAXTER

IN SENATE CHAMBER

HOUSE OF REPRESENTATIVES

Read and placed on file

Read and placed on file

January 12, 1955

January 12, 1955

Sent down for concurrence

In concurrence

CHESTER T. WINSLOW, Secretary

HARVEY R. PEASE, Clerk

ORDER

January 11, 1955

ORDERED, the House concurring, in order that the records of the Gifts by Percival Proctor Baxter to the State of Maine as Trustee in Trust of seventy-six and eight-tenths (76.8) acres in township six (6) range eight (8) Penobscot County, fourteen thousand five (14,005) acres one hundred thirty-six (136) acres five-sixths (5/6ths) of the Public Lot and two thousand (2000) acres all in township six (6) range nine (9) Piscataquis County, and eight thousand (8000) acres in township three (3) range nine (9) in Piscataquis County. TOGETHER with an Act amending certain restrictions in said above mentioned Deed of Gift of fourteen thousand five (14,005) acres and five-sixths (5/6ths) of the Public Lot and also TOGETHER with an Act interpreting the Trust conditions relating to the phrases "natural wild state" and "sanctuary for wild beasts and birds" as used in the several deeds of Baxter State Park be complete and in enduring form, the Communication dated January 11, 1955, addressed by said Baxter to Honorable Edmund S. Muskie, Governor, and to the Honorable Senate and House of Representatives of the 97th Legislature, together with the Message of Governor Edmund S. Muskie transmitting the said documents to the said Legislature be printed in the Laws of Maine for 1955.

(S. P. 24)

Butler, Franklin

IN SENATE CHAMBER

HOUSE OF REPRESENTATIVES

January 12, 1955

Read and passed

Read and passed

January 18, 1955

Sent down for concurrence

In concurrence

CHESTER T. WINSLOW, Secretary

HARVEY R. PEASE, Clerk

COMMUNICATION

STATE OF MAINE

OFFICE OF THE GOVERNOR

AUGUSTA

March 23, 1955

The Honorable President
The Honorable Speaker of the House
Ninety-seventh Legislature

Gentlemen:

I consider it a privilege to transmit, herewith, a letter from the Honorable Percival P. Baxter of Portland in which he offers an additional 3,569 acres of land in the Baxter State Park for public purposes.

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1146

COMMUNICATION

Mr. Baxter has, again, thoughtfully imposed no hunting restrictions within this latest gift.

I am especially happy that Mr. Baxter has pointed out that this new grant will be available for scientific forestry management experiments. Mr. Baxter believes, as I do, that our historic forest wealth can best be conserved by thorough study of intelligent cutting practices and reforestation.

I submit Mr. Baxter's generous offer and the accompanying legislation to your serious consideration as being in the public interest.

Respectfully yours,

(Signed) EDMUND S. MUSKIE,
Governor

HOUSE OF REPRESENTATIVES

Read and placed on file
March 23, 1955
In concurrence

HARVEY R. PEASE, Clerk

IN SENATE CHAMBER

Read and placed on file
March 23, 1955
Sent down for concurrence

CHESTER T. WINSLOW, Secretary

S. P. 504

COMMUNICATION

March seventeenth
1955

To the Honorable Edmund S. Muskie, Governor
and the Honorable Senate and House of Representatives
of the 97th Legislature of the State of Maine.

Since my communication of January 11th last in which I offered to donate to the State certain forest lands in Piscataquis and Penobscot Counties, which you graciously accepted, I have acquired additional acreage and now offer you 3,569 acres in township six (6) range nine (9) Piscataquis County. This gift if you accept it will complete the State's ownership of this township and Baxter State Park will contain slightly in excess of seven (7) entire wild land townships or 168,350 acres. This has been accomplished over the period of thirty years since I left the Governorship.

I now wish to testify to the fine public spirit of the corporations, trustees and other land owners centered in Bangor who have entered into the spirit of my project and by the sale of their lands have made possible this Park.

In offering this gift I provide that the land forever shall be held by the State IN TRUST for State Forest, Public Park and Public Recreational Purposes and shall be named BAXTER STATE PARK. I do not, however, provide that hunting be prohibited as in several of my former gifts, because I find that many citizens who live in northern Maine depend for their livelihood largely upon the business that hunters bring to them. This 3,569 area will be available both for recreation and for scientific forestry management and can be made to produce a continuing crop of timber to be harvested and sold as are potatoes or any other product of the soil.

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COMMUNICATION

1147

It long has been my purpose to create in our forests a large area wherein the State may practice the most modern methods of forest control, reforestation and production under the management of our able Forest Commissioner Mr. Nutting and his associates. This new 3,569 acres is an excellent location for this purpose.

In my travels in foreign lands I have seen beautiful great forests that for centuries have been producing a crop of wood without depletion. In Sweden, Norway, Finland, Germany, Chile, Russia and elsewhere what has been done by scientifically controlled forestry can be done in Maine. I now make it possible for the State to try a major experiment here at home, an experiment that can mean much for our future timber supply, which all admit is the chief natural resource of our State.

In the lobby between the Senate Chamber and the Hall of Representatives I have placed a colored map showing Baxter Park in three colors. These three colored areas comprise the entire Park. Fishing is allowed throughout the Park but in the red portion hunting is prohibited. In the blue and orange areas hunting is allowed. The new orange area of 3,569 acres is where I suggest that scientific forestry be practiced by the State.

When you inspect this map it will be difficult for you to visualize how this has been accomplished, how my numerous purchases have been brought together into one solid area. I myself can hardly realize it. A map showing the different acquisitions both small and large over the years would remind you of your grandmother's patchwork quilt, which finally in some mysterious way came out of the confusion into one large piece.

The Park now is complete except for one additional township which I would like to acquire in order to square the lines. It is doubtful if this can be purchased.

With your acceptance of this gift of 3,569 acres I feel that my life work in creating this Park has been brought to a happy conclusion.

The creation of this Park has been an enlightening experience. The generous approval given my efforts by the present Governor and by the Ninety-seventh Legislature as well as by former Governors and Legislatures has touched my heart.

To close I give you a few words of my own that express the spirit of this Park project.

MAN IS BORN TO DIE
HIS WORKS ARE SHORT-LIVED
BUILDINGS CRUMBLE, MONUMENTS DECAY, WEALTH VANISHES
BUT KATAHDIN IN ALL ITS GLORY
FOREVER SHALL REMAIN THE MOUNTAIN OF THE
PEOPLE OF MAINE.

Respectfully

(Signed) PERCIVAL PROCTOR BAXTER

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1148

COMMUNICATION

ORDER

March 22, 1955

ORDERED, the House concurring, in order that the records of the Gifts by Percival Proctor Baxter to the State of Maine as Trustee in Trust of three thousand five hundred sixty-nine (3,569) acres in township six (6) range nine (9), Piscataquis County, State of Maine, be complete and in enduring form the Communication dated March 17th, 1955, addressed by said Baxter to Honorable Edmund S. Muskie, Governor, and to the Honorable Senate and House of Representatives of the Ninety-seventh Legislature, together with the Message of Governor Edmund S. Muskie transmitting the said Communication to this Legislature be printed in the Laws of Maine for 1955.

(S. P. 495)

Butler, Franklin

IN SENATE CHAMBER

March 22, 1955

Read and passed

Sent down for concurrence

CHESTER T. WINSLOW, Secretary

HOUSE OF REPRESENTATIVES

Read and passed

March 22, 1955

In concurrence

HARVEY R. PEASE, Clerk

COMMUNICATION

STATE OF MAINE

OFFICE OF THE GOVERNOR

AUGUSTA

May 6, 1955

The Honorable President
The Honorable Speaker of the House
Ninety-seventh Legislature

Gentlemen:

I consider it a privilege to transmit, herewith, a letter from the Honorable Percival P. Baxter of Portland in which he offers an additional 25,025 acres of land in the Baxter State Park for public purposes.

Mr. Baxter, has, again, thoughtfully imposed no hunting restrictions within this latest gift.

Mr. Baxter, continuing the far-sighted policy proposed in his March 23rd gift, is desirous that this new grant be devoted to scientific forestry research. He points out that action today in conserving our forests will be all important to the generations who follow us. I heartily support this wise course.

I submit Mr. Baxter's generous offer and the accompanying legislation to your serious consideration as being in the public interest.

Respectfully yours,

(Signed) EDMUND S. MUSKIE

(S. P. 576)

IN SENATE CHAMBER

Read and placed on file

May 6, 1955

Sent down for concurrence

CHESTER T. WINSLOW, Secretary

HOUSE OF REPRESENTATIVES

Read and placed on file

May 6, 1955

In concurrence

HARVEY R. PEASE, Clerk

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COMMUNICATION

1149

COMMUNICATION

Portland, Maine
May second
1955

To the
Honorable Edmund S. Muskie, Governor
and the
Honorable Senate and House of Representatives
of the 97th Legislature of the State of Maine

It is with some hesitation that I come to you a third time during the present Legislative Session to offer an additional gift of forest land to be added to Baxter State Park. Notwithstanding this I ask your patience and your friendly consideration.

A few weeks ago you graciously accepted my gifts of fifteen thousand twenty (15,020) acres and of three thousand five hundred sixty-nine (3,569) acres in township six (6) range nine (9) Piscataquis County. Little did I realize that in a few short weeks another township, township six (6) range ten (10), would become my property. This is now offered to you. It contains twenty-five thousand twenty-five (25,025) acres and its acquisition by the State will increase the Park to one hundred ninety-three thousand two hundred fifty-four (193,254) acres, or three hundred and two (302) square miles the same being eight (8) entire townships and a portion of a ninth township on the shore of Matagamon Lake.

The terms of this gift are identical with those of the three thousand five hundred sixty-nine (3,569) acre gift; Public Park, Public Forest, Public Recreational and Scientific Forestry Purposes and Reforestation. I want this township to become a show place for those interested in forestry, a place where a continuing timber crop can be cultivated, harvested and sold; where reforestation and scientific cutting will be employed; an example and an inspiration to others. What is done in our forests today will help or harm the generations who follow us.

This township six (6) range ten (10) is what is termed by woodsmen "good growing land", an area with an abundance of wild life, especially moose. Fishing and hunting will be allowed under the general Fish and Game Laws of the State.

As the curtain falls on this Legislative Session and its books are being closed I leave with you a message which I am sure expresses your sentiments as well as mine.

WE ALL LOVE THE STATE OF MAINE
HER FAIR LAND AND FINE PEOPLE
HER MOUNTAINS AND FORESTS
WITH THE BEASTS AND BIRDS THEREIN
HER RUGGED SHORES AND CLEAR WATERS.
GOD HAS CONFERRED UPON US THESE BLESSINGS
FOR WHICH WE EVER SHOULD BE THANKFUL.

Respectfully

s/ PERCIVAL PROCTOR BAXTER

IN SENATE CHAMBER
Read and placed on file
May 6, 1955

HOUSE OF REPRESENTATIVES
Read and placed on file
May 6, 1955

Sent down for concurrence
CHESTER T. WINSLOW, Secretary

In concurrence
HARVEY R. PEASE, Clerk

141

1150

COMMUNICATION

ORDER

May 6, 1955

ORDERED, the House concurring, in order that the records of the Gift by Percival Proctor Baxter to the State of Maine as Trustee in Trust of twenty-five thousand twenty-five (25,025) acres in township six (6) range ten (10) Piscataquis County W.E.L.S. State of Maine, be complete and in enduring form, the Communication dated May second, 1955, addressed by said Baxter to Honorable Edmund S. Muskie, Governor, and to the Honorable Senate and House of Representatives of the Ninety-seventh Legislature, together with the Message of Governor Edmund S. Muskie transmitting the said Communication to this Legislature be printed in the Laws of Maine for 1955.
(S. P. 577)

IN SENATE CHAMBER

May 6, 1955
Read and passed
Sent down for concurrence

HOUSE OF REPRESENTATIVES

Read and passed
May 6, 1955
In concurrence

CHESTER T. WINSLOW, Secretary

HARVEY R. PEASE, Clerk

142

State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine

1963.

GIFTS OF EX-GOVERNOR BAXTER

1473

COMMUNICATION

Portland, Maine
January 3, 1963

To —

Honorable John H. Reed, Governor
and the
Honorable Senators and Representatives
of the 101st Legislature of the State of Maine.

Without doubt you are familiar with what has been done in the creation of Baxter State Park in the Katahdin region.

Beginning with my communication of March 3, 1931 addressed to Honorable William T. Gardiner, Governor, the State has accepted from me by Legislative Acts gifts totaling 193,254 acres of forest land, forever to be held in TRUST for Public Park, Public Recreational and for Public Forestry purposes the same forever to be kept in its Natural Wild State.

These areas from year to year have been conveyed by me to the State and have been accepted in legal form by the several Governors and Legislatures in office during the period from 1931 to 1961.

A recent gift of 7,764 acres, the Legislature not being in Session, has been accepted by the Governor and Executive Council acting under the provisions of the Statutes. I now request you to confirm the acceptance of this latest gift of 7,764 acres of August 6, 1962 so that all my gifts of forest land to the people of Maine will have been accepted by the duly elected Governors and Legislatures of our State over this 31-year period. The acceptance of this gift will add to this Park 7,764 acres of forest land and will complete the record of my 31 years' (1931 - 1962) gifts of 201,018 acres made to and accepted by the people of the State of Maine.

In order to complete the record, I request that this communication of January 3, 1963, together with the accompanying Act and Deed, be published in the Laws of Maine 1963.

It is interesting to note that in my formal letter to Governor Gardiner in 1931, when my first gift was about 6,000 acres, I said "I expect some day to see my ambition realized." (Laws of Maine 1931). This brings to an end an interesting incident in Maine history.

Respectfully,

S. P. 259

(Signed) PERCIVAL PROCTOR BAXTER

IN SENATE CHAMBER

HOUSE OF REPRESENTATIVES

Read and placed on file
January 29, 1963

Read and placed on file
January 30, 1963

Sent down for concurrence

In concurrence

CHESTER T. WINSLOW, Secretary

HARVEY R. PEASE, Clerk

144

1474

GIFTS OF EX-GOVERNOR BAXTER

COMMUNICATION

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

January 23, 1963

The Honorable President of the Senate
The Honorable Speaker of the House
Honorable Members of the One Hundred and First Legislature

Gentlemen:

It is with great personal gratitude on behalf of myself and the citizens of the State of Maine, that I transmit to you herewith, a communication from the Honorable Percival P. Baxter, former Governor of the State of Maine, received by me on January 22, 1963. This communication is self-explanatory and sets forth the desire of the Honorable Percival P. Baxter to obtain concurring Legislative action in the acceptance of a gift of 7,764 acres of forest land to the State of Maine.

On September 5, 1962, consistent with the authority vested in me by the provisions of the Revised Statutes, Chapter 11, Section 16, the Governor and Executive Council accepted on behalf of the State of Maine, a gift of this tract of land, to be added to previous gifts of forest land which now comprise the Baxter State Park.

An Act will be proposed for your consideration and concurrence in acceptance of this gift, in keeping with Mr. Baxter's request. I submit Mr. Baxter's generous offer with the observation that favorable consideration of the accompanying legislation is in the public interest and respectfully recommend your earliest favorable action.

This act of great generosity on the part of Mr. Baxter is further exemplification of the donor's continued interest in the preservation of the natural resources of our State for posterity.

Respectfully yours,

(Signed) JOHN H. REED,

S. P. 258

Governor

IN SENATE CHAMBER

HOUSE OF REPRESENTATIVES

Read and placed on file
January 29, 1963

Read and placed on file
January 30, 1963

Sent down for concurrence

In concurrence

CHESTER T. WINSLOW, Secretary

HARVEY R. PEASE, Clerk

145

State Papers Relating
to
Gifts of Ex-Governor Baxter
to
The State of Maine

1965

146

STATE PAPERS

1181

Portland, Maine
March 1, 1965

His Excellency John H. Reed
Governor of Maine
State House
Augusta, Maine

Dear Governor Reed:

Without doubt you are familiar with what has been done in the creation of Baxter State Park in the Katahdin region.

Beginning with my communication of March 3, 1931 addressed to Honorable William T. Gardiner, Governor, the State has accepted from me by Legislative Acts gifts totaling 201,018 acres of forest land, forever to be held in TRUST for Public Park, Public Recreational and for Public Forestry purposes the same forever to be kept in its Natural Wild State. These areas from year to year have been conveyed by me to the State and have been accepted in legal form by the several Governors and Legislatures in office during the period from 1930 to 1963.

You are also familiar with my wish to share with the State in part the cost of caring for, protecting and operating said area of land in accordance with the conditions in the several acts of the Legislature accepting said gifts as recorded in the Laws of Maine 1930-1963.

To in part carry out my desire to share with the State in part the cost of caring for, protecting and operating said area of land in accordance with the conditions in the several acts of the Legislature accepting said gifts as recorded in the Laws of Maine 1930-1963, I offered to the State and the State accepted from me a gift of one thousand (1000) shares of the capital stock of Proprietors of Portland Pier, a Maine corporation, the assets of which consisted of municipal bonds, corporation shares and cash to the value of \$488,942.64 as of December 31, 1960. For reference to this gift, see Laws of Maine (1961), Chapter 21, page 766.

It is my desire to make a further gift to the State of Maine to be added to Baxter State Park Trust Fund as created by Laws of Maine (1961), Chapter 21, and administered in accordance with the terms and provisions of said Baxter State Park Trust Fund; and to that end I now offer as an additional gift to the State of Maine one thousand (1000) shares of the capital stock of Congress Realty Company of which I am the sole owner, and being all the outstanding shares of stock of said corporation, all taxes paid, free from all claims and encumbrances, and said Congress Realty Company is the owner of municipal bonds, corporation shares and cash to the value of \$1,106,213.42.

I have caused to be prepared a legislative act with an emergency preamble, which I enclose, and have requested my friend and attorney, John E. Willey, to present this letter with enclosure to you in my behalf.

With kind personal regards, I remain as ever

Most sincerely yours,

(Signed) PERCIVAL P. BAXTER

147

Part III. Baxter State Park Acquisitions after Percival P. Baxter's Death in 1969

Overview

During his lifetime Governor Baxter was ever vigilant in anticipating the future needs of Baxter State Park. Just as he had been determined to insure that the conditions of the Deeds of Trust were honored during his lifetime, he was equally assiduous in ensuring that there were sufficient trust fund monies to protect the park's future financial independence and, if warranted, to permit the acquisition of additional lands. An overview of the Baxter bequests is found in his Last Will and Testament of September 9, 1966. Immediately after recounting the gifting of 201,018 acres constituting Baxter State Park, he specified that:

In addition to these gifts of forest lands to the STATE OF MAINE, I have given to the STATE OF MAINE in TRUST over one and one-half million dollars, the income therefrom to be used for the support and maintenance of said BAXTER STATE PARK.

Under the Trust Agreement referred to in this my Last Will and Testament, I have provided other substantial funds to be used by the STATE OF MAINE to assist in the maintenance of said BAXTER STATE PARK; to acquire additional lands for recreational and reforestation purposes; and for the maintenance of such other additional lands which may be acquired by said STATE OF MAINE.¹

These two provisions in his Last Will and Testament reference what were to become commonly known as the "The State Trust" and the "Boston Trust," respectively. In the first instance, the Baxter State Park Trust Fund (the so-called "State Trust") was created by the legislature in 1961 and funded with monies donated during Baxter's lifetime. According to the statutory provision, "the principal thereof to be invested and reinvested, the income therefrom to be used by said State for the care, protection and operation of said 193,254 acres of forest land known as BAXTER STATE PARK."² The valuation of this trust at its creation was \$488,943.64. Proceeds from the sale of securities in 1965³ resulted in an additional \$1,106,213.42, thereby giving rise to the aforementioned sum of "over one and one-half million dollars." These funds were to be managed by the State Treasurer in consultation with the Baxter State Park Authority.⁴

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- 1 Last Will and Testament, p. 2 in *Percival P. Baxter's Vision for Baxter State Park: An Annotated Compilation of Original Sources* (2005), Volume III, Part 6.3 Wills and Trusts. That four-volume work was compiled and annotated by Howard R. Whitcomb for the Friends of Baxter State Park. Hereafter cited as *Baxter's Vision*.
 - 2 Private and Special Laws, 1961, Chap. 21, in *Baxter's Vision*, Part 3.1 "Boston Trust" and "State Trust" Documents. Baxter State Park would not reach 201,018 acres until Baxter gifted the twenty-eighth parcel in T2 R9 in 1963.
 - 3 Private and Special Laws, 1965, Chap. 30, in *Baxter's Vision*, Part 3.1 "Boston Trust" and "State Trust" Documents.
 - 4 The value of the "State Trust" as of December 31, 2007 was \$5,389,743. For more complete information on the valuation of the Baxter trust pool monies, see note 71 in "Percival P. Baxter's Vision for Baxter State Park," above, p. 16. See also Baxter's letter of March 1, 1965 to Gov. John H. Reed describing his second major gift of securities to the "State Trust," in *Baxter's Vision*, Vol. I, Part 1 Deeds of Trust, p. 147. The entirety of *Baxter's Vision*, Part I Deeds of Trust, along with the associated annotations, is reprinted as Part II of this volume. **The hand-written pagination of those 147 pages of documents will be used hereafter in the interest of consistency, even though there will also be duplicative pagination unique to this volume.**

Secondly, the *inter vivos* trust created by Baxter in 1927, as amended through May 18, 1966, specified that the residual of the trust property was to be held, with instructions, by the trustee, Boston Safe Deposit and Trust Company. This is the so-called “Boston Trust.” The instructions included, among others, the provision that net income be paid as often as quarterly to the Baxter State Park Trust Fund “for the care, protection and operation of the forest land known as BAXTER STATE PARK, and for other forest lands hereinafter acquired by the State of Maine under the provisions of this TRUST for recreational and reforestation purposes.” In addition, the principal from this *inter vivos* trust may be used for “the purchase or other acquisition of additional lands for said Baxter State Park or other lands for recreational or reforestation purposes,” subject to an authorization and certification process involving the State Treasurer, the Governor and the Baxter State Park Authority.⁵ For the past decade, as a result of bank mergers since Baxter’s death, the “Boston Trust” has been managed by Bank of New York Mellon.⁶

Thus, it was clearly established that Baxter was intent on providing a means whereby monies in the Baxter State Park Trust Fund might be used after his death to acquire additional lands for Baxter State Park.⁷ However, prior to his death, he created an even more direct means for accomplishing that objective by asking Henry L. Cranshaw, State Controller, to dissolve the Mackworth Island Trust Fund (also referred to as the Deaf School Fund) and transfer the proceeds to the Baxter State Park Trust.⁸ Specifically, \$88,000 of accrued income was transferred. He then specified:

This is to be kept as a separate fund which can be used from time to time to acquire new lands for the Baxter State Park Trust Fund. In this way we will have the regular Baxter State Park Trust Fund which will be used to enlarge my gift to the State. Mackworth Island Trust Fund will be moved into the larger fund and then my money will be all in one fund only.

After this we shall have but one Trust Fund which will be available from time to time for the purchases of additional lands for the Baxter State Park Trust Fund.⁹

5 See the *inter vivos* trust, pp. 5-6 in *Baxter’s Vision*, Vol. III, Part 6.3 Wills and Trusts.

Baxter’s views about sustainable forest management are also embedded in these trust provisions. Most notably, he stated: “I hope some of the forest land acquired by the State under this provision of my TRUST will become model forests similar to those of Germany, Scandinavia and elsewhere, producing a crop of wood to be sold by the State. The STATE OF MAINE is given full power to harvest the crop, reforest and protect these lands against damage by insects, fire or otherwise. All revenue acquired by the sale of timber shall by the State of Maine be used for the care, extension and management of said lands.” (p. 6) A panel originally formed to execute these wishes, the Maine Forest Authority, used trust monies to purchase two out-lots (the Mount Chase Lot and the Austin Cary Lot) that are managed by Baxter State Park.

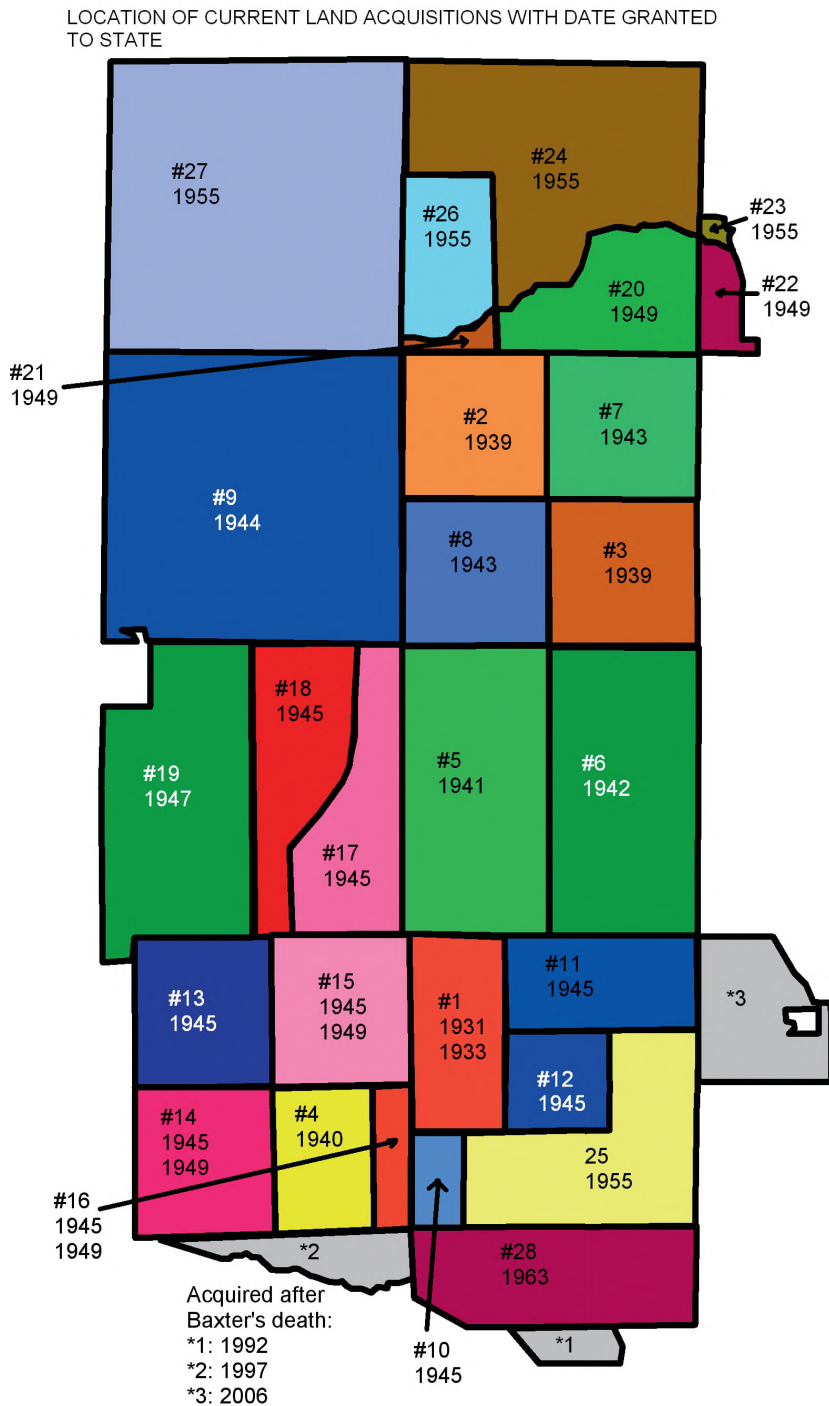
6 The value of the “Boston Trust” as of December 31, 2007 was \$68,255,403. For the complete text of both the Last Will and Testament and the trust documents, see *Baxter’s Vision*, Vol. III, Part 6.3 Wills and Trusts.

7 Baxter concluded his discussion of the use of the trust funds in acquiring additional land with the following admonition: “I shall be pleased if some portion of the lands purchased with my funds be made a “SANCTUARY FOR WILD LIFE,” but this I must leave to the judgment of others.” *Inter vivos* trust, p. 6 in *Baxter’s Vision*, Vol. III, Part 6.3 Wills and Trusts,

8 See the letter of March 22, 1968 from Baxter to Cranshaw, *Baxter’s Vision*, Vol. III, Part 7.2.3 Trust Funds. The Mackworth Island Trust Fund was established with an initial gift of \$10,000 in 1943 when Baxter donated his Mackworth Island property to the State of Maine. Baxter, under the provisions of the deed of trust, continued to live on the island under a lease arrangement with the state; however, in 1949 he moved from the island and the state assumed full ownership and responsibility. See, for additional details, Baxter’s letter of March 4, 1953 to Governor Burton M. Cross in *Baxter’s Vision*, Vol. I, Deeds of Trust, pp. 131-133.

9 *Baxter’s Vision*, Vol. IV, Part 7.2.3 Trust Funds.

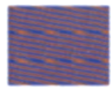
By 1992, these funds had accrued to in excess of \$500,000. These monies were used to acquire two small parcels on the southern boundary of Baxter State Park in 1992 and 1997, respectively. Finally in 2006, a third parcel in T3 R8 was acquired using exclusively private sources of funding.¹⁰ Details of each of these land transactions, totaling 8,483 acres, are recounted in the following annotations.



Revised 2006

¹⁰ See also BSP Use Zone Legend on the next page.

BSP USE ZONE LEGEND



Forest Management &
Hunting Allowed.
29,584 acres



Hunting Allowed
23,043 acres



Game Sanctuary
156,874 acres

Total Acres: 209,501



***Annotation – 1992 in T2 R9 (1,046 acres)
acquired from the Great Northern Nekoosa
Corporation***

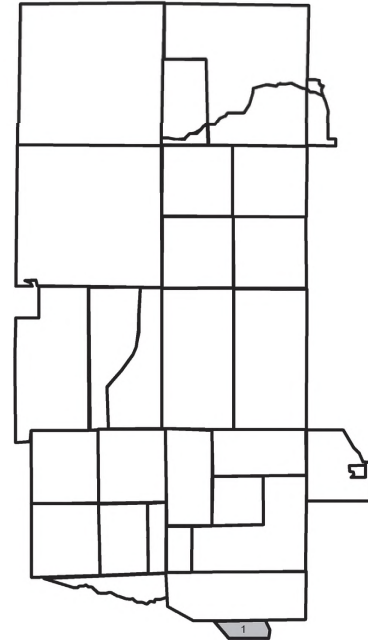
This acquisition at the southern entrance of Baxter State Park, encompassing the shore and surrounding areas of Upper and Lower Togue ponds, was completed on December 16, 1992 and increased the size of the park to 202,064 acres. The parcel is commonly referred to as the “Togue Pond Purchase.”

Since the newly acquired land was contiguous to parcel #28, also in T2 R9, where hunting was permitted, the Baxter State Park Authority agreed to permit hunting in this new acquisition.

The attached documents, i.e., the “Contract of Sale” (December 16, 1992), the “Deed of Easement” including a map of the parcel (February 10, 1993), and the “Quitclaim Deed” (March 3, 1993) provide the particulars of the transaction.¹¹ In brief, the state acquired the land and water acreage from the Great Northern Nekoosa Corporation, commonly known as Georgia-Pacific, for \$200,000 that had been held in the aforementioned Baxter State Park Trust acquisition fund. The new parcel was expected to shield the most heavily used sections of the park from encroaching development.

Exhibit “A,” attached to the Contract of Sale, reveals that there were five separate lessees within the parcel, including Baxter State Park. The four private leases involved properties with shore frontage on either Upper or Lower Togue ponds.¹²

Additional provisions of the transaction dealt with a conveyance to the Millinocket School Department, two in-holdings, and a roadway easement. Specifically, two and one-half acres were conveyed to the Millinocket School Department to be used for municipal recreation or educational purposes. Also, the two in-holdings were the privately owned Clark Island and Natarawi, a Girl Scout Camp. Finally, there was a Deed of Easement from Georgia-Pacific to Great Northern Paper for the use of a roadway from the park access road, easterly on the southerly side of Lower Togue Pond to the southern boundary of the newly acquired parcel.¹³



11 Also see Trudy Irene Scee, *In the Deeds We Trust: Baxter State Park, 1970-1994* (Tower Publishing, 1999), pp. 317-321, for further details regarding the acquisition and the subsequent development of a management plan for the area.

12 The three leases on the eastern shore of Upper Togue Pond were eventually purchased, the last in 2007, by their respective owners and are now in-holdings. The remaining lease on the south shore of Lower Togue Pond was purchased by Baxter State Park from the leaseholder and the facility is now utilized as staff housing.

13 See the map attached to the February 10, 1993 Deed of Easement. At the present time, The Nature Conservancy has an easement on the so-called Logan-Pond Road on the north side of Lower Togue Pond.

CONTRACT OF SALE

This Contract of Sale is made and entered into as of this 16th day of December, 1992, between GREAT NORTHERN NEKOOSA CORPORATION, a Maine corporation, whose mailing address is P.O. Box 759, Woodland, Maine 04694 ("Seller") and STATE OF MAINE, BAXTER STATE PARK AUTHORITY, whose mailing address is C/O Irvin Caverly, 64 Balsam Drive, Millinocket, ME 04462, ("Buyer").

1. Conveyance. In consideration of the mutual covenants contained herein, the Seller agrees to sell and convey and the Buyer agrees to purchase and take title, to, upon the terms and conditions herein set forth, all that tract or parcel of real estate containing 1.046 acre(s) more or less, located in Piscataquis County, Maine, and being more particularly described in Exhibit "A" attached hereto and made a part hereof ("Real Property").

2. Purchase Price and Payment. The total purchase price for the Real Property shall be the sum of TWO HUNDRED THOUSAND Dollars (\$200,000.00) (Purchase Price) to be paid in cash at the closing. Buyer has paid to Seller the sum of TEN THOUSAND Dollars (\$10,000.00) as earnest money to be applied as part payment of the Purchase Price at closing ("Earnest Money").

3. Title Search. Buyer shall have one (1) month(s) from the date hereof in which to search title to the Real Property and in which to furnish Seller with a written statement of any title objections. If the Seller is unable or unwilling to cure the objections, this Contract of Sale shall be null and void and any Earnest Money paid shall be refunded to Buyer or the Buyer may waive such defects and proceed to closing without a reduction in the purchase price.

4. Closing. This transaction shall close within sixty (60) day(s) from the date hereof at a mutually agreeable time and place. At closing, Seller shall deliver its Quitclaim Deed for the Real Property to Buyer. The conveyance shall be subject to the campsite leases pertaining to the real property listed in Exhibit "B", attached hereto and made a part hereof.

5. Apportionment of Taxes and Other Closing Costs. All real estate ad valorem taxes and annual special charges including the Commercial Forestry Excise Tax for the calendar year of closing shall be prorated as of the date of closing, and Buyer's prorata share of taxes shall be paid to Seller at closing. Buyer shall be responsible for any "roll-back" taxes. Seller and Buyer shall share equally in the costs of the realty transfer taxes imposed on the conveyance of the Real Property. Seller shall prepare the Quitclaim Deed and Buyer shall pay for all costs of recording the same.

*It is hereby understood that it is the responsibility of the Seller to provide a copy of the deed and a map to the Assessors responsible for property taxation upon this parcel on or after the date of closing; and upon receipt by the Assessing Agency, they will address the status of Maine Tree Growth Tax Law as it may apply to the property herein being sold. Any penalties levied by assessors for changes in the use of this land will be the responsibility of the Buyer.

6. Casualty Loss. If, prior to closing, the value of the Real Property is materially impaired by fire, casualty, act of God or exercise of eminent domain powers, the Buyer shall have the right to terminate this Contract of Sale by giving written notice to the Seller in which case the Earnest Money shall be refunded to the Buyer.

7. Real Estate Commission. Unless otherwise specified herein, Seller will not pay any brokerage, commissions, or finders fee related to this transaction and Buyer agrees to indemnify and save harmless Seller from and against any brokerage, commissions or finders fees made by anyone in connection with this transaction.

8. BUYER hereby covenants and agrees as follows relating to campsite leases listed on EXHIBIT "B":

A. BUYER shall undertake a survey of the Property to determine the size and location of those tracts in which LESSEES have leasehold interests, and shall note the location of any roads, buildings, septic systems or other improvements owned or used by LESSEES.

B. BUYER shall engage an independent real estate appraiser to determine the fair market value of all leased tracts on the Property or BUYER may use an appraisal completed for the SELLER as prepared by Herbert R. Dickey, III, which is dated August 15, 1992. BUYER agrees to be bound by the determination of the appraiser with respect to the maximum fair market value of each tract, and agrees to furnish a complete copy of any new appraisal to the SELLER.

C. After appraisal has been completed, BUYER shall forthwith extend an offer to sell to each LESSEE, at least the amount of land covered by the present lease of each LESSEE, at a price which shall not exceed the appraised value of the parcel under lease to each LESSEE; PROVIDED HOWEVER, that BUYER may assess each LESSEE, as part of its sale offer, a prorata portion of the survey expenses paid by BUYER. If any leaseholder does not accept Buyer's purchase offer, the current leaseholder may continue to lease from Buyer until the lease expires.

D. In the event that a LESSEE shall accept the offer tendered by BUYER, BUYER shall, upon tender of purchase price, deliver to LESSEE a good and sufficient Quitclaim Deed of the leased premises, free and clear of all encumbrances, together with a legally-enforceable right-of-way across the Property to the premises. The Quitclaim Deed shall contain conditions that run with the land that limit the use of the premises to non-commercial, single family, residential use; prevent the construction of any additional buildings, without prior approval of The Baxter State Park Authority; and limit the right-of-way to residential access. In addition, the Quitclaim Deed shall contain a condition that runs with the land that provides the Park with a right of first refusal, requiring the Lessee and his successor and heirs to offer to the Park the premises at appraised value, which appraisal shall be paid for by the Park, if the Lessee or his successors or heirs seek to sell or otherwise dispose of the premises to anyone outside of the immediate family, immediate family being defined as direct lineal descendants of the Lessee. Upon tender of the appraised amount, Lessee shall convey the premises to the Park.

The provisions of this Section shall be enforceable by SELLER, its successors or assigns, or by any of the LESSEES listed under EXHIBIT "B" attached hereto, as third-party beneficiaries under this Agreement.

9. Complete Agreement. This Contract of Sale contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed in writing. All changes, additions, or deletions hereto must be in writing and signed by all parties.

10. Default. In the event of default by either party, the non-defaulting party is entitled to all remedies provided at law or in equity, including the remedy of specific performance. In the event of default by the Buyer, Seller, in addition to the remedies provided hereinabove, shall retain the Earnest Money as liquidated damages.

11. Time. Time is of the essence of this Contract of Sale.

12. Possession. Possession of the Real Property shall be granted to Buyer at closing.

13. Survival. Any provision herein contained which by its nature and effect is required to be observed, kept, or performed after the closing shall survive the closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept, or performed.

14. Cooperation. Each of the parties shall perform all such other acts and things and execute such other and further documents as may be necessary to carry out the intent and purposes of this Contract of Sale.

15. Offer and Acceptance. This instrument shall be regarded as an offer by the first party to sign it and is open for acceptance by the other party for a period of thirty (30) days, by which time written acceptance of such offer must have been actually received by the other party, and this offer shall be deemed accepted when so received by that party.

IN WITNESS WHEREOF, the parties hereto set their respective hands and affixed their seals as of the day and year indicated above.

STATE OF MAINE BAXTER STATE PARK AUTHORITY

By: William J. Vail
Its: Chairman

The above offer is hereby
accepted this 16th day
of December, 1992.

GREAT NORTHERN NEKOOSA CORPORATION

(SELLER)

By: John F. Rasor
Its: Vice-President

EXHIBIT "A"

Being a portion of a certain lot or parcel of land situated in T2R9 WELS, in said Piscataquis County, Maine and described as follows, to wit:

Beginning at a point in the dividing line between land of Great Northern Nekoosa Corporation and Baxter State Park, as described in the deed from Great Northern Paper Company to Percival Baxter dated May 11, 1962 and recorded in Book 348, Page 153; said point is located 520 feet, more or less, west of the westerly shore of Upper Togue Pond; thence S41°E a distance of 5,469 feet to a point; thence S87°E a distance of 5,313 feet to a point; thence N87°E a distance of 4,002 feet to a point; thence N7°E a distance of 2,243 feet to a point; thence N37°W a distance of 2,391 to a point in the first mentioned dividing line which is also the south bound of Baxter State Park; thence N90°W by and along said south bound of Baxter State Park 11,718 feet, more or less, to the point of beginning. Said parcel contains 1,046 acres, more or less.

And meaning and intending to convey those areas currently under lease to five separate lessees, the lessee of one area being the Grantee. Further identification of lessees is shown on EXHIBIT "B" hereby attached and made a part hereof.

Excepting and reserving, however, that lot or parcel of land under lease to the Millinocket School Department, precise location and size of this parcel to be determined by a licensed Maine surveyor, at the sole cost of the current lessee. Maximum size of this lot after surveyed may not exceed 2.5 acres. The premises are to be conveyed to the School Department to be used by the School Department for municipal recreation or educational purposes only and in the event they shall cease to be used for such purposes, the conveyance to the School Department shall terminate and title to said premises shall pass to Baxter Park Authority.

And also meaning and intending to convey a portion of that same parcel or lot of land which was specifically excepted in a deed from Great Northern Nekoosa Corporation to Great Northern Paper, Inc., dated December 19, 1991 and recorded in the Piscataquis County Registry of Deeds in Book at Pages .

EXHIBIT "B"

<u>Lessee Name</u>	<u>Location</u>	<u>Approx. Frontage</u>	<u>Approx. Depth</u>	<u>Approx. Size</u>
Raymond Corrigan	Upper Togue Pd.	100 ft.	220 ft.	0.5 ac.
Frederick Lewis	Upper Togue Pd.	100 ft.	220 ft.	0.5 ac.
Helen Lewis	Upper Togue Pd.	100 ft.	220 ft.	0.5 ac.
Robert Shinnars	Lower Togue Pd.	200 ft.	220 ft.	1.0 ac.

Copies of lease agreements for the above listed leases are attached hereto and hereby made a part of this EXHIBIT "B".

DEED OF EASEMENT

GREAT NORTHERN NEKOOSA CORPORATION, a Maine corporation ("Grantor") in consideration of One Dollar (\$1.00) and other valuable consideration, paid by GREAT NORTHERN PAPER, INC., a Delaware corporation ("Grantee"), whose mailing address is 1024 Central Street, Millinocket, Maine 04462-2100, its successors and assigns, without covenant, an easement over and across certain portions of land situated in Township Two Range Nine WELS (T2R9 WELS), Piscataquis County, Maine, and more particularly described as follows:

The right and easement to use, rebuild, and maintain the roadway currently existing which leads from the Baxter Park Highway, easterly on the southerly side of Lower Togue Pond to the southerly bound of that parcel of land specifically excepted in a deed dated December 19, 1991, from Great Northern Nekoosa Corporation to Great Northern Paper, Inc.

The location of this easement is as shown on the attached EXHIBIT "A", which is attached hereto and made a part hereof.

This easement shall be for the purposes of ingress and egress only to the adjoining land of the grantee, by foot or vehicle, for the sole purpose of removal of forest products from the adjoining land of the grantee, and for no other purposes, and the easement shall be in common with others throughout its length.

Meaning and intending to grant only those rights that pertain to the Grantor and which it has the legal power to grant through its fee simple ownership.

Further, with the right to clear blow-downs or overreaching brush and the right to remove blockage of existing drainage ditches or culverts, any of which would impede exercise of said easement. Grantee shall not, however, use any chemical or biological method of controlling brush or other growth along granted right-of-way without written permission of Grantor. Grantee further will dispose of any removed organic or non-organic material consistent with Grantor's policies.

It is understood that said easement is given upon the express understanding that Grantor, its successors and assigns, are not obligated to construct, repair or maintain any roadway located upon said easement, and Grantees and their successors in title shall indemnify and hold Grantor, its successors and assigns, harmless from and against all liability, cost and expense arising out of the use of the easement by Grantees, their successors in title, or the use of others by their invitation.

Grantees may, with written consent of the Grantor, its successors and assigns, improve or maintain the condition of road surfaces to adequately provide access for removal of forest products from land of the Grantee.

Grantees, for themselves and their successors in title, acknowledges that Grantor, its successors and assigns, may occasionally and temporarily close or limit travel on said easement due to circumstances associated with the operation and management of its fee simple ownership.

In Witness Whereof, the said Great Northern Nekoosa Corporation has caused this instrument to be sealed with its corporate seal and signed in its corporate name by its Region Manager - Northern thereunto duly authorized this 10th day of February , 1993.

Lisa Marie Johnson

GREAT NORTHERN NEKOOSA CORPORATION

David W. Woodmansee
David W. Woodmansee
Region Manager - Northern
Forest Resources Division

STATE OF GEORGIA

FULTON COUNTY, ss.

February 10, 1993

Then personally appeared the above named David W. Woodmansee, Region Manager - Northern of said Grantor corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, in his said capacity, and free act and deed of said corporation.

Before me,

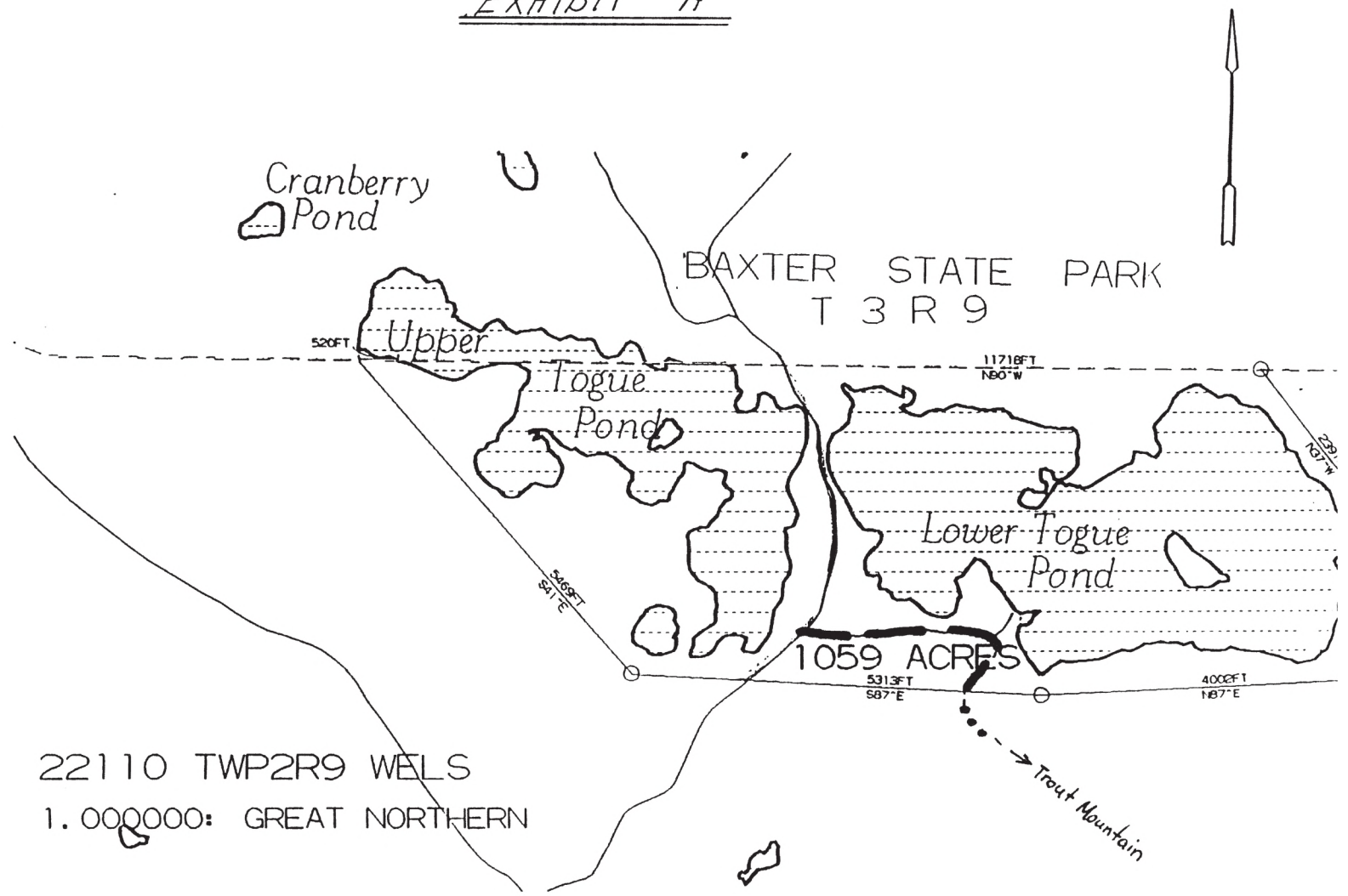
Loris A. Jakubski
Loris A. Jakubski

Notary Public

Notary Public, DeKalb County, Georgia

My Commission Expires March 13, 1993

EXHIBIT "A"



22110 TWP2R9 WELS
1.000000: GREAT NORTHERN

--- Easement Area
1" = 1800'

00901

BK0886PG015

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that GREAT NORTHERN NEKOOSA CORPORATION, a Maine corporation located at Baileyville in Washington County, Maine, in consideration of One Dollar (\$1.00) and other valuable consideration paid by BAXTER STATE PARK AUTHORITY, an entity of the State of Maine whose mailing address is 64 Balsam Drive, Millinocket, Maine 04462, the receipt of which is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto said BAXTER STATE PARK AUTHORITY, its successors and assigns, all its right, title and interest in and to that certain lot or parcel of land situated in T2R9 WELS, Piscataquis County, Maine, and more particularly described in Exhibit "A", attached hereto.

TO HAVE AND TO HOLD the same together with all the privileges and appurtenances thereunto belonging to said BAXTER STATE PARK AUTHORITY, its successors and assigns forever.

IN WITNESS WHEREOF the said GREAT NORTHERN NEKOOSA CORPORATION has caused this instrument to be sealed with its corporate seal and signed in its corporate name by John F. Rasor, its Vice President, thereunto duly authorized, this 3rd day of March, 1993.

Signed, sealed and delivered
in the presence of:

GREAT NORTHERN NEKOOSA CORPORATION

By: 

John F. Rasor
Its: Vice President



Pia-Bianca Eberhart

Susan Fox Harris

Noted on 10/10/93

BK0886PG016

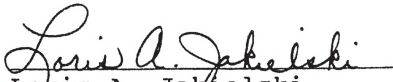
STATE OF GEORGIA

COUNTY OF FULTON, SS.

March 3, 1993.

Then personally appeared the above-named John F. Rasor, Vice President of said Great Northern Nekoosa Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,


Loris A. Jakieliski
Notary Public

Notary Public, DeKalb County, Georgia
My Commission Expires March 13, 1993

112
201

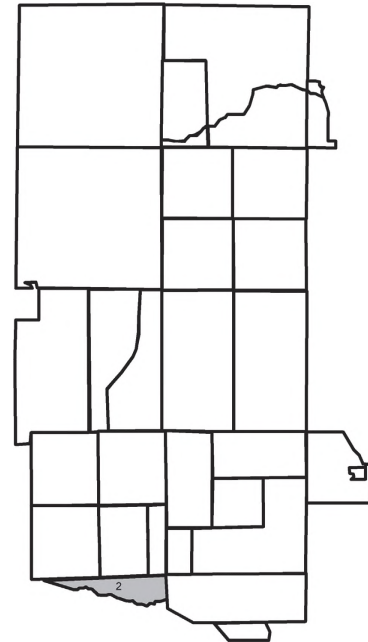
***Annotation – 1997 in T2 R10 (2,669 acres)
acquired from the Great Northern Paper
Company***

This parcel, the so-called “West Branch Lands,” was acquired from Great Northern on April 7, 1997 for \$490,000, (\$184 per acre) with funds exclusively from the Baxter State Park Trust Fund.¹⁴ The addition of this parcel increased the park’s acreage to 204,733. About half of the parcel, which has five miles of frontage on the West Branch of the Penobscot and approximately four miles of the Appalachian Trail, was burned in the July 1977 lightning fire.¹⁵

The details of this acquisition and its aftermath are more complex than its predecessor in 1992, primarily because of the controversy surrounding the use of the land, namely whether hunting, trapping and motorized access would be allowed on the new lands. This annotation draws upon the minutes of Baxter State Park Authority meetings and an internal memorandum for the Authority members on future use of the parcel. That memorandum, written by then Assistant Attorney General Paul Stern, treats a range of issues -- including the use of taxpayer’s money, hunting or sanctuary, leases, access and vehicular use, and easements -- and former Governor Baxter’s views thereon.

The principal documents, in addition to the Stern memorandum, associated with this acquisition are the “Real Estate Sale Contract” (April 7, 1997) and the “Release Deed,” including two attachments pertaining to the lessees and two exhibits, one of which includes a map of the parcel (April 7, 1997).

The “Release Deed” contained leases to two private parties with stipulation that, although the leases may be renewed, they are to terminate with the eventual passing of specified immediate family members.¹⁶



14 This purchase exhausted the monies that had been held in the acquisition fund.

15 See Scee, *In the Deeds We Trust*, pp. 56-61 for details regarding the fire.

16 The respective lessees were Peter W. McPheters and Anthony York, both of Millinocket, Maine. The provisions of the leases were that they would extend through the lives of the primary leaseholders and their immediate family, in other words, their children. Since the McPheters lease was originally held by H. Ivan McPheters and Natahlie M. McPheters, the father and mother of the lessee, the lease ends with the passing of Peter W. McPheters and his sister, Gretchen McPheters. The York lease would not terminate until the passing of Anthony York, his wife, Francis E. York, and their three children, Robert Earle, Linda A., and Lanie A.

In addition to the aforementioned leases, there were several conservation easements granted by the Great Northern Nekoosa Corporation to the State of Maine, two involving the Appalachian Trail, and a third involving the Penobscot Waterway resource protection plan. See the “Release Deed” and its attachments and exhibits, and the “Memorandum – T2 R10 Penobscot River Parcel” from Paul Stern, Assistant Attorney General to the members of the Baxter State Park Authority, December 22, 1997, pp. 9-10.

The primary point of controversy facing the Authority after the land had been purchased was whether hunting and trapping would be permitted in the new lands that were contiguous to areas both open and closed to hunting. More specifically, the parcel's eastern border abutted parcel #28 in T2 R9, the last to be added to the park during Baxter's lifetime, where hunting was permitted. To the north, there were multiple parcels in T3 R10, dating back to the 1940s, which had been designated as sanctuary. By the Authority's own acknowledgment, "it never occurred to the Authority that these issues would occur, and before making their decision, they waited for Lee Perry to come on board as Commissioner of IF&W."¹⁷

In light of the aforementioned controversies, the Authority asked its Advisory [Committee] to appoint a subcommittee, the so-called West Branch Lands Committee, to hold workshops to receive input from the public. The subcommittee, whose facilitator was John Bibber, held meetings at four different locations throughout the state during July through November. At its final workshop, the subcommittee voted unanimously to recommend to the Authority that the West Branch Lands be managed as a sanctuary.¹⁸ A similar recommendation, in the form of a memorandum from BSP Director Irvin C. Caverly to the Baxter State Park Authority, was incorporated in the minutes of the Authority's October 16, 1997 meeting.¹⁹

The final decision on the management of the property was made at the Authority's meeting on January 13, 1998. By a vote of 2-1, the Authority voted to permit hunting in the newly acquired parcel in T2 R10 with the Chair Charles Gadzik (Director, Maine Forest Service) and Lee Perry (Commissioner of Inland Fisheries and Wildlife) voting in the majority and Drew Ketterer (Attorney General) casting the dissenting vote.²⁰

17 "Baxter State Park Authority Minutes," January 13, 1998, p. 2. In addition to the hunting vs. sanctuary issue, the other contentious issue that required Authority action, subsequent to the purchase, dealt with motorized access for the leaseholders. (IF&W is an abbreviation for the Department of Inland Fisheries and Wildlife.)

18 See the minutes of the Baxter State Park West Branch Land Workshop (10AM) and the Baxter State Park Advisory Workshop (10AM), November 20, 1997 in Brunswick, Maine.

19 "Baxter State Park Authority Minutes," October, 16, 1997, pp. 5-7.

20 "Baxter State Park Authority Minutes," January 13, 1998. Also the Authority by a unanimous vote denied the leaseholders motorized access; however, the park provides assistance in transportation of gas or heavy objects into and out of the lease/park by snowsled during the winter months.

REAL ESTATE SALE CONTRACT

THE AGREEMENT made this 7th day of April, 1997, by and between **GREAT NORTHERN PAPER, INC.**, a Delaware corporation, having its principal place of business in Millinocket, Maine, (hereinafter referred to as "Seller"), and **BAXTER STATE PARK AUTHORITY**, an agency created and authorized by the laws of the State of Maine, 12 M.R.S.A. § 901 *et. seq.* (hereinafter referred to as "Purchaser").

1. **PURCHASE AND SALE:** Seller hereby agrees to sell to Purchaser and Purchaser hereby agrees to purchase from Seller the real estate consisting of the following parcel:

T 2 R 10 WELS - tract lying northerly of the thread of the West Branch of the Penobscot River and northerly of the thread of Abol Stream

a more particular description of which appears in "Exhibit A," which is attached hereto and incorporated herein by reference ("Property").

2. **PURCHASE PRICE:** The purchase price for the Property shall be the sum of Four Hundred and Ninety Thousand Dollars, payable in full at closing.

3. **CLOSING:** The closing shall take place at a place and time mutually acceptable to the Seller and Purchaser and shall be no later than 60 days from execution of this Real Estate Sale Contract by the Seller ("Closing"), unless a later date is mutually agreed upon.

4. **CONVEYANCE:** At Closing, Seller shall convey to Purchaser by Release deed, substantially in the form attached hereto as "Exhibit B," the Property, SUBJECT to the provisions set forth therein, as well as the following:

A. Prorata reimbursement to Seller of Commercial Forestry Excise and Tree Growth taxes paid by Seller for the 1996-97 tax year.

B. Leases to Peter W. McPheters and Anthony York, copies of which are attached hereto as "Exhibit C" and "Exhibit D" respectively.

C. Rights or claims of the State of Maine or the General Public in and to any Great Ponds.

D. The parties shall not engage in any activity or execute any instrument which will result in any further lease, right of way, easement, lien or encumbrance relating to this property during the term of this Agreement.

E. Seller shall convey said property by Release Deed to Buyer.

5. **POSSESSION:** Possession of the Property shall be delivered to Purchaser at closing.

6. **TITLE:** Purchaser shall secure, at its own expense, whatever title assurances, examinations, certifications and/or insurance, it desires for its own protection. Seller will cooperate with purchaser and its attorneys in this matter, but shall not be required to take any specific action to rectify any particular title defects. Purchaser shall not be obligated to purchase the Property if its title examination reveals title defects which are unacceptable to Purchaser.

7. **CONDITIONS OF PREMISES:** Purchaser has had adequate time to and has thoroughly inspected the Property, has reviewed the results of an independent site evaluation, and agrees and understands that the Property is being sold "as is" and "where is" in its present condition and that neither Seller nor anyone acting for or on behalf of Seller has made any representation, warranty, agreement, statement or promise to Purchaser concerning the Property

including, without limitation, its quality, value, physical aspects or condition, or the state of soils or surface or groundwater thereon. The Parties specifically agree that contamination conditions, if any, will be subject to the facts, law and respective rights of the Parties if the situation ever arises. The act of closing and taking possession of the Property by Purchaser shall be deemed conclusive evidence of Purchaser's prior inspection and satisfaction as to the condition of the Property.

The provisions of this Paragraph 7 shall survive the closing of this transaction. During the term of this Agreement, there shall be no cutting of timber on the Property. In the event that a substantial part of the standing timber on the Property is destroyed by fire, wind or other casualty before the closing date, the Purchaser may elect not to acquire such Property, in which event closing shall be postponed and both parties agree to use their best efforts to find mutually acceptable terms for the sale of the Property. If the parties fail to find mutually agreeable terms within 90 days of such destruction, this Agreement shall terminate. For the purpose of this Agreement, "substantial" shall be deemed to mean five (5) percent of the volume of merchantable standing timber.

8. **ASSIGNMENT:** Purchaser shall not have the right, without Seller's written consent, to assign its rights under this Agreement. Seller shall have the right to make a conveyance of Property, but any such conveyance shall be made subject to this Agreement.

9. **ADDITIONAL CONDITIONS:**

A. **Entire Agreement:** This Agreement contains the entire agreement of Purchaser and Seller, and;

i. Shall not be altered, modified or changed except by an instrument in writing, executed by or on behalf of Purchaser and Seller;

ii. Supersedes any and all previous agreements, negotiations, representations and undertakings between Purchaser and Seller with respect to the Property.

B. Notices: All notices required or agreed to be given pursuant hereto shall be sufficient if in writing and mailed by United States Certified or Registered Mail, postage prepaid, addressed to Purchaser and Seller as follows:

If to Seller:

Attn: Kenneth M. Laustsen
Great Northern Paper, Inc.
1024 Central Street
Millinocket, Maine 04462-2100

If to Purchaser:

Attn: Irvin C. Caverly, Jr., Director
Baxter State Park
64 Balsam Drive
Millinocket, ME 04462

All notices shall be deemed to have been received five (5) days following the postmark date thereof.

IN WITNESS WHEREOF, The parties hereto have executed this Agreement in triplicate originals as of the day and year last below written, which shall be considered the effective date of this contract:

GREAT NORTHERN PAPER, INC.

Date: April 7, 1997

By Marcia A. McKeague
Marcia A. McKeague, Vice President

WITNESS:

Hyp. Hita

BAXTER STATE PARK AUTHORITY

Date: April 7, 1997

By Jim P. Carahy
Title DIRECTOR BAXTER STATE PARK

WITNESS:

Hyp. Hita

A/H 5

RELEASE DEED

GREAT NORTHERN PAPER, INC., a Delaware Corporation with a place of business in Millinocket, Penobscot County, Maine, for consideration paid, does hereby **RELEASE** unto the **BAXTER STATE PARK AUTHORITY**, an entity of the State of Maine duly created and authorized under the laws of the State of Maine, with a mailing address of 64 Balsam Drive, Millinocket, Maine, 04462, the following described premises, to wit:

A certain lot or parcel of land located in **Township 2, Range 10 WELS** in the County of Piscataquis, State of Maine, being more fully set forth and described as follows:

Beginning at the northeast corner of said Township, thence running southerly along the east line of said Township eighty-three (83) chains, more or less, to its intersection with the most southerly thread of Abol Stream;

Then running in a westerly direction by and along the thread of Abol Stream as it meanders to its confluence with the thread of the West Branch of the Penobscot River;

Then running in a westerly direction by and along the thread of the West Branch of the Penobscot River, as it meanders, to its intersection with the most westerly point of the north line of said Township;

Thence in an easterly direction, along said Township line to the point of beginning.

Containing two thousand six hundred sixty nine (2,669) acres of land, more or less. Being a portion of the premises conveyed by Great Northern Nekoosa Corporation to the within Grantor, dated December 19, 1991 and recorded in the Piscataquis County Registry of Deeds in Book 833, Page 327.

TOGETHER WITH AND SUBJECT TO the following:

1. Terms and conditions of a Deed of Conservation Easement granted by Great Northern Nekoosa Corporation to the State of Maine, dated August 14, 1981 and recorded in said Registry in Book 518, Page 251.

2. Terms and conditions of a Deed of Conservation Easement granted by Great Northern Nekoosa Corporation to the State of Maine, dated January 8, 1986 and recorded in said Registry in Book 595, Page 209.

3. Terms and conditions of a Deed of Conservation Easement granted by Great Northern Nekoosa Corporation to the State of Maine, dated March 1, 1990 and recorded in said Registry in Book 782, Page 149.

4. Two leases more fully described in Attachments A and B hereto. By acceptance of this deed, Grantee covenants and agrees to undertake the obligations contained in such leases, and to renew the same upon the same terms and conditions and for successive terms at rental rates comparable to rates then being charged for similar leaseholds in the area, and shall terminate such leases only upon the earlier of the following events:

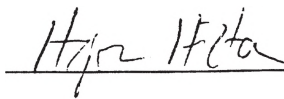
- a) Written notification to Grantee by the immediate family of such lessee set forth in Attachment A or B, in accordance with the terms of the applicable lease, that no member of such family desires to continue said Lease;
- b) Failure of the Lessee to comply with the terms and conditions of such Lease; or
- c) Death of the Lessee and all members of the Lessee's immediate family as set forth in such Lease.

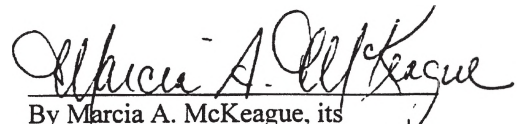
GRANTOR RESERVES all rights of flowage over and across the within conveyed premises, including the right to maintain water flows and levels, and cause such impacts as a result of said water flows and levels as are, or have in the past been, necessary to maintain and operate any and all of its hydroelectric facilities and related operations.

IN WITNESS WHEREOF, the said Great Northern Paper, Inc. has caused these presents to be executed in its name and behalf by Marcia A. McKeague, its Vice President hereunto duly authorized this 7 day of April, 1997.

SIGNED, SEALED AND DELIVERED
in the presence of

Great Northern Paper, Inc.




By Marcia A. McKeague, its
Vice President

STATE OF MAINE

Kennett, ss.

April 7, 1997

Thence personally appeared the above-named Marcia A. McKeague and acknowledged the foregoing to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Hope Hilton
Notary Public/Attorney at Law

HOPE HILTON
Printed Name

My commission expires: N/A

ATTACHMENT A

GNP Lease No. 591

Location: T 2 R 10 WELS, at the junction of Katahdin Brook and the North side of
the West Branch of the Penobscot River.

Lessee's Name and Address: Peter W. McPheters
31 Michigan St.
Millinocket, Maine 04462

Immediate Family: Peter W. McPheters
Same address as above

H. Ivan McPheters, father
514 Penobscot Avenue
Millinocket, Maine 04462

Natahlie M. McPheters, mother
Same address

Gretchen McPheters, sister
Stillwater Avenue
Bangor, Maine 04401

ATTACHMENT B

GNP Lease No. 1424

Location: T 2 R 10 WELS, 1/2 mile west of the junction of Knowlton Brook and the
North side of the West Branch of the Penobscot River.

Lessee's Name and Address: Anthony York
132 Oxford Street
Millinocket, Maine 04462

Immediate family: Anthony York
Same address as above

Frances E. York, wife
Same address

Robert Earle York, son
Same address

Linda A. York, daughter
Same Address

Lanie A. York, daughter
Same Address

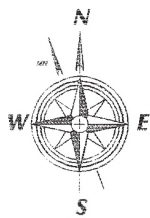
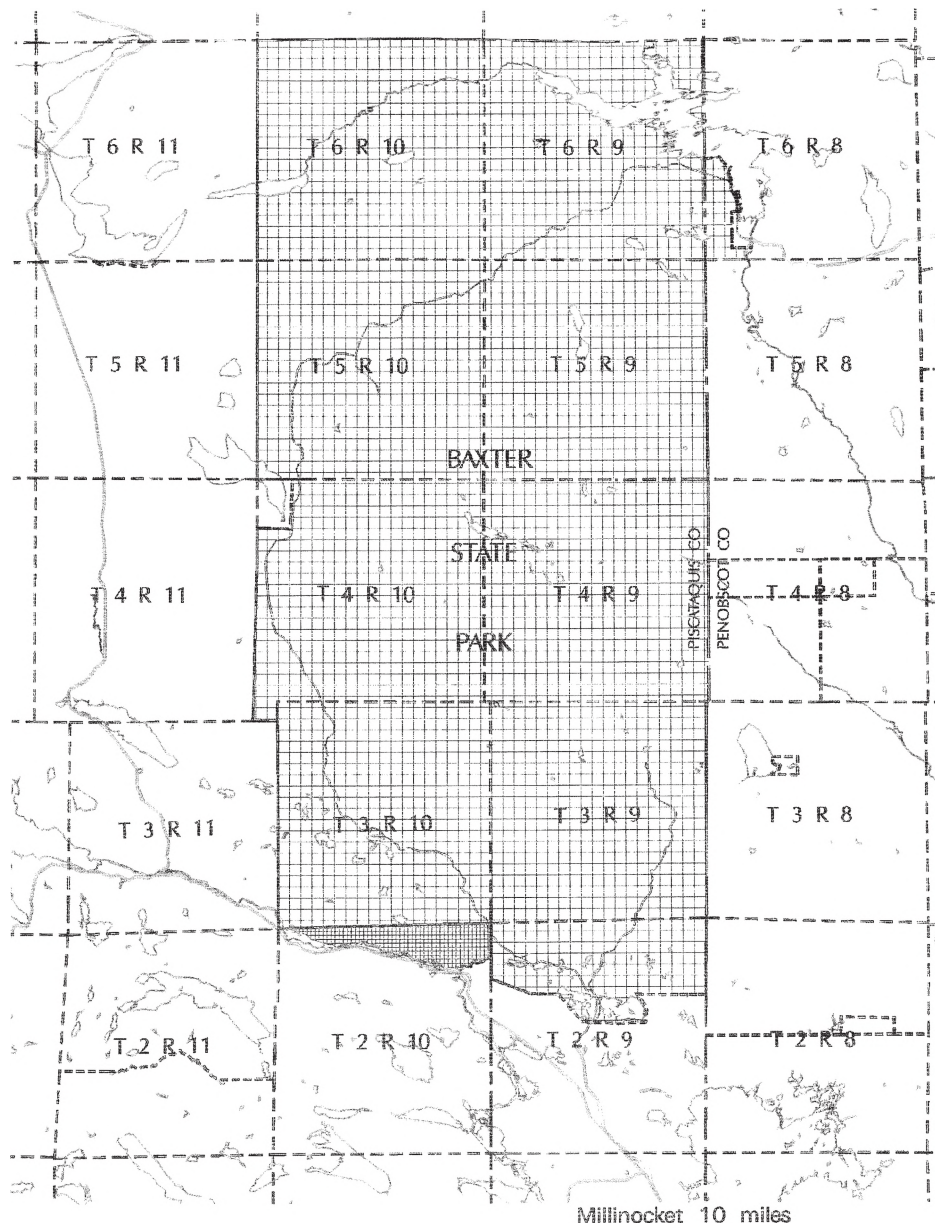
ENV:34446-1.DOC

EXHIBIT "A" - TOWNSHIP/TRACT DESCRIPTIONS
TOWNSHIP TRACT IN PISCATAQUIS COUNTY:

T 2 R 10 WELS

Beginning at the northeast corner of the township, thence southerly along the east line of the township approximately 83 chains, to the most southerly intersection of the thread of Abol Stream, thence, in a westerly direction, by and along the thread of Abol Stream, as it meanders, to the confluence with the thread of the West Branch of the Penobscot River, thence, in a westerly direction, by and along the thread of the West Branch of the Penobscot River, as it meanders, to the most westerly intersection with the north line of the township, thence, in an easterly direction, along said township line, to the point of the beginning.

Containing 2,669 acres, more or less.



BAXTER PARK Land Purchase



Current Baxter Park



Area of Purchase

EXHIBIT B

RELEASE DEED

GREAT NORTHERN PAPER, INC., a Delaware Corporation with a place of business in Millinocket, Penobscot County, Maine, for consideration paid, does hereby **RELEASE** unto the **BAXTER STATE PARK AUTHORITY**, an entity of the State of Maine duly created and authorized under the laws of the State of Maine, with a mailing address of 64 Balsam Drive, Millinocket, Maine, 04462, the following described premises, to wit:

A certain lot or parcel of land located in **Township 2, Range 10 WELS** in the County of Piscataquis, State of Maine, being more fully set forth and described as follows:

Beginning at the northeast corner of said Township, thence running southerly along the east line of said Township eighty-three (83) chains, more or less, to its intersection with the most southerly thread of Abol Stream;

Then running in a westerly direction by and along the thread of Abol Stream as it meanders to its confluence with the thread of the West Branch of the Penobscot River;

Then running in a westerly direction by and along the thread of the West Branch of the Penobscot River, as it meanders, to its intersection with the most westerly point of the north line of said Township;

Thence in an easterly direction, along said Township line to the point of beginning.

Containing two thousand six hundred sixty nine (2,669) acres of land, more or less. Being a portion of the premises conveyed by Great Northern Nekoosa Corporation to the within Grantor, dated December 19, 1991 and recorded in the Piscataquis County Registry of Deeds in Book 833, Page 327.

TOGETHER WITH AND SUBJECT TO the following:

1. Terms and conditions of a Deed of Conservation Easement granted by Great Northern Nekoosa Corporation to the State of Maine, dated August 14, 1981 and recorded in said Registry in Book 518, Page 251.

2. Terms and conditions of a Deed of Conservation Easement granted by Great Northern Nekoosa Corporation to the State of Maine, dated January 8, 1986 and recorded in said Registry in Book 595, Page 209.

3. Terms and conditions of a Deed of Conservation Easement granted by Great Northern Nekoosa Corporation to the State of Maine, dated March 1, 1990 and recorded in said Registry in Book 782, Page 149.

4. Two leases more fully described in Attachments A and B hereto. By acceptance of this deed, Grantee covenants and agrees to undertake the obligations contained in such leases, and to renew the same upon the same terms and conditions and for successive terms at rental rates comparable to rates then being charged for similar leaseholds in the area, and shall terminate such leases only upon the earlier of the following events:

- a) Written notification to Grantee by the immediate family of such lessee set forth in Attachment A or B, in accordance with the terms of the applicable lease, that no member of such family desires to continue said Lease;
- b) Failure of the Lessee to comply with the terms and conditions of such Lease; or
- c) Death of the Lessee and all members of the Lessee's immediate family as set forth in such Lease.

GRANTOR RESERVES all rights of flowage over and across the within conveyed premises, including the right to maintain water flows and levels, and cause such impacts as a result of said water flows and levels as are, or have in the past been, necessary to maintain and operate any and all of its hydroelectric facilities and related operations.

IN WITNESS WHEREOF, the said Great Northern Paper, Inc. has caused these presents to be executed in its name and behalf by Marcia A. McKeague, its Vice President hereunto duly authorized this ____ day of April, 1997.

SIGNED, SEALED AND DELIVERED
in the presence of

Great Northern Paper, Inc.

By Marcia A. McKeague, its
Vice President

STATE OF MAINE

_____, ss.

April ____, 1997

Thence personally appeared the above-named Marcia A. McKeague and acknowledged the foregoing to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

Printed Name

My commission expires: _____

STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL

State House Station #6
Augusta, ME 04333
Tel: [207] 626-8800
Fax: [207] 287-3145


MEMORANDUM

To: Charles J. Gadzik, Director, Maine Forest Service
Andrew Ketterer, Attorney General
Lee Perry, Commissioner, Inland Fisheries & Wildlife

From: Paul Stern, Assistant Attorney General

Date: December 22, 1997

Subject: T2 R10 – Penobscot River Parcel



~~~~~

The following thoughts and observations may be helpful to you in considering your decision on the future use of T2 R10.

**Use of Taxpayer Money**

A number of speakers have suggested that T2 R10 was purchased with "taxpayers' money," and, therefore, in some way, the Baxter Park Authority must comport its decision with the "will" of the taxpayers. This assertion is incorrect.

The funds used to purchase this parcel consist of the principal and interest from the donations Governor Baxter. The trust fund, according to Governor Baxter himself, is a "separate fund which could be used from time to time to acquire new lands for the Baxter State Park Trust Fund. . . . After this we shall have but one trust fund which will be available from time to time for the purchase of additional lands for the Baxter State Park Trust Fund." Letter of March 22, 1968, from Percival P. Baxter to Henry L. Cranshaw, State Controller.<sup>1</sup> Thus, no "taxpayer" money is involved in the purchase.

---

<sup>1</sup> The creation of this Trust Fund out of the original Mackworth Island Trust Fund, was approved by Council Order 939, April 24, 1968.



### Policy of the State

Some speakers are concerned that any decision of the Authority will somehow be a harbinger of future policy of the State with respect to public lands it may acquire. This too is incorrect.

The Authority as trustee is required to comply with the intent of Governor Baxter, and not with general State policy. Indeed, if the Authority chose to comport its decision with general State policy, rather than with Governor Baxter's intent, that would be a violation of the Trust. In a wide variety of contexts, Governor Baxter made it clear that his desire was that the Park and its funds be utilized according to his intent, and not general State policy. That is exactly why the Governor expressly took the Park and its funds outside the ambit of the Department of Parks and Recreation, and vehemently opposed every effort to have his Park administered by or under any governmental authority other than the Baxter State Park Authority he created.

This results in the Authority pursuing policies that may be at odds with general State policy and, in particular, the policies of your respective departments. A number of examples are illustrative: First, several years ago, controversy arose regarding the management of the Scientific Forestry Management Area. It had been administered under the direction of the Bureau of Forestry. The Bureau of Forestry's operations were stopped, and the Authority went in a new direction, arguably at odds with that of the prior Bureau of Forestry programs. Second, the caribou reintroduction project was strongly supported by the Legislature and the Department of Inland Fisheries and Wildlife. The Park became the primary location for the reintroduction. However, at a certain point, it became clear that the project no longer comported with the proper administration and policies of Baxter State Park, and the Commissioner of Inland Fisheries & Wildlife moved as an Authority member to cease the caribou project in the Park.

The choices at times may be difficult, indeed politically painful, for Authority members, but as Trustees of the fund and the Park, Authority members have the obligation, duty and responsibility to comport their decisions with Governor Baxter's Trust — not general "State policy."

### Utilization of the Land

Vociferous arguments have been made over why the new land should be open to hunting, trapping, and motor vehicles or should be a sanctuary. Much of the discussion has focussed on "traditional" uses or what is "fair." However, it is beyond dispute that it is the intent of Governor Baxter that should be paramount.

The best guide, therefore, is Governor Baxter's own prior actions and statements on these matters.

### **Hunting or Sanctuary**

One of the primary points of controversy is whether hunting and trapping will be allowed in the new lands, or whether the sanctuary restrictions will apply in full force. Approximately 153,323 acres are within sanctuary, on 22,816 acres hunting is allowed, and in an additional 28,594 acres hunting is permissible in the Scientific Forestry Management Area. The history of Governor Baxter's dealing with hunting in the Park reveals that hunting is the exception to the general sanctuary rule.

Prior to 1949, he prohibited hunting in all areas he had purchased and donated. In 1949, Governor Baxter conveyed to the State portions of T6 R9 and T6 R8 in the northeastern portions of the present Park, generally south of the tote road. The Governor prohibited hunting on these lands. At that time, there was a concerted effort both inside and outside of the Legislature to change the prohibition.

In that controversy, George B. Barnes, Esq., a legislator, wrote to Governor Baxter on January 21, 1949, explaining that he was planning to file a bill to lift hunting restrictions. In a letter dated January 26, 1949, Governor Baxter reacted forcibly and resolutely:

Before me is your letter in which you say that certain of your hunter friends seek to break the Trust wherein I recently donated to the State certain forest lands "forever to be held in Trust as a Sanctuary for wild beasts and birds."

....

With the vast areas now open to hunters it is unreasonable and selfish to seek to deprive our wild life of the meager protection we give it. I will be distressed if any attempt is made to encroach upon my gift.

He went on to state that he would "carry the fight to every section of our State." He noted that the hunters "now have about all of our 20 million acres in which to enjoy their sport of hunting."

However, legislator Barnes continued his efforts on behalf of several hunting clubs. Governor Baxter repeated his strong objections and by letter dated February 3, 1949, noted the criticisms heaped upon him but stated:



Although I am not a hunter myself, I have no objection to others indulging in this sport beyond the confines of the Park. The hunting restriction is but one of my reasons for creating the area.

Maybe you did not see the unfair article in the Houlton "Pioneer Times". This said the hunters "were preparing to oppose" the gift and were "preparing their formal protest".

As Barnes pressed his efforts, Governor Baxter continued his opposition. In a letter dated April 16, 1949, Baxter wrote to the Honorable John F. Ward:

Shall a few hunters bringing pressure on the Legislature upset my plans and thus perhaps deprive the State of benefactions that will be of material advantage to our People?

By letter dated April 20, 1949, Governor Baxter stated:

In the years to come I am confident that the hunters will be glad to have this sanctuary for the game will increase there and will fan out to the regions beyond. We must take a long view. Moreover, no doubt there are more non-hunters in Maine than hunters and the people who enjoy going into the northern woods to see the living game are increasing in number. Personally, however, although I do not hunt, I have no criticism of those who do so.

Barnes, ultimately, did withdraw his proposed legislation, albeit reluctantly.

In the mid-1950's, a new controversy arose over hunting on additional lands Governor Baxter proposed to donate. Governor Baxter donated 14,005 acres in T6 R9 generally north of the tote road. This land was donated with the hunting prohibition. Later, when Governor Baxter added an additional 2000 acres to this donation, he agreed to remove the hunting restriction on both the 14,005 acre and the 2000 acre parcels. There have been various interpretations as to why he did this but the best — and only reliable — reasons are those of Governor Baxter himself. On September 3, 1954, he wrote to the editor of the Bangor Daily News to "set the record straight," as follows:

Last spring, 1954, I bought 14,005 acres 24 miles north of Mt. Katahdin and added it to the Park with "no hunting". The boundaries of this area were so confused and uncertain that the "no hunting" law could not be enforced. To correct the land lines I found that I could buy 2000 acres more land for the Park if I would not object to hunting on this 2000 acres and on the purchase of 14,005 acres.

Governor Baxter went on to note:

Another factor enters into this. The local people in the far northern areas apparently depend largely upon sportsmen for their livelihood. This means a great deal to them. After conferring with Governor Cross and with these people in the North I assured them I would not object if the Governor temporarily and the Legislature permanently allows hunting in the above two recent 1954 purchases, and in these only.

Following these transactions, Governor Baxter made several additional donations of land. Governor Baxter added to the Park the lower portion in T3 R9, donating it with the sanctuary condition.

The Governor created the Scientific Forestry Management Area, allowing hunting in the northwestern part of the Park, as it was his desire to create an example of what commercial forestry could be on private lands, which would include hunting.

Finally, in 1963, the final piece was put in place in T2 R9. The restrictions against hunting were not included in that deed. It has been confirmed by members of the Baxter family and Great Northern officers that Governor Baxter deleted the hunting prohibition only because he could not purchase the land in T2 R9 unless he did so.

In light of this history, the sanctuary restrictions were generally the rule, with hunting being allowed only where: (1) it was necessary to purchase specific additional land, hunting lines were confused, and hunting prohibitions would adversely affect the livelihood of local guides; (2) it was specifically part of the Scientific Forestry Management Area; or (3) it was necessary to purchase the parcel itself. The T2 R10 parcel is not part of the Scientific Forestry Management Area, and the other situations are not present.



In the present purchase, Bowater did not make as a condition of sale the continuation of hunting or any other particular activities. Such a condition is not contained in the contract for sale or in the deed. Further, it certainly is not reflected in the price. Although at times the seller's representatives indicated they would appreciate the Park considering past practices, they in no way made it a condition of the sale. It is my clear recollection, at least in the meetings that I attended, that we made it clear to the seller that we would manage the new land in conformance with Governor Baxter's Trust and that any past practices would be considered in that light. I certainly was not privy to any conversations in which any tacit or express agreement otherwise was reached. If I had been aware of such an agreement, I would have been remiss in not bringing it to the attention of the entire Authority, and in not ensuring that, at the very least, it was reflected in the contract, deed and price.

#### Leases

The contract and deed make clear that the two camp lot leases are to terminate with the passing of certain immediate family members. A number of issues have been raised with respect to the lease of these camp lots. Again, we should return to Governor Baxter's views on this.

On November 22, 1955, he crafted a statement regarding "Leases of Campsites at Baxter State Park to Private Persons," which he intended to be used should the issue of leases arise. Baxter had before him leases to a number of individuals, and wrote:

In my opinion it will be desirable, ultimately, to terminate these particular leases, preferably at such time as the present lessees discontinue leasing. It will also be desirable ultimately to abolish all such leases on Park property. With this in mind, I believe it will be well to have it definitely and unequivocally understood, that in addition to and separate from the legal language of the leases, that the lessees' rights expire when they themselves cease to occupy the premises, that the only ownership the lessee's have is in the furniture or removable fittings in the camps; these and only these have they the right to sell.

In the Togue Pond purchases, the seller made it a condition of the sale that the lessees could purchase the campsites. In the present matter, in addition to Governor Baxter's own intent, as expressed above, Bowater had previously arranged that the leases would terminate.

### Access and Vehicular Use

Much has been made of Governor Baxter's clarification and alteration in the late 1940's regarding discretion provided the Baxter State Park Authority with respect to roads. Governor Baxter's own statements and actions further illuminate this issue.

In a letter on January 21, 1948, to his lawyer George F. Eaton, Governor Baxter wrote:

I am confident it is best to allow roads to be built in Baxter State Park so that it may be enjoyed . . . I have made it retroactive so that roads may be constructed on any of the land . . . the only condition being that the natural wild state shall not be unduly interfered with.

The following year, Governor Baxter responded to concerns of Howard Zahniser, Executive Director of the Wilderness Society, regarding roads and access. Governor Baxter wrote that he had originally provided that the road crossing the northern end of the Park would be closed and no other roads permitted, but subsequently changed that position:

Of course I want the Park to be used for campers and mountain climbers and after long consideration believed it best to open the road in question so that access could be had to the northern areas which are unduly wild and beautiful. Had this not been done, the Park would have been sealed up for all time and few if any people would be able to visit the northern portion for they would have been obliged to go on foot for 10 or 15 miles.

The provision that this area be left "forever" in its natural wild state has not been changed and only access roads will ever be permitted.

In 1951, Governor Baxter donated one-half of the cost of constructing the road linking the northern and southern portions, creating what is now known as the tote road. Resolves 1951, ch. 68. On April 12, 1951, Governor Baxter wrote to then Governor Frederick G. Payne:

With the construction of this connecting link there should be no further roads needed in the Park.



In 1957, Governor Baxter became concerned about the types and use of roads. He wrote:

On my recent journey to the Park at Katahdin I was somewhat disturbed because of the roadwork being done on its approaches. . . . I hope the area will be kept "in its natural wild state" as is provided in the more than 20 acceptance acts of the State Legislature. . . .

The purpose of Baxter State Park is to have a wilderness area forever to be kept as a wilderness without the accessories of civilization. This means that the road should not be boulevards, only they should be reasonably safe. With too many improvements the wilderness idea will no longer be maintained and I shall be pleased if you will give consideration to this matter.

I find that those who visit the Park do not mind crooked roads or the many turnouts; in fact, these give a little zest to the journey. People feel they are at last in an unspoiled region. This I hope to maintain.

In 1960, Supreme Court Justice William O. Douglas and Governor Baxter corresponded with respect to the issue of roads in the Park. On May 26, 1960, Justice Douglas wrote that an additional road between Roaring Brook and Russell Pond would be "sheer tragedy." On June 1, 1960, Governor Baxter wrote back thanking Justice Douglas, indicating he was "much disturbed for the basic idea of the Park is to keep it in its Natural Wild State with no additional motor roads and only walking trails." Baxter went on to write that "repeatedly I have said in public and in communications to the Governor and Legislature that I want the Park left as it is with no additional motor roads and only walking trails." He followed up on this with communications with the Authority, and wrote again to Justice Douglas on June 24, 1960: "I want you to feel assured that there will be no additional roads built in the Park at least while I am living."

Finally, in 1966, Governor Baxter did approve the building of the tote road from Togue Pond to Abol Campground Road. Letter from Austin Wilkins to Governor Percival P. Baxter, dated September 7, 1966.

## Easements

Since the last public meeting on this matter, a number of individuals have raised the issue of the several easements affecting the parcel. I am aware of three easements from Great Northern: two involving the Appalachian Trail and a third involving a resource protection plan for the Penobscot Waterway. It had been the Authority's hope and expectation that any management rights granted under the easements would be transferred to the Park to avoid administrative conflicts.

The Appalachian Trail Conservation easements arise from a 1986 and a 1990 deed. These deeds from Great Northern to the State of Maine, Department of Conservation, Bureau of Parks and Recreation, generally prohibit Great Northern from construction of structures and greatly limit motorized vehicular traffic along or across the footpath.<sup>2</sup> The State has the general right to regulate and manage public camping, hiking and other recreational activities within the easement land. The Park is now in the shoes of the grantor.

In 1981, Great Northern Nekoosa also gave an easement to the State of Maine along the west branch of the Penobscot for the area within 500 feet of the normal high water mark. The grantor retains certain rights with respect to timber management but otherwise conveyed to the State the authority to regulate recreational activities within the easement lands.

Accompanying the transaction was a Resource Protection Plan, Memorandum of Agreement and Recreational Management Plan. The Resource Protection Plan provides that all uses not expressly allowed under this plan shall be prohibited. The Resource Protection Plan is enforced for a period of 20 years, and at the end of the 20-year period, Great Northern may seek to renew the plan. As the Baxter State Park Authority is now in the shoes of Great Northern, it is the Park that will determine what the plan will be in 2001.

In the Memorandum of Agreement, it is provided that the State will develop and administer the Penobscot River Recreational Management Plan, and the State recognizes that since Great Northern is the owner of the fee, its cooperation is necessary.

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<sup>2</sup> The deeds allow the grantor to locate and maintain new or existing roads for access to and management of lands, but they shall be constructed along certain limited areas and "will be constructed for forest management purposes only ..."



The Recreational Management Plan sets forth regulations for various activities and notes that wildlife populations will be managed by the Department of Inland Fisheries and Wildlife.

With respect to leases, there is nothing in the easements which would in any way affect the present arrangement memorialized in the Contract for Sale and the Deed.

With respect to motorized vehicular access, the restrictions would tend to limit motorized access within the Penobscot River Resource Easement and the Appalachian Trail Easement only to timber management purposes.

Finally, hunting is not specifically permitted or prohibited in the easements.

#### CONCLUSION

As this memorandum attempts to emphasize, Governor Baxter's intent is paramount. I hope the information and thoughts above are helpful to you, and if I can be of any further assistance, please feel free to call on me at any time.

PS:jwp

cc:  Buzz Caverly



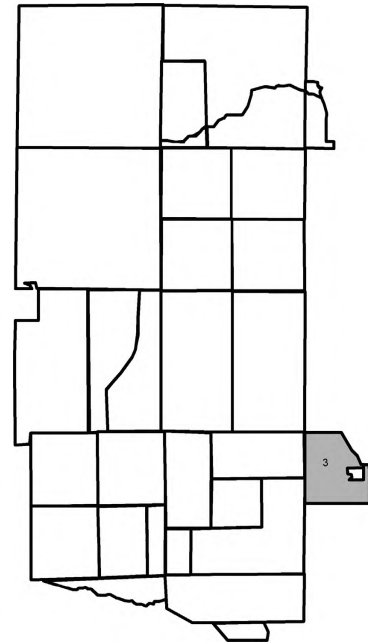


***Annotation – 2006 in T3 R8 (4,768 acres,  
including the 649-acre Katahdin Lake) from  
the Gardner Land Company***

***Background***

As described in the introductory essay to this volume, Percival P. Baxter's earliest vision for a park at Katahdin included the northwestern quadrant of T3 R8 where Katahdin Lake was located.<sup>21</sup> For unknown reasons, Governor Baxter was never able to acquire that parcel; however, he remained interested in doing so as late as 1946. In a letter to Warden Supervisor Caleb W. Scribner of Patten on March 2, 1946, Baxter stated:

I want to get some of 3R8 where Katahdin Lake is located. If I can get a piece of it, more may follow. That would be nice for our Park.<sup>22</sup>



On September 12, 2003, Governor John Baldacci visited Daicey Pond to commemorate Percival P. Baxter's first visit to the Katahdin area in 1903. By Baldacci's own account, it was on that occasion that Phyllis Austin, a prominent environmental journalist, told him that former Governor Baxter had always intended to acquire the Katahdin Lake parcel on the eastern side of the mountain. Shortly thereafter, Baldacci initiated a process that eventually would lead to the acquisition of the parcel more than three years later. In particular, he designated Department of Conservation Commissioner Patrick McGowan to spearhead negotiations with what proved to be two different landowners, Irving Woodlands LLC and later the Gardner Land Company (GLC) of Lincoln, Maine.

The proposed land deal was announced on January 24, 2006.<sup>23</sup> On February 14, 2006,<sup>24</sup> enabling legislation was introduced to accomplish that objective, provided private monies could be raised to fund the purchase. The legislative proposal triggered controversy within the joint committee between those who wished to condition the acquisition on the permitting of so-called "traditional uses" such as hunting on the parcel and those favoring the sanctuary designation. The ensuing legislative debate was among the most contentious and protracted of the 122nd Maine Legislature.

The annotation that follows recounts the events of 2006 leading to the adoption of the legislation by the constitutionally mandated 2/3 vote in both the House and Senate, and the successful campaign by the Trust for Public Land (TPL) to raise the private monies to fund the purchase.

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21 See the introductory essay of this volume, "Percival P. Baxter's Vision for Baxter State Park," below, pp. 3, 17-18.

22 John W. Hakola, *Legacy of a Lifetime: The Story of Baxter State Park* (TBW Books, 1981), note 48, p. 349.

23 See Phyllis Austin, "Deal Would Realize Percival Baxter's Dream of Adding Katahdin Lake to Park," *Maine Environmental News* ([www.meepe.org](http://www.meepe.org)), January 24, 2006, for extensive background coverage on the proposed Katahdin Lake project.

24 Legislative Document, No. 2015 (hereafter LD 2015).

## ***LD 2015***

On February 14, 2006, a legislative proposal authorizing certain land transactions by the Department of Conservation's Bureau of Parks and Lands (BPL) was introduced by Rep. Joshua Tardy of Newport in the House of Representatives, and immediately referred to the Joint Standing Committee on Agriculture, Conservation and Forestry. The preamble to Legislative Document 2015 (LD 2015) reads as follows: "The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreational purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House."<sup>25</sup> All nine sections of the proposal involved the sale or exchange of publicly held lands by the BPL. The lone section of this consolidated bill that was to have a bearing on the state's acquisition of the Katahdin Lake parcel was Section 9. That section authorized, but did not direct, the conveyance at appraised fair market value of twelve specifically enumerated public lots in Aroostook, Penobscot, Washington, and Franklin counties. Left unstated in LD 2015 was the understanding that, if Section 9 were approved by the constitutionally mandated vote of 2/3 of all elected to each house, these public lots would be part of a land deal whereby the State of Maine would acquire the lands surrounding Katahdin Lake from the Gardner Land Company. Upon its acquisition by the intermediary, the Trust for Public Land, the land would be transferred to Baxter State Park, where it would be managed as a wildlife sanctuary.<sup>26</sup>

Unlike all of the previous real estate transactions involving Baxter State Park, the legislature was being asked to play a central role in determining if the acquisition should go forward. No sale or exchange of publicly held lands had been involved in any of Baxter's twenty-eight deeds of gift to the state to create the 201,018-acre park. Thus, Article IX, Section 23 had not applied, and only legislative concurrence was required in order for the state to accept his deeds of gift. Nor had this issue arisen in the two small acquisitions during the 1990s.

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25 *Ibid.*, p. 1.

26 This was to be made clear in the testimony submitted to the Joint Standing Committee on Agriculture, Conservation, and Forestry by Attorney General Steven Rowe, Chair, Baxter State Park Authority, in support of LD 2015:

Last October, the Baxter State Park Authority voted to support the addition of the Katahdin Lake parcel to the Park so long as it comports with the vision of Governor Baxter and is consistent with Governor Baxter's Deeds of Trust.

As I mentioned, Katahdin Lake and the surrounding lands were part of the "core" of Governor Baxter's original plan for the Park. The Governor's vision for those core lands was expressed in his deeds of trust and conveyances. He declared that the lands were to be maintained in a "natural wild state as a sanctuary for wild beasts and birds." Governor Baxter also specified that recreational purposes were regarded as secondary and should not encroach upon the main objective which is to be "forever wild."

The minutes of the aforementioned Authority meeting on October 17, 2005 reported the following motion made by Authority member Dan Martin: "To allow us to move forward in some form or fashion, Mr. Chairman, I move that the Authority support the plan in concept so long as it comports with the vision of Governor Baxter as determined by the Authority consistent with the Deeds of Trust." Steven Rowe (Chair) seconded the motion and a unanimous voted followed.



The basics of the Katahdin Lake project, as originally proposed, are summarized in this adaptation of a memorandum prepared by the Office of Policy & Legal Analysis:<sup>27</sup>

- The Gardner Land Company (GLC) receives approximately 21,400 acres of public and private land in exchange for the transfer of the Katahdin Lake parcel. [The Trust for Public Land (TPL), an intermediary, must raise private funds to complete the acquisition of the approximately \$13 million worth of forestland<sup>28</sup> to be transferred to the GLC. Approximately 14,000 acres of private lands had already been purchased from GMO Renewable Resources for eventual transfer to the GLC.]
- The Bureau of Parks and Lands sells approximately 7,385 acres of public reserved land to the intermediary, TPL. BPL uses the \$5.5 million received for the lands to purchase other land in the same four counties. [The Constitution of Maine, Article IX, Section 23, requires a 2/3 vote of the legislature on the statutory provision, LD 2015, Section 9, authorizing the sale of these publicly held lots. The passage of Section 9 is the only legislative action needed to complete the project.]
- The land around Katahdin Lake owned by the GLC is acquired by the TPL and transferred to Baxter State Park. [The Baxter State Park Authority had voted in October 2005 to accept the gift of the Katahdin Lake parcel with the intention of managing it as a wildlife sanctuary.]

## ***Joint Committee on Agriculture, Conservation and Forestry***

A public hearing was held by the Joint Standing Committee on Agriculture, Conservation and Forestry at the Augusta Civic Center on February 17, 2006. Approximately 200 people attended the full day's proceedings during which several dozen individuals and representatives of organizations presented written or oral testimony.<sup>29</sup> Although widespread support existed for the proposed acquisition, it was obvious from the outset that strong opposition arose from the Baxter State Park Authority's proposed "sanctuary" designation that would prohibit so-called "traditional uses," such as hunting, trapping, and snowmobiling on the new parcel. Support conditioned on the permitting of "traditional uses" came from entities such as the Millinocket Town Council, the Sportsman's Alliance of Maine, and the Maine Snowmobile Association, Inc., among others. On the other hand, there was unconditional support for the project from individuals affiliated with organizations, such as the Friends of Baxter State Park, Maine Audubon, the Natural Resources Council of Maine, and Restore: The North Woods.

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27 Office of Policy & Legal Analysis, March 13, 2006 from the Joint Standing Committee on Agriculture, Conservation and Forestry's "LD 2015 File."

28 There was also an additional one million dollars of transactional cost associated with the TPL's fund raising campaign, thereby bringing the total to \$14 million.

29 The written testimony can be found in the aforementioned joint committee's "LD 2015 File." The author delivered prepared remarks at the public hearing supporting LD 2015. In addition, the joint standing committee asked him to testify about his research on the Deeds of Trust at one of their early March work sessions.

There was extensive statewide media coverage of the Katahdin Lake Project from the Baldacci Administration's announcement on January 24, 2006 to the closing of the historic deal on December 15, 2006. In particular, by-line reporting by Kevin Miller (*Bangor Daily News*) and John Richardson (*Portland Press Herald*) was in evidence throughout the year. Coverage also occurred in the *Boston Globe* (Jenna Russell, "Hunters in Maine Object to Forest Plan," April 9, 2006, p. A1, A26) and the *New York Times* (Felicity Barringer, "In Maine, a Public Park in Search of Public Support," November 7, 2006, p. A10).

One written submission that stood apart from the others was from Robert S. Seymour, Curtis Hutchins Professor of Silviculture, University of Maine, who objected strenuously to Section 9 of LD 2015, namely the provision regarding the sale of the publicly held lots. He stated, in part:

Despite what the Dept. of Conservation (DOC) wants you to believe, we're not here to debate the KL acquisition. We're here because the DOC is proposing selling off 7,700 acres of well-wooded, green-certified public forest land that has exceptional public value (rare wildlife habitat, undeveloped shore frontage, etc.) so we can turn around and buy other run-of-the-mill lands, likely with no such values, with the \$5.5 million we'll get.<sup>30</sup>

The joint standing committee held a series of work sessions throughout March and early April. During the protracted and at times contentious deliberations, chaired principally by Rep. John Piotti of Unity, the views of both the proponents and opponents of the measure, as originally presented, were well aired. There were numerous instances over the dozens of hours of deliberations when the committee heard directly from Commissioner Patrick McGowan and other Department of Conservation officials, Tom Gardner of the GLC, Sam Hodder of TPL, BSP Director Jensen Bissell, and members of the general public. On several occasions, Attorney General Rowe, Chair of the Baxter State Park Authority, reminded the committee that in order to remain consistent with Governor Baxter's Deeds of Trust, the Authority could not accept any legislatively mandated conditions as to the management of the Katahdin Lake property. As of early March after the initial work sessions, it appeared that the committee was hopelessly deadlocked and that the Katahdin Lake project was in jeopardy.

However, in mid-March a compromise was brokered, with the concurrence of the three Authority members, which enabled the bill to achieve extra-majority support within the committee. Specifically, the Katahdin Lake lands were divided into two parcels, the 4,119 acres in T3 R8 surrounding the lake being transferred to the Baxter State Park Authority to be managed as a wildlife sanctuary, and the remaining 1,975 acres in the more northerly T4 R8 being transferred to the Bureau of Parks and Lands. Traditional uses, including hunting, are allowed on lands managed by the BPL.<sup>31</sup> Eleven of the thirteen members of the joint standing committee supported the compromise, which in turn received final passage in the House of Representatives on April 13, 2006 by a roll call vote of 129 Yeas – 16 Nays with six members designated as absent. That same day, the Senate approved the measure on a roll call vote of 32 Yeas – 3 Nays.<sup>32</sup> Thus, the votes in both chambers met the requisite constitutional requirement of 2/3 of all members elected to each house. Assuming a successful fundraising effort by TPL, the 649 deeded acres of Katahdin Lake, along with the

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30 Seymour testimony, submitted electronically, on February 24, 2006, page 1 in the joint committee "LD 2015 File."

31 Those who conceived of the compromise were aware that Baxter, in his original park proposals dating to the post-WW I era, had designs only on land in the NW quadrant of T3 R8. Consequently, the more northerly portion of the Katahdin Lake parcel in T4 R8 could reasonably come under the jurisdiction of the DOC's Bureau of Parks and Lands with its multiple-use policies that permitted hunting and snowmobiling.

32 One is encouraged to examine the entire record of the floor debate from the *Legislative Record of the House of Representatives and the Senate*, i.e. pp. H-1537-1544, 1571-1573, 1599-1600, 1614 and S-1927, 1935-1940, 1948-1949, that is reproduced below, pp. 257-279.



aforementioned 4,119 acres, would bring the total acreage of Baxter State Park to 209,501. Governor John Baldacci signed the bill on April 24, 2006.<sup>33</sup>

### ***Legislative Resolve, Chap. 197***

Details of the Legislative Resolve, Chap. 197 reflect the compromise that had been struck in the joint standing committee in mid-March. In addition to the particulars of the aforementioned division of the parcel between BSP and the Bureau of Parks and Lands, numerous other provisions of note exist, such as the BPL's option to purchase, along with a related temporary easement, an additional 8,000 acres east of the proposed Katahdin Lake-transfer from the Gardner family. In addition, there were agreements with GLC regarding sustainable forestry practices and the protection of winter habitat for white-tailed deer. A provision also mandated the DOC to develop a comprehensive plan to increase snowmobiling opportunities in the Katahdin region and a related directive that the Commissioner convene a working group on the acquisition of public lands for multiple use, including but not limited to, the Katahdin region. Finally, an agreement was acknowledged between the Director of the BPL and Baxter State Park regarding hiking access to the eastern shore of Katahdin Lake. As will be seen below, there would be relatively prompt action on the aforementioned 8,000 acres east of the Katahdin Lake parcel, the so-called "Valley Lands."

### ***Trust for Public Land's Fundraising Effort***

The Trust for Public Land is a national non-profit organization dedicated to conserving land for parks, gardens, and natural areas. It depends on the support and generosity of individuals, foundations, and businesses to achieve its mission. It is known for playing the role of intermediary between landowners and prospective purchasers. In this particular instance, TPL worked in partnership with the Department of Conservation to secure an option to purchase the Katahdin Lake parcel. Once the option had been secured, the Baxter State Park Authority became one of the cooperating entities in the project.

The initial fundraising goal for the Katahdin Lake Project was \$14 million, including \$1 million for transaction costs; however, the State paid \$2.5 million for the acreage in T4 R8 thereby lowering the amount of private monies to \$11.5 million. During the protracted legislative deliberations early in 2006, the fundraising efforts were temporarily stalled; however, they were reinvigorated with the adoption in mid-April of the enabling legislation by the required 2/3 vote. The public face of the campaign was Sam Hodder, TPL's Senior Project Manager in Portland, who was omnipresent at all critical phases. The fundraising goal was reached just before the final deadline of December 15, 2006.<sup>34</sup> The Quitclaim

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33 "Baldacci Signs Bill to Add Lake and Land to Baxter State Park," *Portland Press Herald*, April 25, 2006, p. B2.

34 The Trust for Public Land published its own account of the fundraising effort in Nell Porter Brown, "Saving Katahdin Lake: The Inside Story," *The Trust for Public Land: New England* (Summer 2007, pp. 1, 3-4). The entire article is reproduced in the Appendix, below pp. 315-317.

Deed with Covenant<sup>35</sup> was signed on December 13 and TPL transferred the deed to the Baxter State Park Authority the following day. On December 15, 2006, Governor Baldacci and other state officials made the official announcements of the completed acquisition in Millinocket and Portland.<sup>36</sup>

### ***Katahdin Lake Assimilation Plan and the Acquisition's Immediate Aftermath***

In closing, three developments in the year following the acquisition of the Katahdin Lake parcel warrant brief mention. First, the BSP Authority, at its December 11, 2007 meeting, approved the Katahdin Lake Assimilation Plan.<sup>37</sup> The plan represented, according to Park Director Jensen Bissell, a year's effort of "exploration, data collection, discussion and planning"<sup>38</sup> as to the future use and management of the parcel. The plan also provided a brief history of the Katahdin Lake project and descriptions of the parcel's rich human history and natural landscape. One item of note in the report was the acknowledgment that the Authority had agreed to allow the lease of the current owner of the historic Katahdin Lake Wilderness Camps, Charles FitzGerald, to be extended for a period of twenty-five years, i.e., through 2032.

Second, on August 23, 2007, Governor Baldacci formally accepted a \$2.7 million gift from a longtime park supporter and volunteer, H. Frank Trautmann of Rockport.<sup>39</sup> The monies will go into a newly created Baxter Park Wilderness Fund, and proceeds from this endowment will be used at the discretion of the three-member Baxter State Park Authority.

Finally, on November 30, 2007, a major land transaction involving the so-called "Valley Lands," east of Katahdin Lake, was announced by Governor John Baldacci; Millinocket Town Manager Gene Conlogue; Roxanne Quimby; DOC Commissioner Patrick McGowan; and the Trust for Public Land. In brief, Ellitsville Plantation Inc., the private nonprofit foundation founded by Quimby, acquired the 8,900-acre "Valley Lands" parcel that was the subject of the Bureau of Parks and Lands' option to purchase in the 2006 Legislative Resolve,

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35 The Quitclaim Deed is reproduced in its entirety, below p. 244-249. It was summarized in the "Baxter State Park Katahdin Lake Assimilation Plan," Baxter State Park Authority, December 11, 2007, pp. 5-6: "The Quitclaim Deed with Covenant was signed on December 13, 2006, conveying the KLP [Katahdin Lake Parcel] from Gardner Land Company to the Baxter State Park Authority. The legal description included defines 8.2 miles of new exterior boundary (exclusive of the 3.0 miles of former Park boundary that forms the western edge of the KLP), and 2.0 miles of interior boundary around the 201 acres of private in-holdings. The parcel size is defined in the deed as 4,119 acres of land plus the 649 acres of Katahdin Lake. . . .The in-holdings consist of two (2) private ownerships including approximately 3,400' of shorefront on the southeast corner of Katahdin Lake and Katahdin Brook, the outlet of Katahdin Lake." The private in-holdings are owned by the Page family and the Huber Corporation. There is also a easement that permits to Huber Corporation to build a road across a 1,400 foot-strip of Baxter State Park to its in-holding.

36 See Kevin Miller, "Baxter Park Deal Adds 4,000 Acres," *Bangor Daily News*, December 16-17, 2006, p. A1.

37 For details, see the "Katahdin Lake Assimilation Plan," 54 pages, plus Map A.

38 December 12, 2007 cover letter of Jensen Bissell to the author accompanying approved text of the assimilation plan.

39 See Kevin Miller, "Devotee Gives \$2.7M to Baxter Park," *Bangor Daily News*, August 24, 2007, p. A1.



Chap. 197. That option had been a key factor in winning the support of legislators who were concerned about losing hunting and snowmobile access in the Katahdin Lake area.

The agreement was widely acclaimed as a major breakthrough in efforts to balance wilderness and multiple use land management in the Katahdin region;<sup>40</sup> however, the aforementioned Elliotsville Plantation purchase was only one component of the complex agreement. There were additional steps to be taken by the parties, i.e., the State of Maine, the Town of Millinocket, Elliotsville Plantation Inc., and snowmobile and sportsmen's groups, before it would become fully operative. When finalized, the historic collaboration will mean that additional acreage in the Millinocket area will be open to hunters, snowmobilers, and other sportsmen.

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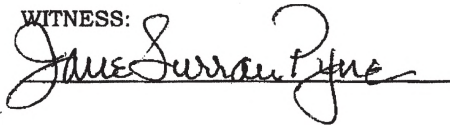
40 See the joint news release of November 30, 2007 from the Trust for Public Land and the Department of Conservation for additional details of the agreement.

## QUITCLAIM DEED WITH COVENANT

**GARDNER LAND COMPANY, INC.**, a Maine corporation with a principal place of business at Lincoln, Penobscot County, Maine, for consideration paid, grants to **BAXTER STATE PARK AUTHORITY**, an entity of the State of Maine, with a mailing address of 64 Balsam Drive, Millinocket, Maine 04462, with Quitclaim Covenant, and pursuant to Resolves 2006 ch. 197, the real estate in Township 3, Range 8, W.E.L.S., Penobscot County, State of Maine, described on Exhibit A attached hereto and made a part hereof.


IN WITNESS WHEREOF, GARDNER LAND COMPANY, INC. has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Thomas W. Gardner, its Vice President, hereunto duly authorized, this 13<sup>th</sup> day of December, 2006.

WITNESS:



GARDNER LAND COMPANY, INC.

By:

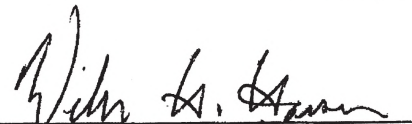
  
Thomas W. Gardner  
Its President  
Hereunto Duly Authorized

STATE OF MAINE  
PENOBSCOT COUNTY

December 13, 2006

Then personally appeared the above-named Thomas W. Gardner and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

  
Name: William H. Hanson  
Notary Public  
Maine Attorney-at-Law

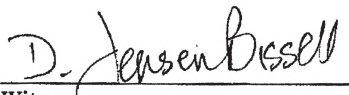


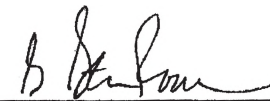
**ACCEPTANCE BY GRANTEE:**

**And the BAXTER STATE PARK AUTHORITY hereby accepts** the foregoing Quitclaim Deed with Covenant, subject to the intent of Governor Percival Baxter as memorialized in his deeds of trust accepted by the State of Maine and found at: Private & Special Laws 1931, chapter 23; Private & Special Laws 1933, chapter 3; Private & Special Laws 1939, chapter 1; Private & Special Laws 1941, chapter 1; Private & Special Laws 1942, chapter 95; Private & Special Laws 1941, chapter 122; Private & Special Laws 1943, chapter 1; Private & Special Laws 1944, chapter 91; Private & Special Laws 1945, chapter 1; Private & Special Laws 1947, chapter 1; Private & Special Laws 1949, chapter 1; Private & Special Laws 1949, chapter 2; Private & Special Laws 1955, chapter 1; Private & Special Laws 1955, chapter 3; Private & Special Laws 1955, chapter 4; Private & Special Laws 1955, chapter 61; Private & Special Laws 1955, chapter 171; and Private & Special Laws 1963, chapter 1.

Signed, Sealed & Delivered  
In the Presence of:

**BAXTER STATE PARK AUTHORITY**

  
\_\_\_\_\_  
Witness  
D. JENSEN BISSELL

By:   
\_\_\_\_\_  
G. Steven Rowe  
Chair, Baxter State Park Authority

**EXHIBIT A**

**Deed of Gardner Land Company, Inc.**

A certain lot or parcel of land situated in Township 3, Range 8, W.E.L.S, County of Penobscot, State of Maine, bounded and described as follows:

Beginning at a #5 rebar set on the boundary line between Penobscot County and Piscataquis County, which is also the easterly boundary of land of State of Maine, Baxter State Park described by deed recorded in the Piscataquis County Registry of Deeds in Book 285, Page 84, said #5 rebar set at the point of beginning also being located N 0° 24' 55" E a distance of 1280.2 feet from the southwest corner of Tract One of land of Gardner Land Company, Inc. described by deed recorded in the Penobscot County Registry of Deeds in Book 9073, Page 290;

thence N 0° 24' 55" E, along said boundary line between Penobscot County and Piscataquis County which is the easterly boundary of said land of State of Maine, Baxter State Park and the westerly boundary of said Township 3, Range 8, W.E.L.S. (said lines are as originally described by Joseph C. Norris in 1827 whose field notes are on file at the Maine State Archives in Augusta, Maine), a distance of 16107.1 feet to a wood post found in stones near the top of East Turner Mountain at the northwest corner of said Township 3, Range 8, W.E.L.S.;

thence S 89° 34' 51" E a distance of 310.5 feet to a stone pile found near the top of said East Turner Mountain at the southwest corner of said Township 4, Range 8, W.E.L.S. and being the southwest corner of Tract Two of said land of Gardner Land Company, Inc. described in the aforesaid deed recorded in Book 9073, Page 290 and being at or near a coordinate of N:831023.2 US feet, E:902205.8 US feet;

thence S 89° 28' 27" E, along the common boundary line between Township 3, Range 8, W.E.L.S and Township 4, Range 8, W.E.L.S. which is also the common boundary line between Tract One and Tract Two of said land of Gardner Land Company, Inc., a distance of 5331.0 feet to a #5 rebar set;

thence S 89° 28' 27" E, along said common boundary line between said Township 3, Range 8, W.E.L.S. and Township 4, Range 8, W.E.L.S. which is also the common boundary line between Tract One and Tract Two of said deed of Gardner Land Company, Inc., a distance of 3165.8 feet to a #5 rebar set;

thence S 31° 57' 26" E through retained land of Gardner Land Company, Inc. a distance of 4843.8 feet to a #5 rebar set;



thence S 49° 29' 20" E through retained land of Gardner Land Company a distance of 1415.4 feet to a #5 rebar set;

thence S 18° 07' 39" E through retained land of Gardner Land Company, Inc. a distance of 2137.2 feet to a #5 rebar set;

thence S 85° 26' 07" E a distance of 1794.1 feet to a #5 rebar set on the westerly sideline of a 100 foot wide right of way benefiting the land hereby conveyed, said sideline being 50 feet westerly of the center of an existing gravel road;

thence S 16° 00' 35" E, along said westerly sideline of said 100 foot wide right of way, a distance of 906.1 feet to a #5 rebar set;

thence S 0° 05' 03" E through retained land of Gardner Land Company, Inc. a distance of 8107.7 feet to a #5 rebar set;

thence N 89° 25' 03" W through retained land of Gardner Land Company, Inc. a distance of 15279.5 feet to the point of beginning.

Excepting the "Keep Lot" so-called at the outlet of Katahdin Lake, formerly described by deed from the State of Maine to Marcus R. Keep dated June 27, 1860 and recorded in the Penobscot County Registry of Deeds in Book 321, Page 366. Said "Keep Lot" is bounded and described as follows:

Beginning at the low water mark on the easterly shore of Katahdin Lake at the northwest corner of said Keep Lot;

thence N 89° 01' 42" E, along the northerly boundary line of said Keep Lot, a distance of 150 feet, more or less, to a wood post found at or near a coordinate of N:822627.0 US feet, E:912057.2 US feet;

thence N 89° 01' 42" E, along said northerly boundary line of the Keep Lot being partially marked by blazed trees and passing 80 rods, more or less, north of the outlet of Katahdin Lake, a distance of 3631.8 feet to a wood post found;

thence S 0° 57' 44" E, along the easterly boundary line of said Keep Lot being partially marked by blazed trees, a distance of 2651.5 feet to a wood post found;

thence S 89° 21' 59" W, along the southerly boundary line of said Keep Lot being partially marked by blazed trees and passing 80 rods, more or less, south of the outlet of Katahdin Lake, a distance of 4087.6 feet to a wood post found;

thence S 89° 21' 59" W, along said southerly boundary line of said Keep Lot, a distance of 20 feet to the low water mark of Katahdin Lake;

thence northerly along the low water mark of the easterly shore of Katahdin Lake to the point of beginning,

Said excepted parcel containing 201 acres, more or less.

Subject to any rights of way on record to the above described Keep Lot.

Excepting all land located below the low water line of all Great Ponds located within the above described premises being conveyed herein. Katahdin Lake consists of approximately 649 acres.

Subject to rights reserved in a deed from Barbara A. Cassidy, et al. to Great Northern Nekoosa dated December 29, 1988 and recorded in the Penobscot County Registry of Deeds in Book 4372, Page 234.

The land hereby conveyed contains 4119 acres, more or less, exclusive of Katahdin Lake and the Keep Lot described above.

All bearings, distances, and coordinates referenced above are based on Grid north, State Plane Coordinate System, East Zone, NAD 83.

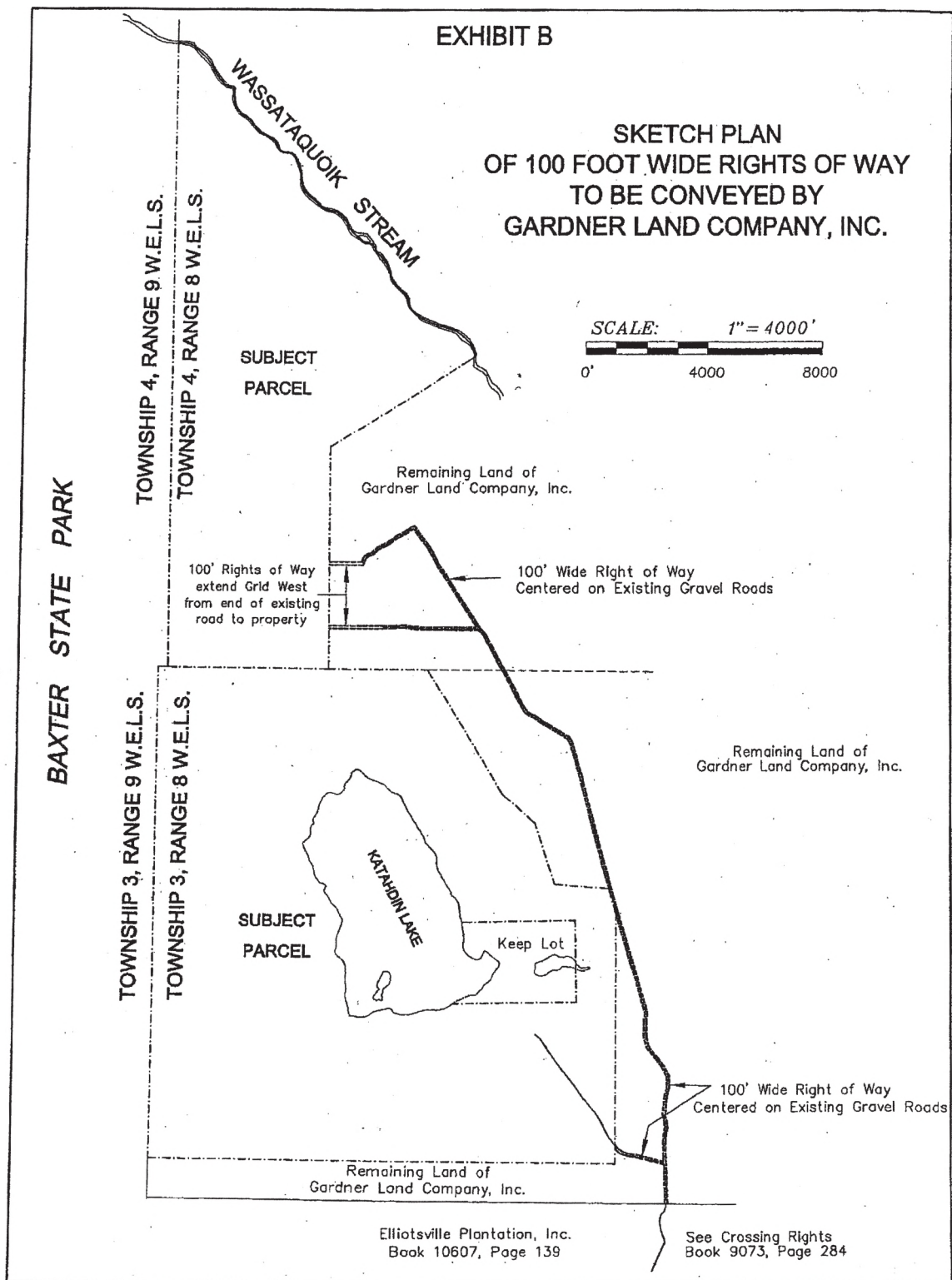
Being a portion of the premises described by Tract One of a deed from Aroostook Timberlands, LLC to Gardner Land Company, Inc. dated November 1, 2003 and recorded in the Penobscot County Registry of Deeds in Book 9073, Page 290.

Also conveying non-exclusive easement rights, in common with Gardner Land Company, Inc., pursuant to, and subject to the limitations set forth in (i) a Crossing Rights Agreement between J. M. Huber Corporation and Aroostook Timberlands, LLC dated as of November 1, 2003, and recorded in Book 9073, Page 276 of the Penobscot County Registry of Deeds, as supplemented by a November 29, 2006 Confirmation of Crossing Rights between Gardner Land Company, Inc. and J. M. Huber Corporation recorded in said Registry in Book 10755, Page 64; and (ii) a Crossing Rights Agreement by and between Gardner Land Company, Inc. and Aroostook Timberlands, LLC, dated as of November 1, 2003, and recorded in Book 9073, Page 284 of the Penobscot County Registry of Deeds.

Also conveying similar easements to those described in the aforesaid Crossing Rights Agreement recorded in Book 9073, Page 284, for the benefit of the parcel hereby conveyed upon (i) the 100' right of way centered on the existing gravel roads as depicted on the Sketch Plan of 100' Wide Rights of Way to be Conveyed to Gardner Land Company, Inc. attached as Exhibit B hereto and (ii) on two 100' wide grid west extensions running to the east line of the Township 4 Range 8 W.E.L.S. parcel described in a deed from Gardner Land Company to the State of Maine of even date herewith, from the terminus of two existing roads as depicted on said Sketch Plan.

The real estate hereby conveyed is subject, as applicable to the Grant of Crossing Rights among Gardner Land Company, Blanchet Logging & Lumber Co. and others recorded in Penobscot County Registry of Deeds Book 9455, Page 245, as re-recorded in Book 9506, Page 230.







# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2015

H.P. 1415

House of Representatives, February 14, 2006

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### Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and  
ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TARDY of Newport. (GOVERNOR'S BILL)  
Cosponsored by Senator NUTTING of Androscoggin and  
Representatives: ADAMS of Portland, CARR of Lincoln, DUPLESSIE of Westbrook, PIOTTI  
of Unity, Speaker RICHARDSON of Brunswick, Senators: President EDMONDS of  
Cumberland, MILLS of Somerset, SCHNEIDER of Penobscot.



1       **Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real  
2       estate held by the State for conservation or recreation purposes may not be reduced or its  
3       uses substantially altered except on the vote of 2/3 of all members elected to each House.

4       **Whereas,** certain real estate authorized for conveyance by this resolve is under the  
5       designations described in the Maine Revised Statutes, Title 12, section 598-A; and

6       **Whereas,** the Director of the Bureau of Parks and Lands within the Department of  
7       Conservation may sell or exchange lands with the approval of the Legislature in  
8       accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now,  
9       therefore, be it

10       **Sec. 1. Director of Bureau of Parks and Lands authorized, but not**  
11       **directed, to sell certain real estate in Frenchtown, Township A, Range 13**  
12       **WELS, County of Piscataquis. Resolved:** That the Director of the Bureau of Parks  
13       and Lands within the Department of Conservation may by quitclaim deed without  
14       covenant convey for appraised fair market value, and on such other terms and conditions  
15       as the director may direct, 6 lots or parcels of land situated in Frenchtown, Township A,  
16       Range 13 WELS, County of Piscataquis, State of Maine, being lots 4/5, 7, 9, 12, 23 and  
17       37 as shown on a plan entitled "First Roach Pond, Residential Lease Conversion" by  
18       Downeast Surveying and Development and dated October 21, 2004, which land is part of  
19       the public lot in said township as first described in the petition for partition and report of  
20       partition commissioners dated December 11, 1948, and recorded in the Piscataquis  
21       County Registry of Deeds in Book 20, Page 1, said lots being located northerly of the  
22       South Inlet Road, also presently known as the Frenchtown Road, and between said road  
23       and the southerly shore of First Roach Pond. The said 6 lots or parcels of land were  
24       included in Resolve 2003, chapter 137, section 2, which authorized sale to only the First  
25       Roach Pond Leaseholders Coalition; sale to the said coalition did not occur, and so this  
26       authorization allows the sale to persons who are not members of said coalition; and be it  
27       further

28       **Sec. 2. Director of Bureau of Parks and Lands authorized, but not**  
29       **directed, to convey certain real estate in Winterville Plantation, County of**  
30       **Aroostook. Resolved:** That the Director of the Bureau of Parks and Lands within the  
31       Department of Conservation may by quitclaim deed without covenant convey for  
32       appraised fair market value, and on such other terms and conditions as the director may  
33       direct, to Richard Vaillancourt and Norma Vaillancourt, of Eagle Lake, Maine, with a  
34       mailing address of Post Office Box 6, Eagle Lake, Maine 04739, a certain lot of land in  
35       Winterville Plantation, County of Aroostook, State of Maine, being approximately 75 feet  
36       by 75 feet (5,625 square feet) and being a portion of the Winterville Plantation public lot.  
37       Said parcel is currently occupied by said Richard Vaillancourt and Norma Vaillancourt,  
38       as lessees, pursuant to a lease dated May 26, 2004, with the Department of Conservation,  
39       Bureau of Parks and Lands as lessor; and be it further

40       **Sec. 3. Director of Bureau of Parks and Lands authorized, but not**  
41       **directed, to convey certain land in Smalls Falls, Township E, County of**  
42       **Franklin. Resolved:** That the Director of the Bureau of Parks and Lands within the  
43       Department of Conservation may by financial order, on such terms and conditions as the  
44       director may direct, and on such terms as the Department of Conservation and the

1 Department of Transportation consider appropriate and reasonable, transfer management  
2 responsibility of the following land to the Department of Transportation for the purpose  
3 of relocating a portion of State Route 4. The relocation must include construction,  
4 maintenance and repair of the highway, along with drainage, slope and any other rights  
5 necessary for the maintenance and repair thereof. The land is more particularly described  
6 as follows:

7 A portion of land, situated in Township E, County of Franklin, State of  
8 Maine, containing a total of 4.69 acres, as shown on a plan entitled "State  
9 of Maine Department of Transportation Right of Way Map, State  
10 Highway '32' (Route 4) Madrid-Township E, P.I.N. 0010019.00," Sheets  
11 1, 2, 3, 4, 5 and 6, of 30 sheets, dated September 2005, D.O.T. File No.  
12 4-233, to be recorded in the Franklin County Registry of Deeds, and on  
13 file at the Department of Transportation, 16 State House Station,  
14 Augusta, Maine. For reference see deed from Peter A. Tyler to the State  
15 of Maine, Department of Conservation, Bureau of Parks and Lands,  
16 dated March 9, 1998, and recorded in the Franklin County Registry of  
17 Deeds in Book 1735, Page 052.

18 ; and be it further

19 **Sec. 4. Director of Bureau of Parks and Lands authorized, but not**  
20 **directed, to convey certain land in Town of Pownal, County of Cumberland.**

21 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
22 Conservation may by quitclaim deed without covenant convey, to the Town of Pownal, a  
23 certain lot or parcel of land, situated on Route 9 adjacent to the existing town hall in the  
24 Town of Pownal, County of Cumberland, State of Maine, approximately 5.0 acres, and  
25 being a portion of Bradbury Mountain State Park. Said conveyance must be on such  
26 terms and conditions as the director may direct, including, but not limited to, the  
27 requirement that the use of the land be limited to public purposes, and in the event the  
28 land is no longer used for public purposes, title shall revert to the State of Maine, and  
29 further subject to the rights of the public to use an existing trail located on the premises.  
30 Said parcel from the State of Maine to the Town of Pownal must be surveyed. For  
31 reference see deed from Carl I. Knight, personal representative of the estate of Wilma  
32 Florence Knight, to the State of Maine, dated October 2, 1990, and recorded in the  
33 Cumberland County Registry of Deeds, October 4, 1990, in Book 9432, Page 290; and be  
34 it further

35 **Sec. 5. Director of Bureau of Parks and Lands authorized, but not**  
36 **directed, to convey certain land in Town of Newport, County of Penobscot.**

37 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
38 Conservation may by quitclaim deed without covenant convey for fair market value, and  
39 on such other terms and conditions as the director may direct, to Todd Lornell and Robin  
40 Lornell, both of 31 Douglas Road, Sutton, Massachusetts 01590, husband and wife, a  
41 certain lot or parcel of land, situated in the Town of Newport, County of Penobscot, State  
42 of Maine, being approximately 50 feet wide and 2,000 feet in length of the Four Season  
43 Adventure Trail, extending from Main Street southerly to land to be conveyed to the  
44 State. This conveyance is in exchange for an approximately 2.18-acre lot, to be used as a  
45 state-owned trail parking lot, and a recreational trail easement approximately 16 feet wide



1 and 1,000 feet in length across a section of the Lornell property. The said recreational  
2 trail easement is to extend in a westerly direction from the southeasterly corner of the  
3 Lornell property to the southwesterly corner of the Lornell property, running the length of  
4 the Lornell property and parallel with property of the Maine Central Railroad Company.  
5 For reference see deed from the Maine Central Railroad Company to the State of Maine  
6 dated October 25, 2004, and recorded in the Penobscot County Registry of Deeds,  
7 October 27, 2004, in Book 9601, Page 239; see also deed from Eugene A. Ferry to Todd  
8 Lornell, dated December 29, 2003, and recorded December 31, 2003, in the Penobscot  
9 County Registry of Deeds in Book 9148, Page 133; and see also deed from Eugene A.  
10 Ferry to Todd Lornell and Robin Lornell, dated September 14, 2005 and recorded in said  
11 Registry of Deeds, September 16, 2005, in Book 10093, Page 222; and be it further

12 **Sec. 6. Director of Bureau of Parks and Lands authorized, but not**  
13 **directed, to convey certain land in Town of Mars Hill, County of Aroostook.**

14 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
15 Conservation may by quitclaim deed without covenant convey for fair market value, and  
16 on such other terms and conditions as the director may direct, to Naturally Potatoes a  
17 Basic American Foods Division, LLC, a Delaware Limited Liability Company, 2999 Oak  
18 Road, Walnut Creek, California, a certain lot or parcel of land, situated in the Town of  
19 Mars Hill, County of Aroostook, State of Maine, being approximately 66 feet wide and  
20 2,190 feet in length extending from Station 1626+37 to Station 1648+27 on the Houlton  
21 to Presque Isle Recreational Trail and an easement approximately 10 feet in width and  
22 1,000 feet in length extending from Station 1720+67 to Station 1730+67 on said trail for  
23 the purpose of installing and maintaining an irrigation pipe within the state-owned  
24 property along the side of the traveled trail surface. This conveyance is in exchange for a  
25 certain lot or parcel of land approximately 100 feet in width and 2,350 feet in length, to  
26 be conveyed by quitclaim deed with covenant, located easterly of the Houlton to Presque  
27 Isle Recreational Trail, from approximately Station 1625+37 to Station 1649+27, said  
28 parcel of land to be surveyed, and for a recreational trail easement being approximately  
29 100 feet in width and 700 feet in length in the area of Station 1680+02 easterly to the  
30 thread of Presque Isle Stream, for the purposes of providing access to the existing  
31 abutment and bridge that cross the Presque Isle Stream, said trail easement to be  
32 surveyed. For reference see deed from UPC Wind Management, LLC to the State of  
33 Maine dated January 31, 2005, and recorded February 1, 2005 in the Aroostook County  
34 Registry of Deeds, Southern Division, in Book 4081, Page 198; and see trustee's deed  
35 from James E. Howard, trustee for the estate of Bangor & Aroostook Railroad Company  
36 to the State of Maine, dated June 24, 2005, and recorded in said Registry of Deeds, June  
37 29, 2005, in Book 4146, Page 35; and see also deed from Fresh Way, Inc. to Naturally  
38 Potatoes a Basic American Foods Division, LLC, dated September 23, 2005, and  
39 recorded in said Registry of Deeds, September 23, 2005, in Book 4187, Page 63; and be it  
40 further

41 **Sec. 7. Director of Bureau of Parks and Lands authorized, but not**  
42 **directed, to convey certain land in Town of Dexter, County of Penobscot.**

43 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
44 Conservation may by quitclaim deed without covenant convey, for fair market value, and  
45 on such other terms and conditions as the director may direct, including maintenance and  
46 safety obligations and responsibilities, a 50-foot wide trail crossing easement to benefit

1 the residential properties of Henri Vansluys and Lili Vansluys, Ron Snyder and Jane  
2 Snyder, Paul Bazinet and Mary Bazinet, Norris Fillmore and Diana Fillmore and Arnold  
3 Miller, all in the Town of Dexter, County of Penobscot, State of Maine. Said trail  
4 crossing easement is further bounded and described as follows:

5 An easement for residential purposes only 22 feet in width situated at the  
6 northerly end of Moose Lane in the Town of Dexter, County of  
7 Penobscot, State of Maine, more particularly described as follows:  
8 Beginning at an iron rod set on the northwesterly sideline of lands now or  
9 formerly of the State of Maine as described in Volume 9114, Page 194,  
10 said iron rod being located N 37° 07' 52" E, a tie distance of 22.24 feet  
11 from an iron rod found at the southeasterly corner of lands now or  
12 formerly of H. Ronald and Sara-Jane Snyder as described in Volume  
13 7903, Page 313, said iron rod also being located S 38° 38' 06" W, a tie  
14 distance of 77.75 feet from an iron rod found at the northeasterly corner  
15 of said lands of Snyder; Thence in a northeasterly direction, by and  
16 along the northwesterly sideline of said lands of the State of Maine along  
17 a curve to the right with a radius of 1,909.86 feet, an arc distance of  
18 22.07 feet to an iron rod set, said curve having a chord bearing N 37° 47'  
19 44" E, a chord distance of 22.07 feet; Thence S 47° 34' 29" E, through  
20 lands of the grantor, a distance of 66.19 feet to an iron rod set on the  
21 southeasterly sideline of said lands of the State of Maine; Thence in a  
22 southwesterly direction, by and along the southeasterly sideline of said  
23 lands of the State of Maine, along a curve to the left with a radius of  
24 1,843.86 feet, an arc distance of 22.08 feet to an iron rod set, said curve  
25 having a chord bearing S 37° 37' 46" W, a chord distance of 22.08 feet;  
26 Thence N 47° 34' 29" W, through lands of the grantor, a distance of  
27 66.26 feet to the point of beginning; Containing 1,457 square feet, 0.033  
28 acres. Bearings referenced herein are oriented to Magnetic North in the  
29 year of 1989. Documents referenced herein are recorded in the  
30 Penobscot County Registry of Deeds unless otherwise noted. All iron  
31 rods set referenced herein are capped 3/4" rebar stamped "Plisga & Day  
32 P.L.S. 2361."

33 For reference see deed from Maine Central Railroad Company to the State of Maine,  
34 Department of Conservation, Bureau of Parks and Lands, dated December 5, 2003, and  
35 recorded in the Penobscot County Registry of Deeds in Book 9114, Page 194; and be it  
36 further

37 **Sec. 8. Director of Bureau of Parks and Lands authorized, but not**  
38 **directed, to convey certain land in Town of Brownville, County of**  
39 **Piscataquis. Resolved:** That the Director of the Bureau of Parks and Lands within the  
40 Department of Conservation may by quitclaim deed without covenant convey for  
41 appraised fair market value, and on such other terms and conditions as the director may  
42 direct, including maintenance and safety obligations and responsibilities, a right-of-way  
43 easement, with utilities, located in the Town of Brownville, County of Piscataquis, State  
44 of Maine, being approximately 15 feet wide and 1,620 feet in length extending from  
45 Front Street, along the Katahdin Ironworks Recreational Trail to land of Barton Hughes  
46 and Cory Campbell, of Sangerville, Maine, and having a mailing address of Post Office



1 Box 162, Sangerville, Maine 04479. For reference see deed from James E. Howard,  
2 trustee for the estate of the Bangor & Aroostook Railroad Company to the State of Maine,  
3 dated April 30, 2004, and recorded in the Piscataquis County Registry of Deeds in Book  
4 1553, Page 124; and be it further

5 **Sec. 9. Director of Bureau of Parks and Lands authorized, but not**  
6 **directed, to convey certain land. Resolved:** That the Director of the Bureau of  
7 Parks and Lands within the Department of Conservation is authorized, but not directed, to  
8 convey for appraised fair market value all of the State's interest in and to certain lots or  
9 parcels of land located in the townships and counties listed below and on such other terms  
10 and conditions as the director may direct:

11 1. County of Aroostook, State of Maine: A certain lot or parcel of land, being the  
12 Glenwood West Public Lot located in the Township of Glenwood Plantation; a certain lot  
13 or parcel of land, being the Glenwood Center Public Lot located in the Township of  
14 Glenwood Plantation; a certain lot or parcel of land, being the Glenwood East Public Lot  
15 located in the Township of Glenwood Plantation; the Public Lot located in Township 2,  
16 Range 4 WELS; the common and undivided interest of the South Public Lot located in  
17 Township 4, Range 3 WELS; and the fee interest of the North Public Lot located in  
18 Township 4, Range 3 WELS; and all located in the County of Aroostook, State of Maine;

19 2. County of Penobscot, State of Maine: A certain lot or parcel of land, being the  
20 Greenfield Large Public Lot located in Greenfield Township; a certain lot or parcel of  
21 land, being the Greenfield Small Public Lot located in Greenfield Township; a certain lot  
22 or parcel of land, being a portion of the LaGrange North Public Lot located in the Town  
23 of LaGrange; and a certain lot or parcel of land, being the Public Lot located in Township  
24 2, Range 9 NWP; and all located in the County of Penobscot, State of Maine;

25 3. County of Washington, State of Maine: A certain lot or parcel of land, being the  
26 Public Lot located in Township 8, Range 3 NBPP, County of Washington, State of  
27 Maine; and

28 4. County of Franklin, State of Maine: A certain lot or parcel of land, being a  
29 portion of the Public Lot located in Wyman Township, County of Franklin, State of  
30 Maine, being subject to an option to lease agreement between the State of Maine as lessor  
31 and Redington Mountain Windpower, LLC dated February 5, 2004, a copy of which is on  
32 file in the offices of the State of Maine, Department of Conservation, Bureau of Parks and  
33 Lands, Augusta, Maine, and further subject to a contract of sale between the State of  
34 Maine as seller and Gareth V. Warren as purchaser and as authorized by Resolve 2005,  
35 chapter 97, section 2. A copy of said contract is on file in the offices of the State of  
36 Maine, Department of Conservation.

#### 37 SUMMARY

38 This resolve authorizes the Director of the Bureau of Parks and Lands within the  
39 Department of Conservation to convey certain property owned by the State and located in  
40 Aroostook, Cumberland, Franklin, Penobscot, Piscataquis and Washington counties.





## Legislative Debate — LD 2015

LEGISLATIVE RECORD - HOUSE, April 11, 2006

BRYANT of Oxford  
RAYE of Washington  
Representatives:  
PIOTTI of Unity  
CARR of Lincoln  
JODREY of Bethel  
JENNINGS of Leeds  
MAREAN of Hollis  
LUNDEEN of Mars Hill  
FLOOD of Winthrop  
EDGECOMB of Caribou

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-992)** on same Resolve.

Signed:  
Representative:  
TWOMEY of Biddeford

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Resolve.

Signed:  
Representative:  
SHERMAN of Hodgdon

### READ.

Representative PIOTTI of Unity moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. I won't go into details. You have all seen the materials that have been circulated including that memo that was fairly exhaustive. We have all talked about this in caucus. I did want to make some comments at this juncture about the Majority Report.

The media has called this a compromise. In a way, I guess it is. I don't like to use that term because it implies that we have lost something here. That, I don't think is the case. We did not compromise Governor Baxter's vision to include Katahdin Lake into the park. We have not turned our backs on the sportsmen of Maine, nor put aside the need to acquire more land for hunting and public recreation. This is a bill that tries to accommodate interests.

Before we go any further, I need to speak of two things. First, I want to remind you what we are talking about here. We are talking about what is arguably one of the finest pieces of real estate in the State of Maine, if not North America. The views of Mt. Katahdin, from Katahdin Lake, the views of the lake from the mountain, are truly spectacular. In addition, this land contains some of the only remaining old growth forest in the east. This is a singular and extraordinary parcel.

The second thing I want to explain is why it is so important that Katahdin Lake be brought into the park as a sanctuary. The reason is because that is what Governor Baxter's vision was. It was clearly articulated in his writings, his speeches and in his actions. He tried repeatedly over many years to acquire that property for this purpose. The park authority will not accept that parcel if there are strings attached to it, which will not allow it to be a sanctuary. It is that simple. The fundraising, the private fundraising on which this plan depends will be jeopardized as well. Simply put, if the Legislature were to require hunting, the deal would die. That is the box that the committee found itself in. We could have gripped. We could have complained. We could

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

### REPORTS OF COMMITTEE Divided Report

Eleven Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-991)** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands  
(H.P. 1415) (L.D. 2015)

Signed:  
Senators:  
NUTTING of Androscoggin

H-1537

have said this is unfair. Instead, we worked hard to make something of it. We knew we needed to find a way to make it work, because we knew that there was so much at stake. This is clearly a once in a lifetime opportunity and we need to get it right.

The Majority Report preserves 4,000 acres as sanctuary around the lake. To compensate for this, it secures 10,000 acres for hunting and recreation. Two thousand at this time in fee and 8,000 at this time in an easement that allows public access and hunting with an option to either change that public access easement into a permanent easement or acquire the lands. In addition, the proposal will result in \$3 million in cash to buy new lands for hunting and recreation. Beyond that, the 7,000 acres of public lots, which are a critical part of this deal, they will be protected through continued forest certification and habitat protection agreements the same as the Department of Inland Fisheries and Wildlife uses now to protect deer yards.

I can understand the frustration that some have felt about this deal, particularly local people who were left out of the process. The committee worked hard to correct that too. Not only with the land changes that support local recreation and local access, but by directing the Department of Conservation to involve local people in a snowmobile planning process that will include the park authority and involving local people in the consideration of what future land acquisition deals make sense for the Katahdin Area.

Is it a perfect solution? Of course not, but on balance it is something to be truly proud of. Here is a way to think about it. We are trading 7,000 acres of scattered public lots, we have a history of doing this in the State of Maine. Some of our most significant public holdings, Sebomac Lake, the Round Pond Township, the bold coast of Cutler were pulled together by exchanging scattered public lots for other holdings of greater public value. That is exactly what we are doing here. It is 7,000 acres of scattered public lots in order to acquire 6,000 acres of the most spectacular real estate in North America. Plus, we are securing an 8,000 acre parcel through easement for additional hunting and recreation, plus we have \$3 million to purchase other lands over time. This is a good deal.

Ladies and gentlemen, we have a chance today with this bill to make history. We have a chance to honor a man who spent his life and his personal treasure trying to pull together a magnificent park that he then gave as a gift to the people of Maine. To whom much is given, much is expected. Let us today return that favor. Let us honor Governor Baxter, but let us also honor our future. Let us honor our children, our grandchildren, our great great grandchildren who will thank us for this action and thank us for our foresight and our courage. Finally, let us honor ourselves. Let us do the right thing. Thank you.

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Under suspension of the rules, members were allowed to remove their jackets.

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The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion. First of all, I want to take just a moment to thank the Chair of our committee, the Representative from Unity, Representative Piotti, for his leadership in keeping us heading in the right direction, always keeping me involved in the discussions and the other committee members as well. This was a very difficult task that we had before us. Coming out of this with the vote that we had on the committee and with the

proposed bill that we have before you, I think that we have done a really, really good job.

I do want to take just a moment knowing full well that over the last several weeks all of us have received a great deal of information regarding this. Much of the information that we received was based upon the original bill, the same as in your committee, a lot of decisions are made and a lot of people are opposed and a lot of people are in favor based upon the bill that is before you and the one that is written originally.

This bill has changed a lot since we first received it. After hearing a great deal of discussion and testimony in our public hearing, the changes were made. I want to address specifically some information that we all received today on our desks from the Sportsman's Alliance of Maine. For full disclosure, I want to say first of all that I am a member of SAM. I am a registered master Maine guide. I have been ever since I can remember. I know a lot of you are as well. I am not really taking SAM to task for this, but I do want to straighten out a few things as I understand them. Many of the issues that the Sportsman's Alliance brought to us, we heard. We heard the message and we did make some changes. First of all, on traditional uses, although the 4,000 acres around Katahdin Lake will be a sanctuary, we have opened up many opportunities to the north. Another 2,000 acres will be open in perpetuity. We also have an option for the purchase of 8,000 acres and also we have an easement for recreational use and access.

There was information in there that spoke about lost revenues. First of all, the public lands are presently not generating any revenues for the towns. They will be on the tax roles for those towns now. The people who own these will have to pay taxes on them. That has been addressed. Again, I talked about the lost access and how we address that. Habitat was mentioned. Habitat has been addressed as well. Presently on the public lands, the Department of Conservation manages those, but with assistance from IF & W. The same guidelines, the same agreement that is in place now with IF & W, though the Department of Conservation will be carried through by the Gardiner Land Company. There were questions on sustainable forestry. The Gardiner Land Company has agreed to continue managing these, sustainably, the same as the Department of Conservation has. That takes care of that. Loss of snowmobiling opportunities was discussed. The fact is, there will be many more opportunities for snowmobiling in that region with the 8,000 acres and also the 10,000 acres and the agreement that there will be an opportunity for the folks in the Katahdin region to be a part of the discussions on where these trails would go and how they would actually manage these areas. That has been accomplished. They also mentioned the fact that people have been spoken to around the state and their issues. I have also talked to some of those sportsmen as well. I think after talking to them and after they have been made aware of the actual bill and what it actually does, many of those people feel differently now about this bill than they did with the original bill.

I guess the long and short of that is the issues that SAM has brought up have been addressed. I feel as though we have done a good job. I think that the committee has done a good job. I also want to take this time to thank all the members for working together and all of those people who brought information to us and worked with us on this project.

I had an opportunity to speak to one of the legislators that I have a great deal of respect for, Representative Adams, and he spoke to me today about this. It was an opportunity for us to be a part of history. I thought about that this afternoon and he is absolutely right. In years to come there will be people looking



back on what we did today. This is an opportunity for us to be a part of history. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was a great honor to work on this very worthy project with our ACF Committee and its very capable leaders. Throughout testimony and work sessions we often learned of and heard stories of the great Governor Baxter's vision and his achievements. I think he would be proud as am I for the struggle that the committee went through, the collaboration, the listening, the effort and our achievement in the Majority Report, details that were so aptly described by the good Representative from Unity, Representative Piotti, our chair, who did an outstanding job and my seatmate and lead, the Representative from Lincoln, Representative Carr.

Initially our committee heard almost exclusively public testimony of an all or nothing nature. It had to be one way or it had to be all the other way. The committee went to work to seek solutions that would actually work. As I described yesterday in an orange handout that I gave to the body, the process of achieving an acceptable and potentially passable solution was a bit like a skier trying to pass through the many gates of a downhill ski slalom race. No gate can be missed. There are many gates. Of the many very large transactions that I have worked on over the years, this one was unique due to the large number of gates. We needed to convince a very good landowner, many donors, the ACF Committee, local interests, many leaders, two-thirds of this body, two-thirds of the other body and finally, two-thirds of the Baxter State Park Authority. It is a very tenuous transaction.

The ACF Committee's intent was to forge a solution for all of the people of Maine, not for just the one or two most vocal proponents or opponents. I suspect there are always going to be concerns regarding changes and disposition and trades of public lands. I deeply respect comments from all of the interested parties and the experts. There were some outstanding people who provided testimony doing our deliberations. We listened carefully to all of it, whether it was about the lands to be acquired at Katahdin Lake, the public lands to be traded away or simply a woman's absolute passion for the great Katahdin Lake or a local resident's need for recreational access to the old hunting grounds. However, the predominant comment voiced throughout this Katahdin project regardless of one's position was this, folks, make sure you get it done. Don't blow it. We heard that repeatedly. These same folks proceeded to tell us there was only one way to get it done, their way. Eventually many people of many different persuasions offered very good information during the work sessions, the care and the compassion was obvious and people started to become very helpful.

We used the best information at hand. There was excellent historical data, some provide by Representative Adams whose testimony was very, very helpful. There was wisdom provided from experts from all walks of life. The teamwork of the committee was outstanding to bring a majority solution that I think will benefit Maine.

Like Representative Carr, I wanted to say that for the record I am a very, very strong supporter of the Friends of Baxter Park and their views. I am a long-time active member of the Sportsman's Alliance of Maine. Like Representative Carr, I am a master Maine guide and a member of the Maine Professional Guide's Association. I discussed this project with about 150 to 200 members of the association this weekend at their annual meeting. After speaking with them, I felt comfortable that they did feel okay, not necessarily great, but okay about this transaction. They had ample opportunity to burn this legislator at the stake

and I am glad that they spared me. Actually, they seemed somewhat appreciative of the imperfect solution that we crafted.

I regret that we cannot please every person in the environmental organizations, in the sporting community or every person in this great state. We have found a solution that achieves the objective by acclamation, that is, to say, folks, make sure you get it done. I believe we have done that. I wish it could make every Mainer happy. In the long run, I believe others will see the strength of our solution while viewing Mt. Katahdin in the fall or fishing on Katahdin Lake in the spring or hunting on 10,000 acres now permanently made available for recreational access and hunting. I hope we have achieved an acquisition of special places worthy of this body's consideration. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is rare that I would rise to speak in opposition to the good Representative from Lincoln, Representative Carr, or the good Representative from Winthrop, Representative Flood. However, I think that before we vote on this issue, I think it is important that we go back and look at the history of what is happening. This is adding another 6,000 acres to public ownership. We talk about visions, Governor Baxter's visions, well, I would like to inform the body that he had a lot more visions than just adding Katahdin Lake to the park. He has a vision for water power in Maine, including Katahdin Lake. He felt that every lake and pond in the State of Maine should have a dam to catch the spring and fall rains. With strategic dams located on the rivers so that Maine would never have to look beyond its borders for water power. In today's world when energy is at a premium, it is unfortunate that we can only pursue that vision that he had for buying up land, putting it in public ownership as opposed to his vision for developing our waterpower. Of course today we know that there is a great move to take out our dams rather than put them in place.

Katahdin Lake and the Allagash, which we will be taking up soon are both issues which are not isolated issues. They all tie into a bigger picture of what is happening in the State of Maine. I think it is important that I add to a little bit of this history.

Four generations ago my great grandfather was cutting logs in the area around Katahdin Lake. They have grown back up since that time. Now we call it an old growth forest. It is not truly an old growth forest. When my family came back inland after coming over from Europe, one side of the family united with some of the people who are already here. One side of my ancestry has been in this Penobscot watershed all my life. I take exception when we start tearing it in pieces.

In 1990, there was a meeting at Tufts University in which they decided they would move the environmental movement from the northwest to the northeast. In essence, what they were looking at is 26 million acres from New York State across New Hampshire and Vermont into Maine. Maine's targeted acreage was 10.6 million acres. In other words, our unorganized territories. That was to be put together into a so-called northern forest region. It would be very highly regulated and very highly controlled.

Senator Lahey of Vermont then put in a bill called the Northern Forest Stewardship Act. It would have implemented this and put those 26 million acres under the control of the federal government. Senator Mitchell and Senator Cohen had hearings in the Bangor area on this proposal. Had they still practiced tarring and feathering, they would have been run out Bangor on a rail. The people there were very upset and did not want any part of this. It kind of died down a little bit. Later it was put in again. There was a House version and a Senate version. Many of us



who pooled together our efforts managed to get our two Senators to drop their support of Senator Lahey's bill. We weren't able to then convince our then Congressman to drop his support.

The movement that we followed that would have taken the 26 million acres away from those four states is still in operation. It is not dying. A few years back we had a bill presented to this Legislature called the wild land's bill, which targeted five areas within the State of Maine. One in Washington County and the rest of them in western Maine sweeping up to the border at the Allagash. That would have taken 4.32 million acres out of private ownership and put it under the federal government's control. Fortunately, that was defeated.

Where do we stand today with regard to the land grabs that is taking on to try to perform what is termed by the environmentalists as rural cleansing? In other words, the view and the lands are too good for you people who have been living there all your lives. It is time to move you out.

Let's see what we have. If we add this 6,000 acres that we have to our already accumulated lands, we find that a few years ago the nature conservancy purchased 185,000 acres up near the St. John River with the stated intent to swap parcels of land so that they could control that watershed. We have approximately 400,000 acres that is tied up in conservation easements known as the west branch proposal. Baxter State Park is about a quarter of a million acres. The Quimby lands, two townships plus, so about 46,000 acres. We recently had a deal in Washington County that tied up 1 million acres of land. That was done very quietly and slipped in under the edge of the tent so that we wouldn't know it was happening. We now see that the environmental groups have brought Plum Creek to their knees and instead of putting a conservation easement on 400,000 acres for 30 years, which is the way they were set up, one generation, because the next generation doesn't know what they are going to need for land use. It is now going to be put aside in perpetuity.

The Passamaquoddy lands and the Penobscot lands are already designated federal lands so they feel that they have control of those already. In the federal budget there was money set aside for the purchase of 42,000 acres in the lower Penobscot watershed with 11,000 acres being set aside for the nature conservancy to be a reserve. We have seven watersheds that are tied up with the listing of a unique species of Atlantic Salmon. I don't know how it can be unique after it has been stocked for over 200 years, but that is what they ruled. We have the water reclassifications around the blueberry lands in Washington County. We have the Allagash Waterway, which is approximately 35,000 acres. We don't know how many acres are tied up now in land trusts.

In summary, I would like to quote a lady that I have a lot of respect for and that is the former Representative for the Penobscot Indian Nation, in which she said, "We watched our land and our resources disappear. We watched land sales happen without including us. That has already happened to us." It is exactly what happened to the tribes. It is exactly what is happening to the people in rural Maine. They are not being consulted when these sales or anticipated sales are happening. This has been in the works for about three years, but did not surface until this session of the Legislature. It is obvious that it was done behind closed doors to get to this point. I have the utmost respect for the Gardiner Family and their taking care of the lands. They are good stewards of the land. However, I agree with the senior member of the family who was not for this transaction in the first place. I quoted that to his son who is now the manager of the operation.

I hope that you will take that history lesson to heart and realize that this is not an isolated incident. It is changing more

ownership of land into public ownership. Six of the pieces of the property that are public lands that are listed to be turned over to Mr. Gardiner in my district, three in Penobscot County and three in Aroostook County.

I have a question. The land that is being sold has a price tag on it of \$13 million. That means that the taxes that go to the unorganized territory are based on that \$13 million with tree growth taken into consideration. I wonder what the tax base is going to be for those three towns in Penobscot County that are going to be swapped in that county for it and the ones in Aroostook County? Can anybody answer that? I certainly would appreciate it. Thank you very much.

THE SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In response to the question by the Representative from Crystal, Representative Joy, there are 7,000 acres of public lots, which are part of this transaction. They have a value of \$5.5 million. The other lands are private lands, \$7.5 million are private land. Of those public lots, right now if you are in an established town, you receive revenue sharing. Wood is harvested on those lots and you get a chunk of that. There is some income to the towns from that. However, once that land is sold to the Gardiners, those lands will be put on the tax maps and those towns will receive tax revenues instead. The Department of Conservation did an analysis and that analysis showed that the amount of income that the towns will receive in taxes will be greater than the amount that they were receiving for their share of revenue from timber harvesting.

While I have the floor, I would just to make another comment. It was noted that the State of Maine has a lot of conservation lands. We do, when you think about the number of acres in our percentage of public lands conserved we are one of the lowest, if not the lowest state in the nation. I also want to point out that all of these transactions have involved willing seller and willing buyer. It has been an exchange in the public market place. Much of this conserved land are easements on forest products land, which is active working land that serves the economy of the State of Maine. Thank you.

THE SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose this motion. I think I am the only one on the Ought Not to Pass report. Representative Joy really laid out some of our concerns, the number of acres that have been set aside. In Washington County there is a million acres if you count the portion in New Brunswick that has been set aside. They are talking about forever wild. There is pretty close to 3 million acres under some sort of restrictions in this state. If this were the last of these parcels, I think I would vote for it.

The first three speakers are well coordinated and I am not going to get into quibbling of how they interpreted things. We all saw a number of facts. We had a little different slant, maybe because of history, maybe because we didn't have a dog in this fight. I would add some things to the debate, I hope.

Twenty-seven hundred of these public lots are in southern Aroostook County as Representative Joy just mentioned. My folks who hunt there say these are some of the few places in southern Aroostook County where deer can survive. There are deer yards there. Some of them are 100 acres. Some of them are 250 acres. If Mr. Gardiner, which he has every right to do, goes in there and cuts in there, I am not sure what is going to happen to the deer that are there.



We had a fight the other day about Wal-marts along the coast. The towns want the ability to restrict the size of the Wal-mart stores that were coming in. It seems to me that the flip side of that is 200,000 or 300,000 people live in rural areas ought to have at least some say in what is in their back yard.

Comments around Governor Baxter, if you read the history of Governor Baxter, his first attempt at the Baxter State Park was taken by eminent domain in 1921. The Senate said, no way, Mr. Baxter, you are not going to do it. He devoted the next few years of his life to pick up six townships, it was well beyond six townships, you are almost at 200,000 townships. He was a practical man. In the last few years he negotiated with the companies that offered some of the land to the northern part of the park. There is about 20 percent of the Baxter State Park that is open to hunting. There was some wood use there for 20 years. This may have been his dream about Katahdin Lake, but it was not well elucidated in his writings. It was in one place.

Part of my concern is, talking about snowmobiles, which is part of the issue for the Millinocket people and some of the Greenville people, if we are going to lose our forest products industry, you need access to the trails and you are going to have the Department of Conservation talk about negotiating some access around there and I get a little nervous that they have been negotiating in private for three years now and suddenly they are going to come to the board and say we are going to talk about the snowmobile access. By the way, there is another to the east of Katahdin Lake, there is another 8,000 acres and we will put some paper on that that says there is an easement there. My concern is that should be a more solid kind of negotiations.

Another comment and it really relates to Representative Joy. We are going to see more of this, this setting aside of land. You get all excited about a small little piece of land. It is a 700 acre lake. It is not going to disappear. It was put there by the glaciers a few years ago. Depending on how long it takes global warming to either decide whether it is going to be or not, the glaciers will be there in a few years. People going into the park, there are less and less people going into the park. If you are talking about Millinocket living off the fewer and fewer people going into the park, it is not going to help the Millinocket area. I don't believe that. I could list all the pieces of land that these out of state groups and out of state affiliations have bought, but it scares me when you are setting aside a couple million acres of land. If they threw up the stop sign and said, yes, we are done in '07 and '08 and we won't come back for anything else, I would be happy to say, go ahead, 700 acres of Katahdin Lake, which, by the way, is going to have float planes on it still. I am not sure that is still in there. I don't know whether that is in or out. Pat McGowan has a float plane. I don't know if he wants to respond to that. He is outside listening here someplace.

There are details that were not hammered out. If Cathy Johnson got up and swore that they would go to Florida and help them preserve the wetlands down there, I would be very happy with this. You are going to have a coming debate, I think that deals with the Allagash and you may hear some of the same concerns around what has happened to the Allagash. We were threatened with lawsuits on that one. That is debate for another day or later in the evening. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative TWOMEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do want to be on record for this issue. I am so glad that Percival Baxter had a vision. The Legislature back then did not have his vision. They did not see fit to set public lands aside for the people of Maine,

everyone who lives in the state. I, for one, have taken lots of advantage going to Baxter State Park and enjoying hiking and sleeping under the stars. I want my grandchildren to have that same availability. Thank God for Percival Baxter who cared about the people. He started to buy the land himself piece by piece. How many of us would do that? How many of us are visionaries for the poor who can't have a camp? My parents couldn't afford a camp. The only thing we could do is pack up the car and put in our sleeping bags and our tents and off we went. What we got when we got there is we never knew we were poor. Our spirits were filled. We slept under the stars and it was the most beautiful time of our lives. I want everyone to have that opportunity. We are losing land, indeed, to people like Plum Creek and developers and people that just want the bottom line. There is more to this state than that. We are Mainers. We care about our land and thank God we will have this in history. Please, my e-mails have been running 10 to 1. They love this. I didn't go with the majority. I was the purest. I didn't want the hunting a half a mile from the lake. There were lots of issues. In the end of the day, I will be voting for this. This is in honor of my husband, who I have enjoyed for many years having gone and slept under those stars. I am so proud that I can push that button today. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me make one thing perfectly clear. No matter what is said here today, Baxter Park is not going anywhere. It is still going to be there tomorrow. If you want to sleep under the stars, you are going to be able to sleep under the stars. If you want to go camping, you are going to be able to go camping. The park is not going to go anywhere, no matter what we do here today. I want to make that very clear. No matter what you hear or the rhetoric that is being said, the park is still going to be there.

Very little has been mentioned about the public lots. Being in the military for a long period of time, we always used diversion. If you ever want to get your enemy, you divert them. I can tell you right now the main jewel of this whole thing is being left off to one side when it comes to the public lots. Yes, I could roll over and die and fall into this and say it is a good idea for the people of the Katahdin area, but let me tell you that the people in the Katahdin area wouldn't be there today if it wasn't for the pressure that we put on the committee through resolutions from three towns and the people outside the area saying where is our turn at the table? Why have we been left out of the picture? Why didn't we know what was going on? Even the legislators in the area didn't know. The DOC came to me about a week before the bill was printed and showed me a video and wanted me to sign onto the bill. They have been negotiating this for three years. Ask yourself, where is the money coming from? Why won't they disclose it? Why won't they give us an idea where this money is coming from to take away your heritage of traditional use? Ask some questions.

Some of you were saying the other day that this is probably the best deal of the century. I call it the best steal of the century. We are giving away something and getting nothing in return. Take a look at the area that is being given away, the 6,000 acres. You are giving up probably 10,000 for 6,000 traditional use. We are giving a lot away in this state. Think about what you are doing. Take some time. Let DOC go back to the board. This has not been the first time that this area has been up for sale. Irving wanted to see it a few years ago. Where was the state then for a lot less than \$2,100 an acre? Can you imagine what is going to be sold up there and the cost of that acreage if this goes



through? Think about it. Think about what you are doing this evening. Send it back to them. Let them work something out. The Gardiner Family is a real good family. I know them well, as well as Mr. Carr knows the family. They are in our area. They come through where I work every day. I see their trucks bringing pulp in. Think about what you are giving away. The public lots, some of them haven't been cut in 50 years or better. You are giving away a lot. You are using the diversion of Baxter State Park doing it.

Yes, I could get on board. There is no guarantee on traditional use on that right of way they want to buy. Where is the money coming from for that? There is a lot of questions to this. We are sitting here and people ought to be asking that committee the questions of what have taken place on this transaction. Once you lose it, you are not going to get it back. Take a look at the map. Some of you probably want to take a look up in the area and see what is going on up there in cutting. It will scare you half to death. Where was the environmental people then when that place was being annihilated, but we want to give it away. We want to give the public lots away.

I know this is only one procedure of a whole lot of procedures that are going to take place today. I want to put DOC on record. You haven't been a good player in this game, DOC and commissioner. You left a lot of key people out of it. We could have made a lot better bill if you brought people into it. I don't think you would have the diversion that you have today. You would have a lot more people on board. I think the sportsmen and the people of the state would live with a lot better than what they are going to be living with today. Thank you very much, Mr. Speaker.

Representative PIOTTI of Unity **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Adams.

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Eighty-five years ago on the 27th of January, 1921, to the Fish and Game Association of the State of Maine, in this very hall from the predecessor of our Speaker's very podium, the President of the State Senate - soon to be Governor in a few days because of tragedy, the death of his predecessor - spoke to a congregation about as large as this in the seats that then stood where ours do now. Governor Percival Baxter had been born in the very district that I now represent. I will refer to that fact a little later on. I had the good fortune to be his friend when I was a little boy.

He would be the first to tell you that it is not the hand of the dead that should govern our affairs. It should be the hopes of the living. Governor Baxter was a politician. He was like you or I. He was not a saint in a three-piece suit. He had hard edges. When they bumped against you, they would hurt, as you would find, not surprisingly at all, in the literature of the day about him and the fights that he conducted in this hall so long ago.

He had a great sense of his own importance. He left behind careful publications that might give us some idea of what he thought. We know what he dreamed of. We know he also understood that people did not always care about dreams. They were never moved by them or oratory that concerned them.

He, on the other hand, would have been acutely aware that you and I are doing something tonight that has never been done in the history of the State of Maine before. Governor Baxter conducted all affairs alone, and in secret, with a series of attorneys, for the purchase and assembly of the park that cost him everything. His political career, his personal fortune, his

aspirations to be United States Senator, dreams all went down in front of this one hope of his dreams. All his great accomplishments in public life came outside public office. The Legislature that he addressed in this room many times rejected every one of his plans to assemble a park in the north woods of the State of Maine for many of the same reasons that we have heard tonight and will hear as the debate continues. Only this time has the public and we, as his heirs, as politicians, played such a role in the debate and in the shaping and in the purchase and in the final result of the issue before us today.

Ladies and gentlemen, no one has sat before where we do tonight. The wheel of time has turned. It brought us all here tonight. Fate or fortune or accident put us each in our seats tonight so that we, alone, of all Mainers, across all time, will now make a decision for all future Mainers, those unknown and unborn, all those who will follow us. The chance to do so comes but once. As the words of the prophet reminds us, no one will ever step in the same river twice. We have but one chance to seize the day. We will not have a second. The owners of the tract in doubt tonight have made one offer. They will not make a second. Before we lean forward in our chairs to press one button or another in a moment or two, I urge us to consider. Now I know that there is much that some might find objectionable in the deal offered tonight. It is offered only once. Consider what is at risk in the days that will follow you or I, do what we will. If the answer is "No," and our objections overcome the future obstacles and overcome our future hopes, then it has been made clear, the land in question will be cut to the legal limit of the lake in question, be sold into house lots and kingdom lots. The mountains will be scalped. The lakes will be made private. The roads will be closed. There will be no hunting. There will be no ATVs. There will be no snowmobiling. There will be no hiking. There will be no trapping. There will be no view. There will be none of our descendants there using the land.

You will have the opportunity - for it will take no more than that - in a couple of years to stand there with your grandchild as the tail lights of the Volvo with New Jersey plates goes down that private road, behind the locked gate and you can say to your grandchild, "you know it might have been a little different if that vote had gone differently." You may stand there with your own child and say the same thing or, my friends - because it will take no more time than that - you will stand there with your own spouse and say "things might have been different for you or I if that vote had gone differently." It will take no longer than that. For you and I, it may have been a different outcome if the vote had gone differently than what we may cast tonight.

Ladies and gentlemen, Maine has what the world wants. Maine has those things that everywhere else the world has sold off or thrown away or held lightly or discarded cheaply. They want what we have. They will get much of it in changing times, but they will not get all of it, if we are wise tonight about decisions that we must make for such things in the years to come that you and I will not live to see. Money comes, money goes; beauty fades and is gone like a summer sunset; death pursues us all. But some things stand as the Earth stands. They are indifferent to our small concerns. They are obedient only to the long reach of time. Beautiful words, high intentions, failed hopes, they are indifferent to them all. They come and go. They are lost forever like the leaves of last autumn, like the waterfall of last spring, like the wind across pamola last night. They are gone. They are past. They are history. We cannot bring them back.

The birthplace of Governor Baxter in my district is today a parking lot, the greatest of all possible ironies. He has no grave. He was cremated. His ashes were scattered from a plane over



the park. Neither a final resting place nor a birthplace remains to mark his passage through life. Only the deeds that he did remain that cost him every bit of political privilege that as an active politician, like you and I, he sought and lost. Yet, he is remembered for what he did. Can you name me one of his immediate predecessors? Can you name me one of his immediate successors? In politics he may not have been successful, but in the only life that we have, so far as we know, he did all that he could to prove that one life well lived makes all the difference. You and I will not be remembered beyond the yellowed pages that carry the print of our debate tonight. As individuals we will never be remembered should the measure before us tonight succeed, but collectively we will always be blamed if the measure before us tonight fails. Out of the mouths of our own grandchildren who could have had what they deeply desired, and what the world took from them in our own day, because we voted a certain color tonight.

Governor Baxter kept a copy of a book that had been precious to his father. It was the "*Rubaiyat*" of Omar Khayyam. His father was the mayor of Portland. He was a deep reader in such things, which Governor Baxter, necessarily was not. He had underlined these lines in the "*Rubaiyat*" of Omar Khayyam: "The Moving Finger writes, and, having writ, moves on; nor all Piety or Wit shall lure it back to cancel half a line, nor all your tears wash out a word of it."

Very few of us can do anything to reach far beyond our own lives. He did. He was a politician like you and I. He would know exactly what you and I are doing tonight. We will get no second chance. In a few moments you will rock forward in your chair and hold your hands over three colored voting switches. Which of the two that matter that you are going to push will make all of the difference to the Maine that your children, your grandchildren and yourselves will live in. I hope we will seize the moment, seize the deal, seize the hope, not because of what a man long dead would tell us we should do, but because the man who sacrificed everything and who was a politician just like us proved could be done with the short compass of the years each of us have.

I am urging you and hoping you will vote green. I can do no more than remind you of the moving finger of time. For good or ill history will record on a page that will eventually go yellow in a library exactly what you and I will do in another moment.

Let the last words be his, but the conscience be yours. In 1921, from that very podium he said, "By day man stands spellbound in the solitude where man himself is but an atom at the base of one of nature's noblest creations. By night he is inspired by the majesty of the moon as it rises and moves westward in a stately curve over the serrated peaks, which throw themselves up into the deep hue of the night as though to join the company of the stars. Maine is famous for its 2,500 miles of sea coast, countless islands, myriad of lakes and ponds, forests and for its rivers, but Mt. Katahdin Park is the state's crowning glory, a worthy memorial to commemorate the end of the first and the beginning of the second century of Maine our state's statehood. It will in time, though we may not know it now, prove a blessing to those who follow us. They will see that we built for them more wisely than our forefathers did for us." With those words, as you rock forward in your chair tonight, look into your heart, and the world of your children. I hope you will join us by voting green. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I applaud my good friend, Representative Adams, he gave you some excellent history of Percival Baxter. I had a séance with him yesterday

afternoon and I can understand where he is coming from. Let me assure you that even when Mr. Baxter got older in life, he realized he had to compromise. He realized he couldn't get everything he wanted. He realized he had to give a little bit. I think we need to give a little bit also. I hope if you don't do anything, that you cast your red vote here today to give the ones in the gallery, the DOC people and the commissioner a message that we will not operate under the cloak of night. We will keep people informed of what goes on. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 485

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Blanchard, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clough, Collins, Craven, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hanley B, Hanley S, Harlow, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Schatz, Seavey, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bierman, Blanchette, Bowles, Bryant, Cebara, Clark, Cressey, Crosthwaite, Driscoll, Fischer, Fitts, Grose, Hall, Hamper, Hogan, Jackson, Joy, Lansley, Lindell, McFadden, Paradis, Pineau, Pinkham, Richardson E, Saviello, Sherman, Trahan, Tuttle, Vaughan.

ABSENT - Bliss, Crosby, Millett, Moore G, Shields, Stedman, Thomas.

Yes, 115; No, 29; Absent, 7; Excused, 0.

115 having voted in the affirmative and 29 voted in the negative, with 7 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Resolve was **READ ONCE**. Committee Amendment "A" (H-991) was **READ** by the Clerk.

Representative TUTTLE of Sanford moved that the Resolve and all accompanying papers be **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

The same Representative moved to **TABLE** until later in today's session pending his motion to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative TUTTLE of Sanford to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Subsequently, Representative TARDY of Newport **WITHDREW** his **REQUEST** for a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative TUTTLE of Sanford to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.



Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **TABLE** until later in today's session pending his motion to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I applaud my good seatmate behind me in making the motion that he did. I think what he wants to do is the same thing that a lot of us want to do. We want to slow this train down. It is going a little bit too fast. I don't think a lot of members of this body understand what they are doing. There are major consequences down the road. You are giving up a lot. Take some time and read what you have in front of you. Take some time to think it over. Take some time and do some soul searching inside your heart. I can tell you right now that it is going to live with you for a long time no matter what we do.

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will submit to this body that perhaps no bill has been worked as much as this one.

The **SPEAKER**: Would the Representative defer? Why does the Representative from Millinocket, Representative Clark rise? Mr. Speaker, I was not finished with my debate when he got up to speak. My apologies. Would the Representative defer for a minute?

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is too bad we are getting into this kind of posture with one another. Yes, the committee has worked hard. Yes, the committee has put a lot of time into it. How many here have to depend on what the committee does. It doesn't take a lot of time to do a little bit of the study on what has been put forth to you. Look over the material. I still think you are missing the picture. We are giving up a lot for what we are getting in return. Yes, I want to help Percival Baxter. Yes, I want to help the people in my area, but I want to make sure that they get a fair shake. I want to make sure they get a fair deal. Nobody is disputing how much work this committee has put into it. I understand where the good chairman is coming from. You get a lot of paperwork across your desk everyday. How many of you really take time to look at it? How many of you really take time to read it? That is the only point I want to put across to you. I applaud my good seatmate behind me trying to slow the train down a little bit. I understand what it is like, spending 19 years here on how fast that train can roll here during the 11th hour of the session. A lot of times, I can tell you, from past history it doesn't make good legislation. It comes back to haunt us. Think before you push your vote. Take some time.

The **SPEAKER**: The Chair would like to take a moment to apologize to the Representative from Millinocket, Representative Clark, for ending his debate time before, in fact he had desired to do so.

The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also apologize to the Representative from Millinocket, Representative Clark, I had believed he was done. In addition to the comment I was making about this bill already having been actively worked, I believe the figure in the paper was over 80 hours. I am not sure it was that much. It was a lot. We spent time. Representative Clark was present at many of those work sessions as were other members of the Legislature. It was much more than just our committee. On top of that, this is not an issue that is new to anyone. It has been in the papers actively. Last Friday, a very detailed four page memo going into all of the particulars of this bill was left on your desk. Sometimes we lose things on our desk, but I also rose and called that to your attention. I think there has been more advance opportunity to learn about this issue than almost any other issue that we have dealt with this session. In addition, both caucuses have spent considerable time on it. On top of that, all we are doing is going through a first reading. We are not trying to push to a second reading today. That is going to be tomorrow. You have another day to do more research and talk more if you like. I urge you to oppose this motion to Commit.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the Resolve and all accompanying papers to the Committee on Agriculture, Conservation and Forestry. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 486

**YEA** - Bryant, Burns, Cebra, Clark, Crosthwaite, Daigle, Davis K, Driscoll, Fitts, Grose, Jackson, Joy, Lansley, Lindell, Marraché, McFadden, Merrill, Paradis, Pineau, Pinkham, Richardson E, Richardson M, Sherman, Tuttle, Vaughan, Wheeler.

**NAY** - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Cain, Campbell, Canavan, Carr, Churchill, Clough, Collins, Craven, Cressey, Cummings, Curley, Curtis, Davis G, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Mazurek, McCormick, McKane, McKenney, McLeod, Miller, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

**ABSENT** - Bliss, Crosby, Millett, Moore G, Shields, Stedman, Thomas.

Yes, 26; No, 118; Absent, 7; Excused, 0.

26 having voted in the affirmative and 118 voted in the negative, with 7 being absent, and accordingly the motion to **COMMIT** the Resolve and all accompanying papers to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **FAILED**.

Subsequently, **Committee Amendment "A" (H-991)** was **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, April 12, 2006.



Resolve, Authorizing Certain Land Transactions by the  
Department of Conservation, Bureau of Parks and Lands  
(H.P. 1415) (L.D. 2015)  
(C. "A" H-991)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CLARK of Millinocket, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-991)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-1001)** to **Committee Amendment "A" (H-991)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a very simple amendment and straightforward. Sitting in the work sessions and the public hearing, time and time I heard from the people presenting the bill and the people in the audience and particularly people from DOC, as well as the Gardiner family, this deal needs to be done by July 1st of this year or it's not going to be workable. We need to have the money in by July 1st. Time and time again, Mr. Gardiner said, "Well, if it goes beyond July, we may give you one to two weeks." I put this amendment in, I was going for August 1st in completion of this transaction, to keep their feet to the fire. If they're going to have a deal, which has been going on for three years, I think we owe it to ourselves to have a time certain that we deal with it, that we haven't got to look at it again next year, that we move on and take care of business. That's why I offer the amendment Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I ask that you defeat this motion. The amendment may have no effect on the Katahdin land deal, but it could have a disastrous effect. It's possible that the deal could be delayed beyond August 1 and if that's the case and all parties came to some accommodation, why is that a problem? If this body feels that this deal makes sense, and I think last night you showed that we feel that, it makes sense as a good deal whether it's July 1 or August 1 or August 15th. The reason as stated by the Representative from Millinocket, Representative Clark was that he wants to keep the parties feet to the fire. I would say their feet are already in the fire. We have a purchase and sale agreement which is dated July 1. So, that pushes things. We have the Gardiners, who we know are very anxious to close this out. We have the Department of Conservation who, believe me, would like nothing better than to have this behind them. And finally, we have the Trust for Public Land who are coordinating the deal and coordinating the fundraising. They've already put out over \$8 million to purchase the IP lands. Every day that this is delayed costs them extra money in debt service. Every pressure you could ever possibly hope for to bring this to a rapid conclusion is already there. Yet, as we all know, sometimes, if you're buying a house or whatever, things need to be delayed 30 days, 60 days, as long as the parties agree, that's OK. Why would we jeopardize this deal based on picking a random date out of the air when we want to make this deal happen and it's a good deal no matter when it happens? I urge you to vote no on this motion.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to keep rising on this, but it's like the hearings and the work session, you just cannot get to the truth. It seemed like every time we'd hear something the movement is changing. Time and time again, like I told you if you went to the work session or you went to the hearing, you heard July 1st, the month of July brought up time and time again. Now it could be August, September, October or November. When is this committee, when is DOC going to start telling people in this chamber the truth? That's all I wanted, is the truth. If they're going to do it in August, so be it. We all have been told by the Gardiner family and by the committee July is a workable date. He said if we have to go on beyond July we may go a week or two. Come on, Ladies and Gentlemen, let's hear the facts. Let's hear the truth that's going on. Every time we hear from this committee and DOC they move and change the date. Thank you.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Two points Mr. Speaker. The first one is, the July 1st date is a real date. It's the date of the purchase and sale agreement, so it's the date that we're all aiming for. My point was just to say, "Deals, sometimes, need more time and that is possible." My second point is, there's been no misleading of this body. I want to read from the materials that were provided a week ago last Friday to the whole chamber. Right then and there we talked about the possibility that things might be delayed. I read, "If enough funding cannot be raised by summer, it is possible that Gardiner will agree to an extension. If not, the Trust for Public Lands, which has already put up over \$8 million to acquire the 14,000 acres of private land, may need to borrow money until the full amount is raised." One way or another the partners in this project are committed to making it happen. There has been no misrepresentation of the facts. I would argue that this amendment is simply another way of killing this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think you just heard again it could go on beyond summer time. They needed time to work this. I think we had all the time in the world to put out a proper bill that everybody could have been agreeable to. I find myself in a difficult situation standing up here arguing with my good friend who is the Chair of the committee and the people that may be in the audience. He just told you that this could run on long before the summer months. If they have that much time, I think we could have been still downstairs, or someplace, working out some kind of compromise to make this acceptable to everybody. Thank you.

Representative **PIOTTI** of Unity **REQUESTED** a roll call on the motion to **ADOPT** the **House Amendment "B" (H-1001)** to **Committee Amendment "A" (H-991)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Looking at this amendment, while I sympathize with my brother, the Representative from Millinocket's concerns about the transaction, the money, the timing and all that, I'm afraid that the amendment, itself, is a poisoned pill. This calls for the transfer, authorized under the section, to be completed no later than August 1, 2006. For those of you who are lawyers unfortunate enough to have handled real estate closings or those of you who've actually purchased your own property or camps, you know that such transfers cannot take place in that length of time. We're talking about large numbers of public lots being exchanged. Those are title searches and deed transfers. There is a great deal of paperwork. Even if everything were copasetic and agreeable tomorrow and we were able to start the process, I can't imagine and I believe any of the real estate attorneys among us would agree, that working under that kind of deadline is practically impossible given the complexity of this transaction. Again, while I sympathize with my brother from Millinocket, I'm afraid that this arbitrary choice of date may well seal the doom of this transaction. I encourage you to vote against this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-1001) to Committee Amendment "A" (H-991). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 495

**YEA** - Blanchette, Bryant, Clark, Crosthwaite, Fischer, Harlow, Jackson, Joy, Moody, Paradis, Patrick, Pineau, Pinkham, Richardson E, Richardson M, Saviello, Sherman, Thomas, Tuttle, Vaughan, Wheeler.

**NAY** - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clough, Collins, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sampson, Seavey, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

**ABSENT** - Berube, Dugay, Emery, Fisher, Hotham, Moore G, Schatz, Stedman.

Yes, 21; No, 122; Absent, 8; Excused, 0.

21 having voted in the affirmative and 122 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-1001)** to **Committee Amendment "A" (H-991)** **FAILED ADOPTION**.

Representative **TRAHAN** of Waldoboro **PRESENTED** **House Amendment "A" (H-1000)** to **Committee Amendment "A" (H-991)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to tell you, just briefly, what this amendment does. After this transaction has been completed, there's about \$3 million that was intended to be



used to purchase new lots to replace the public lots that were sold to the Gardiners. What this amendment would do is insure that the valuable habitat that was lost in that sale, or was lost to the State of Maine, would be replaced with similar conservation value habitat and wildlife value. Also, it would insure that the \$3 million go to the Land for Maine's Future program. The Land for Maine's Future program has a long track record of success in securing partials of land for the State of Maine. They have a mechanism that has proven to have an outreach value to secure matching dollars. This amendment is an attempt to utilize the existing structure that we have for purchasing property. Also, to utilize matching dollars in the value of Land for Maine's Future experience. Thank you.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this motion. As you all heard last night, the committee worked very hard to make sure that the public lots, in particular that are part of this deal, will be protected with the deer habitat areas and the sustainable harvesting of the wood. This amendment really helps assure, on the flip side of that, that the money that's generated here will go toward other lands that can replicate some of what was in those public lots. I think it's a good addition and I urge you to support it.

Representative CHURCHILL of Washburn moved that **House Amendment "A" (H-1000) to Committee Amendment "A" (H-991) be INDEFINITELY POSTPONED.**

Representative FISCHER of Presque Isle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1000) to Committee Amendment "A" (H-991).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Mr. Speaker, is this an appropriate time for me to pose a question as to the amendment's impact on the original bill?

The SPEAKER: The Representative may proceed.

Representative **BABBIDGE**: My question is, if the \$3 million were to be allocated to Land for Maine's Future, would the stipulation that those monies be spent in Franklin, Aroostook and Washington Counties be honored?

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This honors the portion of property in Penobscot County that's being purchased. It doesn't affect that at all. All it does, is it deals with the money that's left over to purchase lots. It has nothing to do with the original arrangement. I'd like to tell this chamber that I've run this amendment by the Commissioner, who has approved it, the Deputy Commissioner has approved it, the Chairs of the committee have approved it and committee members that I've spoken with have all said that they approve it as well. I saw this as a friendly amendment. I hoped that we wouldn't get into a lengthy debate. I hope that the chamber will support the amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not being very familiar with upland issues, I'm wondering what the substantive effect of having these \$3 million go to LMF versus going to Conservation would be. Thank you.

The SPEAKER: The Representative from Winterport, Representative Kaelin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the substantive effect of having this go to Land for Maine's Future is that this \$3 million may be spread further than just purchasing 6,000 acres, hopefully, and Land for Maine's Future has been successful in the past in putting deals together that will attract significant match, in some cases between \$8 and \$10 for every one that the state puts in. We could see a significant improvement in the ability to purchase important habitat for both deer and wildlife as well. I think it could have a very positive effect.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1000) to Committee Amendment "A" (H-991). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 496

YEA - Blanchette, Churchill, Gerzofsky, Hanley S, Jodrey, Joy, Marean, Paradis, Richardson M, Sherman, Sykes, Vaughan.

NAY - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Seavey, Shields, Simpson, Smith N, Smith W, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Barstow, Berube, Dugay, Emery, Hotham, Moore G, Schatz, Stedman.

Yes, 12; No, 131; Absent, 8; Excused, 0.

12 having voted in the affirmative and 131 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1000) to Committee Amendment "A" (H-991) FAILED.**

Subsequently, **House Amendment "A" (H-1000) to Committee Amendment "A" (H-991) was ADOPTED.**

**Committee Amendment "A" (H-991) as Amended by House Amendment "A" (H-1000) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-991) as Amended by House Amendment "A" (H-1000) thereto** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, Authorizing Certain Land Transactions by the  
Department of Conservation, Bureau of Parks and Lands

(H.P. 1415) (L.D. 2015)

**PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-991) AS AMENDED BY  
HOUSE AMENDMENT "A" (H-1000)** thereto in the House on  
April 12, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS  
AMENDED BY COMMITTEE AMENDMENT "A" (H-991) AS  
AMENDED BY HOUSE AMENDMENT "A" (H-1000) AND  
SENATE AMENDMENT "A" (S-612)** thereto in **NON-  
CONCURRENCE**.

H-1599



Representative PIOTTI of Unity moved the House **RECEDE AND CONCUR.**

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It has been a long week. This amendment, that's before you, fixes a small, but important problem in the bill. You may recall that this deal involves public lots scattered around the State. Most of those are in the unorganized territories. There are, however, two lots that are in the organized territories. These lots generate stumpage income and a small portion of that stumpage income flows back to pay for the schools in those towns. Once these lots are privately owned, they will generate, instead, tax revenue. That tax revenue will be in excess of the revenue generated from stumpage value, therefore, it's a good deal for the town. However, it's recently come to our attention that the stumpage revenue was going directly to schools and under the new scheme, that would not necessarily happen. Most parties agree that that is the right thing to do. Keep it the way it's always been, the towns, however, receiving a little bit more revenue. This amendment corrects that problem and I urge you to support it.

Subsequently, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

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**ENACTORS**

**Resolve Pursuant to the Constitution  
Public Land Mandate**

Resolve, Authorizing Certain Land Transactions by the  
Department of Conservation, Bureau of Parks and Lands

(H.P. 1415) (L.D. 2015)

(H. "A" H-1000 and S. "A" S-612 to C. "A" H-991)

Was reported by the Committee on **Engrossed Bills** as truly  
and strictly engrossed.

Representative CLARK of Millinocket **REQUESTED** a roll call  
on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a  
desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending  
question before the House is Final Passage. All those in favor  
will vote yes, those opposed will vote no.

In accordance with the provisions of Sections 21 and 23 of  
Article IX of the Constitution, a two-thirds vote of all the members  
elected to the House being necessary, a total was taken.

**ROLL CALL NO. 508**

**YEA** - Adams, Annis, Ash, Austin, Babbidge, Barstow,  
Beaudette, Berube, Bishop, Blanchard, Blanchette, Bliss, Bowen,  
Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes,  
Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clough,  
Collins, Craven, Crosby, Curley, Curtis, Daigle, Davis G, Davis K,  
Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey,  
Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch,  
Fischer, Fisher, Fletcher, Flood, Gerzofsky, Glynn, Goldman,  
Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow,  
Hogan, Hotham, Hutton, Jacobsen, Jodrey, Kaelin, Koffman,  
Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley,  
Marraché, Mazurek, McCormick, McFadden, McKane,  
McKenney, McLeod, Merrill, Miller, Millett, Mills, Moulton, Muse,  
Nass, Norton, Nutting, O'Brien, Ott, Paradis, Percy, Perry, Pilon,  
Pingree, Piotti, Plummer, Rector, Richardson D, Richardson M,  
Richardson W, Rines, Robinson, Rosen, Sampson, Saviello,  
Schatz, Seavey, Shields, Simpson, Smith N, Smith W, Sykes,  
Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott,  
Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Bierman, Bowles, Bryant, Clark, Cressey, Crosthwaite,  
Fitts, Jackson, Joy, Lansley, Patrick, Pinkham, Richardson E,  
Sherman, Thomas, Vaughan.

**ABSENT** - Cummings, Jennings, Moody, Moore G, Pineau,  
Stedman.

Yes, 129; No, 16; Absent, 6; Excused, 0.

129 having voted in the affirmative and 16 voted in the  
negative, with 6 being absent, and accordingly the Resolve was  
**FINALLY PASSED**, signed by the Speaker and sent to the  
Senate. **ORDERED SENT FORTHWITH.**



Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"**(H-991), in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"**(H-991), in concurrence.

**Divided Report**

Eleven members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

H.P. 1415 L.D. 2015

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-991).

Signed:

Senators:

NUTTING of Androscoggin  
BRYANT of Oxford  
RAYE of Washington

Representatives:

PIOTTI of Unity  
CARR of Lincoln  
JODREY of Bethel  
JENNINGS of Leeds  
MAREAN of Hollis  
LUNDEEN of Mars Hill  
FLOOD of Winthrop  
EDGECOMB of Caribou

One member of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-992).

Signed:

Representative:

TWOMEY of Biddeford

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought Not to Pass**.

Signed:

Representative:

SHERMAN of Hodgdon

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-991) **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-991) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-1000) thereto.

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

H.P. 1415 L.D. 2015

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-991)** (11 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-992)** (1 member)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - April 13, 2006, by Senator **NUTTING** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991)**, in concurrence

(In House, April 12, 2006, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991)** READ and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991) AS AMENDED BY HOUSE AMENDMENT "A" (H-1000)** thereto.)

(In Senate, April 13, 2006, Reports **READ**.)

On motion by Senator **NUTTING** of Androscoggin, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991)**, **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-991) **READ**.



On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-612) to Committee Amendment "A" (H-991) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I won't go back to the history of the townships, but they do go back to the Northwest Ordinance of 1787 where school blocks were laid out. In this instance what has happened is that two of the blocks that are being taken by the state are in two plantations, Glenwood and LaGrange. I wanted to make sure that the money for the school administrative purposes remained in that trust account. This will provide for this continuation. This is the first time that we have taken public lots in organized towns or plantations. I wanted to make sure that we set up a criterion so that we don't destroy the ministerial trust that is basically something this state has been a part of for generations. That is all that the amendment does. There is no cost to this and it continues into perpetuity the ministerial trust account for these two plantations.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much, Madame President and ladies and gentlemen of the Maine Senate. First off I want to say I appreciate all the hard work that was done on this bill. I know that many, many hours were spent and I also know of the pressures that were brought to bear during this whole process. For that I want to thank the three Senate members; Senator Nutting of Androscoggin, Senator Raye of Washington, and Senator Bryant of Oxford. Thank you. I don't agree with their findings but I want to thank them just the same.

I represent the entire Millinocket area as a result of the reapportionment two years ago and I want to tell you how this has all come to me. Last fall David Soucy, who works for the Department, called me and asked to meet with me. We met in my office. He had a presentation to give me about Katahdin Lake. Let me describe Katahdin Lake to you. I don't know how many of you have ever been there, but I've been there numerous times. It is incredibly beautiful. If you want to see just a little tiny bit of it you come into my office and look on the screen on my computer. I took the picture. It is beautiful. There is no question about it. Being beautiful is only part of it. It is very, very difficult to get to. It's very remote unless, of course, you have a floatplane. I'll make mention of that a little later on in my discussion. You drive to Baxter Park and you go in at Avalanche Field. You leave your car and walk 3 1/2 miles across a very narrow trail, most of it is a corduroy trail, a lot of it is. When I first started going in there I had the opportunity to walk through a beautiful old grove. Absolutely beautiful trees. Stately. However, I must tell you that a lot of them are gone now. They have been cut. A lot of it has been cut. Mr. Soucy told me about this and told me about the whole thing. Some of it I liked, but at the end of our conversation he said, 'Senator, there is one thing I haven't told you that I need to tell you about.' I said, 'What's that?' He said, 'The people that are putting up the money to do this don't want traditional use to be allowed.' I said, 'What do you mean by that?' He said, 'No hunting, no trapping, no snowmobiling, no ATVing.' Well I told him that day that this was going to be a

problem for me. I told him that I thought it was too bad and probably that would be a big stumbling block for a lot of people. While I know there is support for this bill, I know that what I told him was true, Madame President. It has been and was a stumbling block. Katahdin Lake and the entire area up there, 6,000 acres, have always been open to hunting, fishing, and trapping. Always. Teddy Roosevelt hunted there. There is a diary to prove that he hunted. The camps in there are very rustic. As I said, it is very remote and you've got to want to go there if you go there. You've got to really want to, I think, as it is right now. I looked at him and I wondered in my mind why would they not want to allow traditional use here? What on earth is all the fuss? There won't be five hunters a year in there, I thought to myself, but it was to be that way.

Time went by and the bill was presented. I bumped into people. I talked to one of the executives from L.L. Bean who is putting up quite a bit of the money for this. He told me to my face that they would not have put it up had they known there was going to be a fuss in Millinocket over this. That's what he told me to my face. Tuesday morning of this week we had a leadership breakfast with the Governor. I must tell you that I was the only one there. Nobody else came. We had a nice chat. He was generous though. He sent the bacon that was on his plate over to Dave Bowles, I brought it over to him. Our Governor told me that there were problems with some of the donors now. Some of them don't like the idea of allowing hunting in the top part of the portion.

As I said when I started, I appreciate the committee's work and I do. I know some of the pressures that some of them have come under; editorial comments, e-mails, and all sorts of things. They have come up with a compromise. I'll tell you the compromise is better than the bill. In my way of thinking, folks, that's a little bit like saying I'm not quite as sick as I was yesterday. I'm still sick, but I'm not quite as sick. I don't think the compromise is what should be going forward. The compromise calls for a bunch of public lots that are owned by the people of this state to be sold. I had handed out a little chart a while ago. I know I'm not supposed to use props, Madame President, and I'm not. They have already been handed out. If you look at it, if you have still got it, let me show you where the lands are that are going to be sold to a group that has already bought 14,000 acres, give or take 300 or 400 acres. That will be 21,000 acres total. The public lots total 7,000. They are going to be traded for the 6,000. The 6,000 are valued at \$13 million. If you do the math that means the 6,000 acres is worth about \$2,100 an acre and the 21,000 is worth about \$750 an acre. The lots will be turned over to private interests. Don't get me wrong, the people they will turn them over to are wonderful people, the Gardiners from Lincoln. They will cut the land to be sure, but they will also allow traditional use as these lands are open now to traditional use. One of the fears I have though is that when the ownership passes, and surely it will, will the traditional use still be there for the people who now have the use of this land?

I also had the opportunity to talk and meet with State employees who take care of these public lots, administer them, and look after them. If anyone has told you that they are in favor of this, they aren't telling you the way it is.

It troubles me that the Gardiners wanted to be able to cut the wood. It troubles me that a deal couldn't have been made to cut that wood so that the lands could have been kept, as far as the public lots go, for traditional use to be there without selling them off. I don't think this is a good deal for my district. If it was your district you would feel the same way and perhaps you would be



up here talking probably more eloquently than I am. Local families are not going to be allowed to snowmobile on Katahdin Lake. I have a picture in my office of me and a picture of Representative Clark from Millinocket sitting on snow machines on Katahdin Lake. That will not be allowed any more. Hunters won't be able to hunt there. Never fear, there is a provision in the law and in this bill that will allow floatplanes to land on the lake. Much has been said about Governor Baxter's vision and how we got to appreciate his vision. If you read and study about Governor Baxter you will find his opinion of floatplanes wasn't all that high.

I guess, Madame President, it kind of boils down to this. A fellow told me, 'Sell the land that the people have always been able to use to buy land that they have always been able to use to turn the land over to a Governmental agency or entity and tell them they can't use it anymore. Using their treasure to get this land and now they can't use it the way they always have.' I cannot tell you the feelings of the Millinocket, Medway, East Millinocket, or Patten area; the hard feelings towards the park and the administration of it. I can tell you that there is a very adverse relationship. I fear that if this deal goes through the way it is that in a few years only a few people will be able to use the lake, probably the elite that have floatplanes will be the ones that will be going in there. I think that a better deal can be done and I believe that if this bill did not receive what it needs to receive tonight, and it was put on the table here in the Senate until next week, that there would be a better deal coming forth. I believe that. I believe as this proposed deal stands right now, though it may be popular and it may pass, it could be wrong. Thank you very much, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose her question.

Senator **ANDREWS:** Thank you, Madame President. Well, either I'm suffering from Alzheimer's or I'm very tired, but would you tell me what ministerial trust means in this agreement. Thank you.

**THE PRESIDENT:** The Senator from York, Senator Andrews, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. I'd be more than happy to respond. The ministerial trust accounts were created before Maine became a state. If you just look at Maine you will find that the state is laid out in blocks. Those were, in effect, the townships six miles by six miles, 36 square miles. Under the terms of the law 1/36<sup>th</sup> of every township in Maine was to be set aside for school and ministerial purposes. From that came the ministerial trust accounts. Those still exist in most of the northern Maine towns and plantations. The income can be used to lower the school costs, but it cannot be used in any other portion of the community for any other purpose. In those two instances we're making sure that this continues in both of these plantations.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Madame President, and good colleagues. I'm addressing you and echo much of the same concern as the good Senator from Piscataquis, Senator Davis, has shared. I received many concerns from citizens in my district about this project. It's likely that many in the chamber have not heard the varied concerns because the swap of public lands is only taking place in some of our districts. I've noticed that the Senator from Piscataquis, Senator Davis, did distribute the list of lands involved in this very notable project. I believe around six districts are impacted by this project. I was contacted early on by hunters, conservationists, and those in the forest profession about this project. Oddly, they all shared with me that very same concern. That is that if approved, this project will be giving up too much in public lands. Since that time I have kept their interests in mind and I've been a strong advocate for them.

I am able to support this project enthusiastically for several reasons. Perhaps it is because I'm the kind of person that sees the glass half full instead of half empty. First, though my husband and I do not go, nor have ever been, to the Katahdin Lake area because we like to go for walks with our dog and we don't go to Baxter because they don't allow that, I'm still keenly aware of the importance of making sure this parcel of land remains available to the public forever. I have found that, in my area, there are close to 1,000 acres being swapped as part of this bill. These acres, I have been told, are very rich in forested land and rich in hunting. I'm very pleased to let people know that I found out that there is a proposal to conserve nearly 26,000 acres of forestland. This land, the lower Penobscot Forest Project, will be open for all traditional recreational uses, including hunting, fishing, and trapping. This, no doubt, is a separate project from this legislation, however, it should give comfort to many of my constituents that traditional uses are being protected. I will watch and give my support to make sure that these and two other projects in my area come to fruition. I also want to let people know that in my district people are very concerned with jobs and securing their jobs. The Gardiners, too, are concerned with that. That is why they have been so persistent in their desire to get good-forested area. This will protect jobs in the future. This is a project that has taken into account many different interests. It's a time that we may not get in the future. Certainly, if we don't move forward with this project, there is the possibility that this area would be closed to public use forever because it's very possible that this project could be sold to an individual as a kingdom lot. They could choose to close it off for any of us to access. Though we may have to take lots that are being swapped, rich forest lots, and make an investment for the future by buying new acres of land and developing those into rich forested areas and good hunting ground, I think it is well worth that investment in our future. This is an opportunity that this legislature has to grasp. These times don't come around too often. I would encourage you to support the legislation. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. There really shouldn't be any question



that it is probably obvious to everybody that I am much sicker than I was yesterday, but I will try to make it through the day.

I think this bill represents two very special things; a once in a lifetime opportunity and the first willing seller this state has had of this property in about 80 years. Those two things together with about 80 hours of work sessions on this bill have resulted in, yes, another 12 - 1 bi-partisan Ought to Pass report that is before us. I know it's a little different this evening. We're kind of debating the amendment presented by the Senator from Aroostook, Senator Martin, and the whole bill altogether, but that's fine. I think as long as we understand that, it will be fine. The Agriculture, Conservation, and Forestry Committee made many changes to this proposal and we took our time with it. Initially the committee voted for a four-way vote; 6 - 3 and 3 - 1, we voted the bill out of committee. Then we had another bill, the Allagash, come before us. We set this bill aside, worked the Allagash, and came back to it. I think I want to hit a few of the highlights as far as some of the changes the committee made. The 6,000 plus acres in the original proposal that was all going to be sanctuary we decided to split. The land around Katahdin Lake, as Governor Baxter's original vision, would become part of Baxter State Park and be a sanctuary. I was quite struck by the IFW numbers that the dark green in the map that was distributed to everybody here three or four days ago in a handout. The year before last there was only one deer taken in that parcel and last year there were two. The red parcel to the north, which is proposed to go to the Department of Conservation in this bill and where traditional uses will be allowed, was much better for hunting, especially moose and bear. That's old growth forest. That's wonderful bear and moose habitat and more hunting opportunities happen there.

We changed the original proposal and split the parcels. The land to the east of both of the north and south parcels owned by the Gardiners is part of this bill. The state has a two-year option to purchase that land. If that can happen, and I'm optimistic that it can, it joins it with some existing Bureau of Parks and Lands land that access the Millinocket area. The committee was very concerned with some landowners in that area buying tracks of land and totally shutting out all types of access to that, especially for snowmobilers and for hunters. There was much discussion and early e-mails from some groups that the original 6,000 acres was all part of Governor Baxter's original vision. The old maps that were presented to the committee, to me, cleared up that it was just the southern parcel around Katahdin Lake that was part of his original vision.

Yes, I want to agree with the good Senator from Aroostook, Senator Martin, that this is such a complicated bill. The part about the two plantations and the money going to the ministerial school fund, we missed that in the committee. I'm glad he has pointed that out and I'm going to be supporting his amendment. I would urge you to do the same.

I think we are giving up a lot of value in our public lots, but they are the scattered public lots that are the smallest in size and we are gaining a piece of property for the park that, in my mind, is close to priceless and that could have been sold someday to a developer and be closed off to everyone and have condominiums around it. One of the more controversial public lots that was initially proposed to be traded to the Gardiners for this land around Katahdin Lake and the 2,000 acres north of Katahdin Lake was the Wyman lot next to Bigelow. That was very controversial. Initially the Friends of Bigelow didn't want any of that lot to be part of the deal. When we brought them before a work session and probed further, it was really about 140 acres of

the Wyman lot that encompassed the Appalachian Trail and old-growth forest that was their main concern. Again, the Gardiners compromised. We took the 143 acres out and that is going to be managed by the Department of Conservation's Bureau of Public Lands in conjunction with the Friends of Bigelow so that when you are hiking along the Appalachian Trail that old-growth forest will still be there.

I think I'm going to stop there for now. I'm sure there may be other questions. It is a very, very complicated bill. I want to share that we really took our time with it, hours and hours and hours looking at various options. One last thing about the bill I'm going to mention, which I think is a very important part of the bill, is that we are charging the Department of Conservation to undertake a study of snowmobiling opportunities in the area and to work with the park service in the future to explore expanding snowmobiling opportunities in and around the park. Again, thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. Madame President, may I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. I'm having a little trouble following this because we are bouncing from the amendment into the bill on the debate.

**THE PRESIDENT:** The Chair is aware that we are on the amendment but I felt it necessary to let folks speak to the bill.

Senator **COURTNEY:** I certainly understand, but going back to the amendment, the good Senator from Aroostook, Senator Martin, had mentioned that there was no cost. As I've had time to look through the fiscal note, it said that the costs are significant. I wonder if someone could reconcile that for me? I would appreciate it.

**THE PRESIDENT:** The Senator from York, Senator Courtney, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. I probably should have addressed that during the discussion, but the cost is entirely within the ministerial school fund. There is no cost to the state involved here. Under present law, when stumpage is taken off a public lot it goes to the fund. Now we are eliminating any stumpage because the public lot is being sold. Now there will be income from the tree growth for those now privately owned lands. It is the tree growth money that will then go into the ministerial account.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you very much, Madame President. I do certainly appreciate the leeway being afforded this body. I would state, publicly, in order to lend some credibility



to my discussion, I am in support of the amendment. Is that where we are, Madame President?

Ladies and gentlemen of the Senate, I would begin by saying I have the utmost respect and admiration for the good work of our Senate Chair, the Senator from Androscoggin, Senator Nutting, on this particular difficult issue and also for our Senate lead, the good Senator from Washington, Senator Raye, and the many hours that committee spent deliberating and discussing the Katahdin Lake Project. I also have particular praise for members of the Gardiner family who have been, at the least, patient during this process.

Every so often an issue comes before this body that has a reverberation to it. This Katahdin Lake issue, in my opinion, has done exactly that. It has reverberated. Every so often an issue comes before this body that reaches down and touches the very being of some of us who have to vote on that issue. Today I certainly expect that a few of us will vote in favor of this bill even after expressing some doubts about the swapping of land and the value of that land. I would point out that the Wyman Township piece of over 1,000 acres certainly is a major part of this land swap. That land in Wyman Township does, as the good Senator from Androscoggin, Senator Nutting, mentioned, border the Bigelow Preserve in my district. I expect there will be those of who will vote in favor of this bill even after having expressed concerns about the land, its value, its cost to the state, and the swap. I know a few of us will vote in favor of this bill knowing that Governor Baxter's original wish is being in part fulfilled. I would point out to all of you that we received a letter. We've been talking about ghost bridges in Allagash. There is no doubt in my mind that this is a ghost letter signed by the deceased Governor of Maine, Percival Baxter. I would like to go on record as saying I think that is in poor taste. I'm sure a few of us will vote today in favor of this bill because, after all, you must.

As a child of 10 years old, my grandfather took me to an area of Maine called Bemis. It is the Big Woods. He took me there to hunt. I stand before you today to tell you that I am one of the members of the Evil Empire. I am a hunter. I have guns. I'm sympathetic towards those in this body and others in the other body who have not had the same upbringing and perhaps do not have the same appreciation for what it means to stroll with your grandfather in the Big Woods of Maine when you are a child of 10 and have your grandfather take you to a small opening and point out the remnants of the virgin forest, an old stump, and tell you, 'Please stay next to this stump, I'll be back in an hour.' It was on a day when it was snowing and cold. I was wearing my grandmother's pack boots that she used to hunt. My feet were frozen. The felt hat wasn't warm enough for my ears. My grandfather had the audacity to tell me he'd be back in an hour. Little did I know that my grandfather had walked off to a balsam fir grouping about 50 yards away and he watched me for an hours' time. I paced around the stump, knowing that I wasn't going far because, after all, it was my grandfather. My feet were frozen and my ears were cold. In an hours' time he returned and he said, 'Chan, this isn't about hunting, this is about trust. Today you've earned my trust.'

So for those of us who hunt this is not a good deal because a portion of this state which we have used for a century or more is now not going to be available to us. My grandfather expressed to me at a later date, 'Someday for you it will be different.' Low and behold, again today I'm on the stump and I'm sure my grandfather is watching. I owe a large part of who I am to my grandfather. I'm an outdoor person. A hiker. I know this will stun a great

number of people, but I even participated in the Audubon Christmas bird count one year. A hunter. We didn't kill the ducks, we counted them. My family has gone camping throughout Maine. I fish. Deep down in the recesses of my person there is a great love for the outdoors of Maine. My very being has been touched by this bill, for this magnificent place, Katahdin, is Maine. I was pleased to hear this morning the good Senator from Cumberland, Senator Brennan, say in regards to the Allagash that this is a resource for all of us in the state. I would say to the good Senator from Cumberland and others the Katahdin area is a resource for all of us, all of us in the state. Today my vote in opposition is certainly not for political expediency, it's for a lifelong conviction. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise in support of the underlying bill. The legislation before us has received an extraordinary amount of scrutiny, examination, and deliberation, as well it should, because, as the debate thus far today has demonstrated very clearly, this is an important piece of legislation. It fulfills the vision of the late great Governor Percival Baxter for his beloved park and it has important implications for the people of the Katahdin region and for Maine's historic commitment to the concept of traditional use. As the bill was originally presented, I could not support it. The Agriculture, Conservation, and Forestry Committee, on which I serve with the good Senators from Androscoggin, Senator Nutting, and Oxford, Senator Bryant, began consideration of this bill, as with the last bill we debated, with a day-long public hearing at the Augusta Civic Center. From there on we moved to a series of work sessions that can only be termed extraordinary. I'm told they totaled more than 80 hours in length. During those long hours we weighed the issues involved very carefully and very thoroughly. We researched Governor Baxter's statements and the history of his own actions during his lifetime. We listened to the Trust for Public Lands, who has been engaged in the fundraising effort at the heart of this proposal. We listened to the concerns and the perspectives of those who are committed to honoring Governor Baxter's vision, including all three members of the Baxter State Park Authority; Attorney General Rowe, Director Giffen, and Commissioner Martin. We heard the concerns of Maine sportsmen, those who hunt, trap, and snowmobile. Perhaps most importantly, we heard from those who live in the Katahdin region. From my perspective, it is their concerns that are of paramount importance because they live there. It is their home. For me it was important that their voices be heard. On that score, I want to compliment the Senator from Piscataquis, Senator Davis, because throughout this long arduous process he has been a steadfast advocate for the people he represents. He was there to make sure that their concerns were front and center in our deliberations.

After we deliberated we had a couple of false starts, that the Senator from Androscoggin, Senator Nutting, has mentioned, with straw votes and votes that were taken before we had a chance to reach consensus. Fortunately, in the final analysis, we were able to have the time to sort through the many aspects of this bill and reach a consensus that won the support of eleven of the thirteen members of the committee. The remaining two members split, one thought the bill didn't go far enough and the other one



thought the bill went too far. That pretty much sums up that we had reached a reasonable conclusion. Of course it is not everything that anybody wanted. It certainly is not everything that I wanted and for which I advocated throughout the process, but I do believe that it strikes a very reasonable and thoughtful compromise that preserves Katahdin Lake and insures that public access and traditional uses on the parcel to the north and crucial valley lands to the east will be preserved so that sanctuary status cannot encroach on those lands in the future. It addresses the concerns about the Wyman lot adjacent to the Bigelow Preserve. It provides for continued forest certification and wildlife management practices on the public lots to be swapped. It provides for a hiking trail to Katahdin Lake and directs the Department of Conservation to undertake outreach and develop a plan to expand snowmobiling opportunities in the Katahdin region. That is something that the good Senator from Piscataquis, Senator Davis, argued very strongly for. The wintertime economy of that area that he represents is strongly dependent on its status as a center for snowmobiling. I'm very pleased that we were able to include this directive to the Department.

In summary, I believe the committee has produced a bill that respects local concerns and Maine's traditions that were spoken of so eloquently by the Senator from Franklin, Senator Woodcock, and has as its prize the preservation of Katahdin Lake for all generations to come, completing the vision of Governor Baxter at long last. I also want to note that for those of us who do have concerns, as the Senator from Piscataquis, Senator Davis, and the Senator from Franklin, Senator Woodcock, have so eloquently stated, about traditional use, that absent this bill any of those lands, the Katahdin Lake parcel itself or the lands to the east, could easily be purchased by private interests who could put gates up and close off public access and traditional uses tomorrow. That would be a travesty. I hope that you will join with me in support of the very strong majority committee report. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President. I'll be very, very brief. Ladies and gentlemen of the Senate, the Department of Conservation Bureau of Public Lands now owns, in various state parks and public lots, about 600,000 acres of land. I want to remind people that traditional uses are allowed on almost 98% of that land. The valley lands to the east that we have a two-year option on to connect the northern parcel with a currently owned parcel right north of Millinocket is, to me, going to be insuring traditional uses will be maintained in that area. As far as the hiking trail, there is currently a hiking trail from the park itself going east to Katahdin Lake. Another part of this bill gets the agreement from all parties that a hiking trail will be constructed from the valley lands going west to Katahdin Lake as well. That was one of the requests from the good Senator from Piscataquis, Senator Davis, which we were able to accomplish. I'm very glad that he brought that forward to us. All types of fishing will be allowed in Katahdin Lake. I forgot to mention that before. There are two other very important issues that we finished and got agreements from the Gardiners to do at the last work session. One is to maintain some type of forest certification on the public lots that they will come to own. The second thing is, at the insistence of the good Senator from Oxford, Senator Bryant, to maintain all IFW management agreements to protect deer habitat

on those public lots. That was another good thing that we got in one of the last work sessions. There is also a 25-year lease for the current owner of the camps located right at the southern part of Katahdin Lake. That is another piece of the bill that I neglected to mention earlier. To me, this assures that those camps are going to be there for many years in the future. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Madame President. It's not my intention to prolong the agony or the ecstasy or however you might look at this, but there are a couple of things I would like to comment to. I appreciate the remarks from my friend from Androscoggin and my friend from Washington. I thank them very much. I would say though that when the rights of the people are being tampered with hearings should be extraordinary and time and patience and careful scrutiny should be done. While I appreciate what they have done, they did what was required of them also.

I did want to make a couple of comments. It was mentioned that in one area up there that only one or two deer were killed there last year. As I said in my previous comments, it's remote and not many people there. If you took the same map that was handed out and the good Senator from Androscoggin, Senator Nutting, made reference to in his first remarks and you looked at it you would find all across the state and in the northern part of Maine that there are many townships where they didn't kill any deer in. Nobody goes there to hunt. It is true that there is a 25-year lease on the camps that will be offered to the current owner, but much of the income from those camps was derived from hunting. Where the camps are located there will be no hunting. The most troubling thing that I have found in this whole thing is not so much that the option on these lands to the east of Katahdin Lake have been secured to allow traditional use on all of that land. I appreciate that. My problem with that is that it is still land-locked. Access to this land has to go across the Haynes land, which is owned by the Haynes Corporation, and could be sold tomorrow. If it is sold, that could be locked up. There would only be one way left to access to the Gardiner land and that would be through the park. Currently snowmobiling is allowed in parts of the park but grooming is not. That creates a dangerous situation because when a trail isn't groomed people try to go too fast. In fact there was a snowmobile death up there a few years ago that some attribute to the rough trail. As I said, I don't want to prolong this any more, Madame President. I thank you all for your indulgence.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-612) to Committee Amendment "A" (H-991) **ADOPTED.**

Committee Amendment "A" (H-991) as Amended by Senate Amendment "A" (S-612) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-991) AS AMENDED BY SENATE AMENDMENT "A" (S-612) thereto, ADOPTED, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Pursuant to Constitution**

**Public Land**

Resolve, Authorizing Certain Land Transactions by the  
Department of Conservation, Bureau of Parks and Lands  
H.P. 1415 L.D. 2015  
(H "A" H-1000; S "A" S-612  
to C "A" H-991)

On motion by Senator **WESTON** of Waldo, supported by a  
Division of one-fifth of the members present and voting, a Roll  
Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.



**ROLL CALL (#434)**

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, COURTNEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: CLUKEY, DAVIS, WOODCOCK

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 32 Senators having voted in the affirmative and 3 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

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Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Wednesday, April 26, 2006, at 10:00 in the morning.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now, therefore, be it

**Sec. 1 Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation is authorized, but not directed, to convey for appraised fair market value all of the State's interest in and to certain lots or parcels of land located in the townships and counties listed below and on such other terms and conditions as the director may direct:

1. County of Aroostook, State of Maine: A certain lot or parcel of land, being the Glenwood West Public Lot located in the Township of Glenwood Plantation; a certain lot or parcel of land, being the Glenwood Center Public Lot located in the Township of Glenwood Plantation; a certain lot or parcel of land, being the Glenwood East Public Lot located in the Township of Glenwood Plantation; the Public Lot located in Township 2, Range 4 WELS; the common and undivided interest of the South Public Lot located in Township 4, Range 3 WELS; and the fee interest of the North Public Lot located in Township 4, Range 3 WELS; and all located in the County of Aroostook, State of Maine;

2. County of Penobscot, State of Maine: A certain lot or parcel of land, being the Greenfield Large Public Lot located in Greenfield Township; a certain lot or parcel of land, being the Greenfield Small Public Lot located in Greenfield Township; a certain lot or parcel of land, being a portion of the LaGrange North Public Lot located in the Town of LaGrange; and a certain lot or parcel of land, being the Public Lot located in Township 2, Range 9 NWP; and all located in the County of Penobscot, State of Maine;

3. County of Washington, State of Maine: A certain lot or parcel of land, being the Public Lot located in Township 8, Range 3 NBPP, County of Washington, State of Maine; and

4. County of Franklin, State of Maine: A certain lot or parcel of land, being a portion of the Public Lot located in Wyman Township, County of Franklin, State of Maine, being subject to an option to lease agreement between the State of Maine as lessor and Redington Mountain Windpower, LLC dated February 5, 2004, a copy of which is on file in the offices of the State of Maine, Department of Conservation, Bureau of Parks and Lands, Augusta, Maine, and further subject to a contract of sale between the State of Maine as seller and Gareth V. Warren as purchaser and as authorized by Resolve 2005, chapter 97, section 2. A copy of said contract is on file in the offices of the State of Maine, Department of Conservation. Authorization for transfer does not include a parcel of land of approximately



143 acres located on the eastern part of the Wyman Lot, on the southerly side of and adjacent to Route 27 and in the vicinity of the Appalachian Trail Corridor. This parcel is to be retained by the Bureau of Parks and Lands; and be it further

**Sec. 2 Conditions for transfer of public lots. Resolved:** That the conveyance of the public lots authorized in section 1 is contingent upon:

1. The transfer of approximately 4,040 acres in the northwestern quadrant of Township 3, Range 8 to the Baxter State Park Authority for inclusion in Baxter State Park;
2. The transfer of approximately 1,975 acres in the southwestern quadrant of Township 4, Range 8 to the Department of Conservation, Bureau of Parks and Lands;
3. The Bureau of Parks and Lands' securing an option to purchase approximately 8,000 acres in Township 3, Range 8 and Township 4, Range 8 owned by the Gardner family and east of the acreage proposed for transfer under subsections 1 and 2;
4. The Bureau of Parks and Lands' obtaining a temporary easement allowing public access and recreational use over the approximately 8,000 acres in Township 3, Range 8 and Township 4, Range 8 described in subsection 3. This easement must be in effect for the duration of the option to purchase. If the option to purchase is not exercised, the Bureau of Parks and Lands shall seek to acquire a permanent easement allowing public access and recreational use over the approximately 8,000 acres. A 3rd-party appraisal must be used to determine the value of a permanent easement;
5. Bureau of Parks and Lands' procuring a signed statement from a grantee receiving the lots authorized for transfer in section 1 stating that the grantee is willing to continue existing independent 3rd-party certification of those lands under the Sustainable Forestry Initiative or Forest Stewardship Council certification programs; and
6. Notification to the Bureau of Parks and Lands that the grantee receiving the lots authorized for transfer in section 1 has entered into an agreement with the Department of Inland Fisheries and Wildlife to continue management of winter habitat for white-tailed deer on those lots that is consistent with the management agreement between the Department of Inland Fisheries and Wildlife and the Bureau of Parks and Lands in effect on March 30, 2006 and that the agreement between the grantee and the Department of Inland Fisheries and Wildlife will remain in effect as long as the grantee owns the lots; and be it further

**Sec. 3 Strategies to increase snowmobiling opportunities. Resolved:** That the Department of Conservation shall develop a comprehensive plan to increase snowmobiling opportunities in the Katahdin Region. The department shall explore strategies to secure continuing use of existing snowmobile trails through easements or other means and also explore ways to improve existing trails or develop new ones where necessary or preferable. In developing the plan, the department shall work with public and private landowners to explore strategies for improving and expanding snowmobiling in the region. The department shall consider a comprehensive set of strategies and engage local officials and citizens in the development of the plan. The department shall provide a copy of its plan and recommended strategies to all stakeholders, including the Baxter State Park Authority, for their information and consideration. For purposes of this section and section 5, "the Katahdin Region," means the area from Millinocket, East Millinocket and Medway to the south and extending north to Shin Pond and west into Piscataquis County. No later than March 15, 2007, the Commissioner of Conservation shall provide the

joint standing committee of the Legislature having jurisdiction over public lands matters with a progress report on actions taken to meet these objectives and a list of officials, landowners and citizens participating in this process; and be it further

**Sec. 4 Management of Wyman Lot. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation shall manage the eastern 143 acres of the Wyman Lot described in section 1 and retained by the Bureau of Parks and Lands. The director shall consult with the Flagstaff Regional Advisory Council in developing a management plan for this acreage; and be it further

**Sec. 5 Commissioner of Conservation to convene a working group. Resolved:** That the Commissioner of Conservation shall convene a working group on the acquisition of land for multiple uses. The group must include, but is not limited to, representatives of the Katahdin Region. The group shall review possible options for the public acquisition of land or interest in land that is crucial for hunting, snowmobiling and other types of recreation that have a significant impact on the economy of the region; and be it further

**Sec. 6 Proceeds from sale of certain public lots. Resolved:** That the proceeds from the sale of the public lots in Penobscot County authorized for transfer in section 1 be applied towards the purchase of the approximately 1,975 acres in the southwest quadrant of Township 4, Range 8 to be transferred to the Department of Conservation, Bureau of Parks and Lands pursuant to section 2, subsection 2; and be it further

**Sec. 7 Proceeds from sale of certain public lots. Resolved:** That, subject to the restrictions of the Constitution of Maine, Article IX, Section 23 and except as provided in section 6, the proceeds from the sale of the public lots authorized for transfer in section 1 must be applied towards the purchase of land of state, regional or local significance by the Land for Maine's Future Board, in accordance with the criteria set forth in the Maine Revised Statutes, Title 5, chapter 353 and the State Controller shall transfer the proceeds from the sale of the public lots authorized for transfer in section 1 to the Land for Maine's Future Board for the purpose set out in this section. The land purchased must be of a value similar to the parcels conveyed pursuant to section 1, including, but not limited to, similarity in conservation value, habitat value and wildlife value; and be it further

**Sec. 8 Maintenance of hiking trail. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Conservation shall construct and maintain a hiking trail through the 8,000 acres described in section 2, subsection 4. The director shall consult with the Baxter State Park Authority on connecting this trail to trails within Baxter State Park leading to the shore of Katahdin Lake; and be it further

**Sec. 9 Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### CONSERVATION, DEPARTMENT OF

##### Land Management and Planning 0239

Initiative: Allocates funds necessary to cover administrative costs associated with the acquisition of certain new properties.



RESOLVE Chapter 197122nd Maine State Legislature  
Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

| <b>OTHER SPECIAL REVENUE FUNDS</b>       | <b>2005-06</b> | <b>2006-07</b>   |
|------------------------------------------|----------------|------------------|
| All Other                                | \$0            | \$100,000        |
| <b>OTHER SPECIAL REVENUE FUNDS TOTAL</b> | <b>\$0</b>     | <b>\$100,000</b> |





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### **Locations of Publicly Accessible Copies of *Percival P. Baxter's Vision for Baxter State Park:* *An Annotated Compilation of Original Sources (2005)***

#### **MAINE:**

Augusta – Maine State Library (2 copies)  
                    Law and Legislative Reference Library  
Bangor – Bangor Public Library  
Bar Harbor – College of the Atlantic Library  
Bridgton – Bridgton Public Library  
Brunswick – Bowdoin College Library  
Lewiston – Bates College Library  
Machias – Merrill Library, University of Maine at Machias  
Millinocket – Millinocket Memorial Library  
Orono – Folger Library, University of Maine at Orono  
Portland – Cumberland County Law Library (Cleaves Library)  
                    Glickman Library, University of Southern Maine  
                    Maine Historical Society  
                    Portland Public Library  
Presque Isle – Mark and Emily Turner Memorial Library  
Unity – Quimby Library, Unity College  
Waterville – Colby College Library  
Wiscasset – Roger Tory Peterson Library, The Chewonki Foundation

#### **MASSACHUSETTS:**

Boston – AMC Library, Appalachian Mountain Club

#### **VERMONT:**

Burlington – Bailey-Howe Library, University of Vermont





## *Appendix C*

### Documents of Historical Significance

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## EIGHTIETH LEGISLATURE

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SENATE

NO. 19

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In Senate, Jan. 25, 1921.

Presented under suspension of rules, referred to committee on State Lands and Forest Preservation. Sent down for concurrence and 1000 copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Senator Baxter of Cumberland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE

---

AN ACT to Establish the Mt. Katahdin State Park.

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

Section 1. The Commissioner of Inland Fisheries and Game,  
2 the State Land Agent and Forest Commissioner, both ex-  
3 officio, and three (3) citizens of the State to be appointed by  
4 the Governor upon the advice and consent of the Council,  
5 are hereby constituted the Mt. Katahdin State Park Board,  
6 and the said Board is empowered to acquire by purchase  
7 on behalf of the State, if in the judgment of said Board it  
8 can be purchased at a fair valuation from the owners there-  
9 of, the whole or any portion of the lands located within

10 the townships or portions of townships hereafter defined  
11 which the said Board may deem suitable for the establish-  
12 ment of the Mt. Katahdin State Park; and the said Board is  
13 authorized to accept deeds thereof in the name of the State,  
14 the aggregate purchase price of such lands not to exceed the  
15 maximum amount appropriated by the Legislature for the  
16 purposes of this Act. The title to all lands so purchased  
17 shall be investigated and approved by the attorney general  
18 before being acquired by the State under the terms of this  
19 Act. The citizen of the State first appointed under this  
20 Act shall hold office for one year, the citizens next ap-  
21 pointed shall hold office for two years, and all appointments  
22 made thereafter shall be made for two years; any vacancies  
23 in the said Board shall be filled for the unexpired term by  
24 the Governor upon the advice and consent of the Council.  
25 The said Board is authorized to employ agents and such  
26 other persons as the said Board may deem necessary to  
27 carry out the provisions of this Act.

Sect. 2. The lands which the Board is authorized to  
2 acquire on behalf of the State under the provisions of this  
3 Act shall be located within the following described town-  
4 ships or portions of townships, viz:

The northwest one-quarter (1-4) of township three (3),  
2 range eight (8) W. E. L. S., township three (3), range nine  
3 (9) W. E. L. S., township four (4), range nine (9) W. E.  
4 L. S.; the east one-sixth (1-6) of township three (3) range  
5 ten (10) W. E. L. S.; the east one-sixth (1-6) of township



6 four (4), range ten (10) W. E. L. S.; and the said Board is  
7 further authorized to acquire on behalf of the State by pur-  
8 chase or otherwise in the manner herein provided such other  
9 lands outside and beyond the boundaries of the within  
10 described townships or portions of townships, as said Board  
11 shall deem necessary and suitable for roads, trails and rights  
12 or way as approaches to said Park, together with such suit-  
13 able camp sites adjacent to said approaches as said Board  
14 shall deem necessary and suitable to carry out the provisions  
15 of this Act; and said Board is further authorized to use such  
16 portions of the funds appropriated under this Act as the said  
17 Board shall deem suitable and necessary for exploring and  
18 cruising the land herein described and for the construction  
19 of roads, trails, and camps and for other improvements.

Sect. 3. In case the owner or owners of any lands deemed  
2 suitable by the said Board for the purpose of this Act decline  
3 to sell the same for a price deemed reasonable by the said  
4 Board, said Board is hereby authorized and empowered to  
5 take and appropriate the aforesaid lands or any portion  
6 thereof in the name of the State and for the uses herein set  
7 forth, and for this purpose the said Board shall cause the  
8 said lands or portions thereof to be surveyed, located and so  
9 described that the same may be identified and a plan of said  
10 lands or portions thereof together with a copy of the pro-  
11 ceedings of the said Board in the said taking and appropria-  
12 tion under this Act shall be filed and recorded by the said  
13 Board in the Registry of Deeds for the county in which the

14 land lies and also in the office of the Secretary of State,  
15 wherupon title to the aforesaid lands or portions thereof shall  
16 vest in the State of Maine.

Sect. 4. The owner or owners of any lands taken as pro-  
2 vided under the terms of this Act shall have a just compensa-  
3 tion therefor, the same to be ascertained and determined in  
4 the same manner and by proceedings similar to those pro-  
5 vided in chapter twenty-four (24) of the Revised Statutes of  
6 Maine for ascertaining damages in the location of highways,  
7 provided that application for the determination of said  
8 damages shall be made within three years after the said lands  
9 are taken under the provisions of this Act, either the said  
10 State or the said owner or owners may make the application  
11 herein provided for for the determination of said damages.

Sect. 5. Said Board may also take and appropriate in the  
2 name of the State and for the use of the State lands for  
3 roads, trails, rights of way and camp sites in the same  
4 manner as provided in section four (4) of this Act and com-  
5 pensation for such taking and appropriation shall be ascer-  
6 tained and determined in the same manner as provided in  
7 section four (4) of this Act.

Sect. 6. The members of the Board created under this Act  
2 shall receive no compensation for their services, but shall be  
3 paid their actual traveling and other expenses incurred while  
4 engaged in the work of said Board; said expenses to be paid  
5 on approval of the Governor and Council.

Sect. 7. All lands acquired under the provisions of this



2 Act shall be held by the State for the purposes specified  
3 herein, and the care and management thereof shall be vested  
4 in said Board. Such lands shall at all times be open to the  
5 public, under such rules and regulations as the said Board  
6 may prescribe, but no birds or wild game shall at any time be  
7 hunted or killed thereon, and any person who hunts or kills  
8 wild game within the limits of the land described under the  
9 provision of this Act shall be liable to the penalties estab-  
10 lished for hunting and killing wild game elsewhere within  
11 the State during closed seasons. Said Board shall cause or  
12 permit no live timber to be removed from the lands acquired  
13 hereunder except for the purpose of improving the forest  
14 growth thereon; but timber not needed for the purposes of  
15 this Act or for the preservation of the scenic beauty of said  
16 Park may be sold therefrom and the proceeds of all such  
17 sales shall be paid into the State Treasury by said Board, and  
18 shall constitute a special fund to be used by said Board for  
19 the purpose provided for by this Act.

Sect. 8. The sum of fifty thousand dollars is hereby ap-  
2 propriated for the year nineteen hundred twenty-one and  
3 fifty thousand dollars for the year nineteen hundred twenty-  
4 two for the purpose of carrying out the provisions of this  
5 Act; and any balance of the fifty thousand dollars appro-  
6 priated for the year nineteen hundred and twenty-one, which  
7 on December thirty-first, nineteen hundred and twenty-one  
8 remains unexpended in the State Treasury, shall be avail-  
9 able for the year nineteen hundred twenty-two.

# *Mount Katahdin State Park*

AN ADDRESS GIVEN BY

**Hon. Percival P. Baxter of Portland**

PRESIDENT OF THE SENATE

At the Annual Meeting of the  
Maine Sportsmen's Fish and Game Association

Hall of Representatives, State Capitol  
Augusta, Maine



January 27, 1921



*Mr. President, Ladies and Gentlemen:*

When your Committee invited me to appear before you and speak upon the proposed Mount Katahdin State Park, I accepted the invitation with pleasure, for I well knew there was no organization in our State to whom this project would appeal with more force than to the Maine Sportsmen's Fish and Game Association. You know the out-of-doors; you study the hillsides, the valleys, and the wild life of the woods, and you, of all our citizens, appreciate that spiritual, as well as physical, benefits are to be derived from a close contact with nature.

Mount Katahdin is located in the very heart of the great timberlands of Maine, the "wild lands" as they usually are called, and in view of this it is fitting that in my remarks I should outline to you the history of these wild lands, in which we are now beginning to take an interest. The history of these lands is fascinating. It is a story of violent speculation in which fortunes were lost and men's reputations ruined, and in which fortunes were won and great timber-owning families were established, and made wealthy for generations to come. It is a story of intrigue and corruption, where powerful and selfish men often took that to which they had no right, from those too weak to defend themselves and their property. It is a story in which the rights of the people in a princely inheritance were given away or bartered for a song, for the folly of which future generations forever will pay.

There are today in Maine about 14,000,000 acres

of timberlands of which 9,100,000 comprise the so-called "wild lands" which are situated in unorganized townships and in plantations. The greater part of these lands was once the property of the people of this State, and, had our forefathers handed down to us this great domain, what a transformation would have been wrought in the life and institutions of our State!

In the early years these lands were sold for trifling sums per acre to pay current expenses of the State Government, to build roads, to pay ministers of the gospel, and in 1828, twelve townships were sold in order to raise funds with which to build the State House. From 1836 to 1839 these lands were sold by the State so freely that no taxes were levied, because a sufficient number of townships were disposed of to provide the revenue necessary for State purposes. In 1793 the State sold the so-called Bingham lands, comprising 2,100,000 acres, and the price paid for them was twelve and one-half cents per acre. As late as the year 1813 the people of the State of Maine owned more than 11,000,000 acres of the finest timberland. The final act in this tragedy occurred in 1868, only 53 years ago, and this was the crowning calamity of all. This transaction has been known as the "State Steal." The Legislature of that year passed an act to "aid in the construction of the European and North American Railway" and for the munificent consideration of "one dollar paid by said Railway Company," granted to that Company "all the timber and lands belonging to the State and situated upon the waters of the Penobscot and St. John rivers to be used by said Company to aid in the construction of its contemplated line of railway," which was to provide



means for the defense of the Northeastern frontier. In this deed it is recited that about 1,000,000 acres of land "more or less" are conveyed to the railway "for the purpose named in the act." A careful estimate shows that about 2,700,000 acres were given away by that deed, which the Governor of the State signed. The railroad, as a matter of fact, was constructed for a distance of about twelve miles, but the deed had been signed, sealed and delivered, and thus ended the rights of the people in all that was left to them of a great inheritance.

These facts are of the past; they are incidents of a by-gone day, and regrets are fruitless. Today it is necessary for us to face the situation as it now exists, so that we may plan to build for future generations better than our ancestors built for us. Today the State of Maine, out of this vast area of millions of acres of timberland, is owner of but the paltry amount of 330,837 acres. This land is situated in what is called the "Public Lots" scattered all over the forest area.

The timberlands of Maine are fast passing into the control of a few large corporations and individual holdings. One company today owns more than 1,000,000 acres of land, and as there are about 19,000,000 acres in the entire State, this great company owns one-nineteenth of the whole State of Maine. Thirty-one timberland ownerships own 5,800,000 acres in Maine, which comprise 30% of the entire acreage of the State, or 64% of all the wild lands of the State. This concentration of ownership prevails in other New England States, for the United States authorities show that fifteen ownerships in Maine, New Hampshire and Vermont own more than 15,500,000 acres of timberlands, or

one-fourth of the combined forest areas in those three states. These large ownerships create a great monopoly, which controls prices, dictates terms to the owners of small areas, stifles competition, and at times dominates State legislation by means of their arrogant lobbies. The powerful business and political connections of these great corporations, together with their undoubted control of the supply and distribution of news print paper, gives them a position of extraordinary influence over many of the activities of our State.

Having in mind the fact that the people of Maine once owned these great areas of timberland, is it not fitting that, upon payment of a fair price therefor, the grandest and most beautiful portion of all this great area which the people of the State once possessed, should again become their property?

The Mount Katahdin National Park project was under consideration by Congress for some years. Ex-Congressman Frank E. Guernsey of Dover when a member of the National House, introduced an act providing for the creation of a Federal Forest Reserve in the Katahdin region, but this failed of passage. In 1919 I introduced into the State Legislature an act establishing a State Park in the Katahdin region. I believed that the State of Maine should establish the policy of acquiring waste and burned-over timberlands, in order to make a beginning toward maintaining and increasing the supply of timber and pulp, and in order to provide a recreation ground in the most picturesque region of the State. If this policy is established and continued, the State in the years to come will acquire large areas of lands which are now practically worthless, but which in the future will yield a



harvest that will bring to the State an annual income on the investment. This land can be bought at a low price today, as much of it is of little use to its owners, and the State can afford to carry it until it is ready to be cut in a proper and scientific manner. This purchase by the State will prove a profitable investment, and a direct income will be derived from it when the crop of timber is harvested, while an indirect income will be obtained from the tourist travel that is bound to come to these forest areas if this land is purchased in mountainous and rugged regions, such as that of Katahdin. In addition to these advantages, protection will be afforded to the sources of the waterpowers of the State.

The policy of the State's acquiring these lands is approved by both Federal and State authorities. Notwithstanding today's tendency to decry public ownership, a cry that is often raised by those who seek to perpetuate their long-standing private ownership of natural resources, Mr. H. S. Graves, the Chief Forester of the Federal Government, says: "The States should acquire large forest tracts," and Hon. Forrest H. Colby, Forest Commissioner of this State, a practical forester of wide experience, says: "Federal or State ownership of timberlands particularly of cut-over and neglected lands is to be desired and in a great measure will help to insure a future supply of lumber." Maine with every opportunity and with all conditions favoring such a policy, has done nothing while other states have made splendid beginnings. New York has acquired 2,000,000 acres of timberland and thus controls 60% of the available pulpwood in that state. Pennsylvania has bought 1,000,000 acres, while under the Weeks Act 1,800,000 acres have been purchased

by the United States at an average price of \$5.26 per acre. The Federal Government considers these purchases a good investment and an annual income already is assured from them. Now is the time to establish this policy in Maine, and a trip to the Mountain will convince even the most skeptical. The value of timberlands is increasing constantly, while the owners are becoming more reluctant to sell. In a short time the land we can buy today will be beyond our reach, and Maine will have lost its opportunity. The Great Northern Paper Company was responsible for the defeat of the 1919 act, but that act like many worthy projects, once defeated comes back to the 1921 Legislature with renewed vigor, with a strong and growing public sentiment behind it, and with a fair prospect that those who caused its defeat before may not be able to do so again.

To most people Mount Katahdin is but a name. To those who have both seen and climbed the Mountain it is a wonderful reality, and the memories of a trip to its summit remain vivid through the years. At present the great Mountain, weather-beaten by time and scarred by the avalanche, is almost inaccessible, the journey entailing expense, hardship and discomfort. The grandeur of the Mountain, its precipitous slopes, its massive cliffs, unusual formation and wonderful coloring cannot be surpassed or even equalled by any mountain east of the Mississippi river. Katahdin rises abruptly from the plain to the height of 5,273 feet, and, without foothills to detract from its solitary dignity, stands alone, a grim gray tower overlooking the surrounding country for hundreds of miles. It is small wonder that



the aboriginal Indians believed it to be the home of the spirits of wind, storm and thunder.

The scenery of the White Mountains in New Hampshire is tame and ordinary when compared with that of Mount Katahdin and the range beyond, and Katahdin is not unworthy of a place among the great mountains of the world. To reach the base requires a tedious tramp of from fifty to sixty miles over old and abandoned tote-roads, through fords and swamps, with but an occasional well defined path leading over pleasant ridges covered with great trees, that give welcome shade to the weary traveler. At best it requires from six to seven days of steady walking to make the trip from civilization to the Peak and return. There are several approaches to the Mountain, but the most picturesque is that which leads from the East into the South Basin, where is located Chimney Pond, a beautiful sheet of water, which, among ponds, is as unique in its coloring and setting as Katahdin is among its sister mountains. This pond is surrounded on the South and West by a grand amphitheatre of perpendicular cliffs rising from 1500 to 2000 feet. The water in this remarkable pond is so clear and cold that fish cannot live in it, and it is as uninhabited as the salt brine of the Dead Sea. Its surface mirrors the ever-changing aspects of the clouds and the multi-colored cliffs towering around it. These cliffs are gray, blue, pink, or brown, according as the atmosphere changes from hour to hour, or as the position of the sun is altered.

By day man stands spellbound in that solitude where man himself is an atom at the base of one of nature's noblest creations; by night he is inspired by the majesty of the moon as it rises and

moves westward in a stately curve over the serrated peaks, which throw themselves up into the deep blue of the night as though to join the company of the stars.

The climb to Pamola Peak by a rough trail through stunted pine, over great granite boulders that lie spilled in endless drifts on the side of the Mountain, up the steep slope to the summit, down into the "Chimney" where the rush of air threatens to tear one's feeble grasp from the cliffs to which one clings, and then across the treacherous "Knife Edge" to Mountain peak, is both difficult and dangerous.

The passage of the Knife Edge requires a cool head and sure footing, and I am not ashamed to admit that I gladly availed myself of the friendly and reassuring hand of my companion, as I crept gingerly over the rough piles of loose and broken rock. On every hand were countless marks of the lightning's work, which looked like the spattering of lead from bullets that had struck upon the stone leaving a grayish film surrounded by the shattered rock. Lightning has bombarded this Mountain top for ages, but Katahdin, unconquered and unafraid, still holds aloft its noble head.

Here man has provided none of those aids to mountain climbing which one finds conveniently placed in the difficult passes of the Alps, or in some portions of the Rockies. On Monument Peak is heaped up a pile of stones to mark the summit, in the crevices of which is kept a copper box, and those who have the courage and strength to attain that peak are supposed to deposit their names in the box, as proof that at last they are numbered among those genuine mountain climbers who possessed



the endurance to climb the highest and the roughest mountain in New England.

The great plateau extends for miles from the South Peak to the North Peak. It is wind-swept and strewn with huge granite boulders that seem to have been shaken from the clouds by a giant hand. It is covered in places with a dense growth of knee-high scrub spruce and pine, through which it is impossible for man to pass. This plateau once was the home of a large herd of caribou, all of which were killed or driven northward by the relentless hunter. I have talked with woodsmen who distinctly remember these strange animals as they grazed over this elevated feeding ground, or stood on the edge of the Mountain looking over into the great space beyond.

There is a growth of moss and small plants in places, that gives this area the appearance of the sub-Arctic tundra. Standing here one sees the Laurentian Mountains on the north bordering the St. Lawrence River, and the Atlantic Ocean on the south. At one's feet is a panorama of endless forest, of great lakes that melt away into the distant haze, countless ponds and winding streams with their white markings of falls and rapids, while the dark evergreen growth, here and there outlined by the lighter growth of the hardwoods, extends in all directions. The wilderness of the forest seems endless.

It is interesting to know that on this tableland are springs of water flowing out from the rocks at the height of 5000 feet above the surrounding country, and on the hottest day in summer the water is cool and refreshing. Here in August, 1920, in the shade of a huge boulder and by the side of these

running springs, gathered a little group of tired men, among whom were Charles P. Barnes, Speaker of the Maine House of Representatives, Arthur G. Staples and Sam E. Connor of the Lewiston Journal, Willis E. Parsons, Commissioner of Inland Fish and Game, Burton W. Howe of Patten, Nathaniel C. Howe of Ashland, Charles A. Fogg of Houlton, George A. Houghton of Bangor, and the writer of this address, who discussed the Mount Katahdin Park from every angle and pledged their support to the cause.

In 1903 a huge forest fire, the most destructive in the history of the State, destroyed about 270,000 acres in this mountain region. Of this area 115,000 acres were surveyed recently by the United States Government and it is in this area that Mount Katahdin Park is to be located. Today the conditions for the establishment of this park are ideal. The cost of the land should be low, as its value for timber purposes is trifling. The park is in the very heart of the mountain where the scenery is the grandest and most varied. Whatever timber there is on the slopes of the mountain is so inaccessible as to make it valueless, for its removal is impossible; while at the base of the mountain in one section of the park is a new growth of poplar, birch and other woods, which in a few years will become of value, and when properly harvested will furnish an income to the State. The land will be worth to the State, as land only, all that it costs and will prove a good investment. Unlike certain great institutions of the State that are a constant drain upon its resources with their ever-increasing demands, this project will prove self-sustaining, and of increasing value in the passing years.



The proposed park covers an area of 57,232 acres and comprises the whole of Mount Katahdin, and Katahdin Lake, of itself one of the most beautiful of all Maine's lakes, and which abounds with trout. The boundaries of the park can be extended later if succeeding legislatures deem such extension advisable. This park will prove a great attraction, not only to the people of Maine who will frequent it, but also to those who come from without our State to enjoy the free life of the out of doors. The park will bring health and recreation to those who journey there, and the wild life of the woods will find refuge from their pursuers, for the park will be made a bird and game sanctuary for the protection of its forest inhabitants. Roads, trails, and camps will be built in the most favored locations, and the camps will be rented for nominal sums to those who wish to use them. For those who want hard mountain climbing, trails will be laid out over difficult routes to the top of the mountain, while easier trails will be provided for those who do not desire to make the supreme effort. Katahdin then will become a great recreation center for those who seek the woods that are unspoiled by fashionable hotels with liveried attendants, or by costly club houses frequented by the devotees of tennis and golf.

The establishment of this park is not connected with party politics, but the Republican platform of 1920 endorsed it, and the Democrats of the same year favored State ownership of burned-over and denuded timberlands. Governor Parkhurst in his inaugural message to the Legislature stamped it with his approval; your Fish and Game Association has adopted resolutions supporting it, and all the

while public sentiment is rapidly being crystalized in its favor.

Maine is famous for its 2500 miles of seacoast, with its countless islands, for its myriad lakes and ponds, and for its forests and rivers, but Mount Katahdin Park will be the State's crowning glory, a worthy memorial to commemorate the end of the first and the beginning of the second century of Maine's statehood. This park will prove a blessing to those who follow us, and they will see that we built for them more wisely than our forefathers did for us. Shall any great timberland or paper-making corporation, or group of such corporations, themselves the owners of millions of acres of Maine forests, say to the People of this State, "You shall not have Mount Katahdin, either as a memorial of your past or as a heritage for your future?"



—LEGEND—  
 MAINE FORESTRY FOREST FIRE STATION  
 ROADS  
 TRAILS  
 PUBLIC LOTS  
 PROPOSED KATAHDIN AREA  
 BY ORDER OF STATE LEGISLATURE

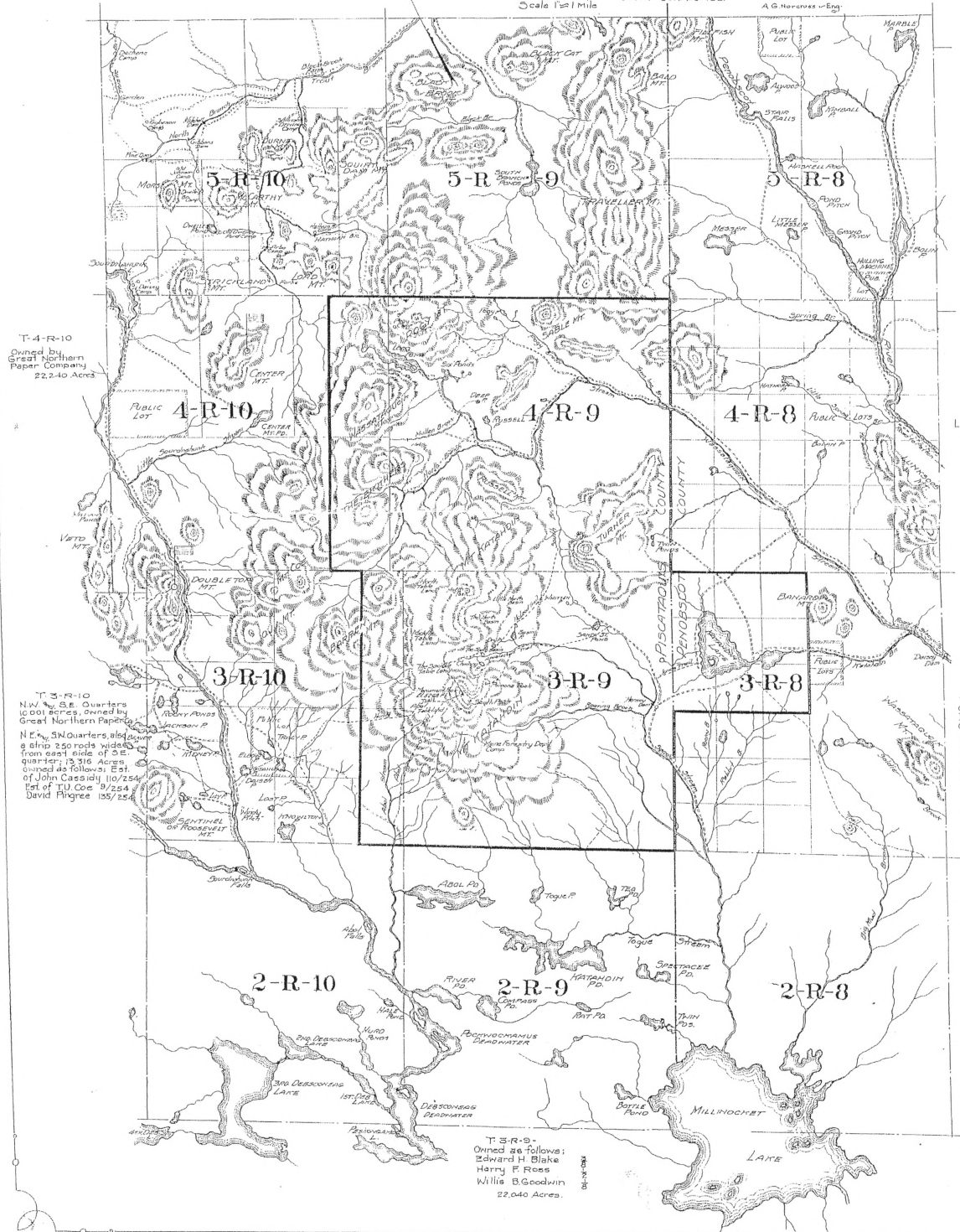
— MAP —  
 OF  
**MT. KATAHDIN STATE PARK**  
 PISCATAQUIS AND PENOBSCOT CO'S  
 MAINE

— COMPILED BY —  
 MAINE FORESTRY DEPARTMENT  
 AUGUSTA - MAINE

In accordance with order of Legislature  
 Dated Jan 20-1921

Scale 1" = 1 Mile

A. G. Hervey - Eng.



STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

ARMISTICE DAY - NOVEMBER ELEVEN - 1924

To the People of the State of Maine

Who shall open this box in the years to come

Greetings!

It was at first planned to have some simple, commonplace tablet placed upon the bridge as its memorial feature and \$5000 was appropriated for the purpose. This plan was about to be carried out when I came into the Governorship.

Due solely to my initiative and efforts and upon my suggestion the land on which this memorial is placed, bounded by four streets, was condemned and acquired by the State and dedicated for memorial purposes exclusively. My next step was to obtain a suitable design for the memorial itself. After consulting with sculptors and artists and conveying to them my ideas as to what I wanted, I selected the granite and bronze that today is to be formally dedicated. This entire memorial was conceived and carried out by me, the Smith Granite Co. of Westerly, Rhode Island and Miss Bashka Paeff of Boston, Mass. doing the granite and the sculptural work respectively. The Governors Council and Soldiers' Memorial Committee merely ratified my plans.

War is based on hate and selfishness: Military power is fostered by vanity and pride and those who seek to perpetuate it do so to retain power and position.

I have spoken for Peace until they call me a Pacifist. I have endured abuse and ridicule because I have stood against those who by glorifying War hold back the World's progress toward Peace.

Our sailors and soldiers were brave men; they did their duty and rendered noble service. Civilians also are called upon to serve in times of Peace, and their heroisms entitle them to a place of honor on the Nation's rolls. All good citizens respond when called upon to serve, some in one way, others in another.

War must go. Its cruelty, its shame, its false glory have dominated human thought far too long.

This bronze tablet is unique. Some sculptors wanted me to accept designs showing soldiers with guns and bayonets, dressed in uniform and accoutered for war. These were tawdry and common. This bronze teaches the lessons of War's devastation, waste, and portrays its sacrifice. In the background the wounded are being helped to places of safety. I like the distant figures, they portray man's finest qualities. The dogs are given prominent positions, one in the foreground lying beside his dead Master, the other following the wounded, every ready to



respond. The dog is man's most faithful affectionate and loyal friend: I insisted that he be recognized.

No doubt the World would be a far better place in which to live when this box is opened than it is today. Nations will be living peacefully side by side, wars will have gone forever and the Golden Rule will be much more nearly the adopted standard of conduct than it is today.

I have been Governor of Maine for four years, 1921, 1922, 1923, 1924. During that period I have been my own Master. My actions have been criticized by my enemies and my good deeds praised by my friends. The only enemies I have are the great corporations and their satellites and retainers. The people of Maine are my friends and believe in me. That is ample reward. My service has been filled with interest, I have done my duty fearlessly, and am grateful for the opportunity that was given me to serve my State. I love the people of Maine and I love every foot of her soil. I leave office in a few weeks, cheerful and happy, but with regret that I can not do all the things I would like to do for my State and her People.

During my four years I have stood for the State's retaining ownership of her publicly owned water resources, of which there are not many left, and for their development by the State in the public interest. Moreover I have consistently maintained that the People own all the water in the lakes of Maine and should derive a direct income from such ownership. Public sentiment has not kept pace with my ideas, but the day will come when my views will be adopted. I hope it will not be too late.

The Children and the Dumb Animals of Maine have been my chief concern. I know the schools of Maine, have made friends with countless children and have done my best to stimulate them to work hard and to strive for the things that are really worth while. There is shocking neglect of, and much cruelty to animals in Maine. I have championed the animal cause. The law, against the sale of poor old horses, that prohibiting vivisection in the public schools, the law against exhibiting motion pictures in the production of which cruelty to animals was involved, all are my laws. I wish I might have done more, but I have made people think about animals and have led in the fight for those who can not speak for themselves. I want to be kind to every living creature.

My dog Garry II, Irish Setter lived with me in Augusta and when he died I ordered both flags, the U.S. flag and the Maine flag lowered at the State House for him. This created a great discussion all over the country, even from across the seas. I did it deliberately to call man's attention to his duties toward the animals who serve and comfort him. I am glad I did it, and never have regretted doing so. My political enemies rejoiced thinking that I had committed political suicide. The answer is: I leave office stronger than I ever was before. Good old Garry II was the first dog in history to be thus honored. His spirit lives on and through him, dumb animals the World over will be treated more kindly and more mercifully.

In a few lines I can not review my life or my work. I am to be 49 years of age on November 22nd, 1924. Have served in the State House of Representatives three terms 1905-6, 1917-18, 1919-20; served in the State Senate 1909-10, and from January 5-31, 1921, when as

President of the body, on the death of Governor Frederick H. Parkhurst I became Governor for 1921-22. I was elected Governor for 1923-24.

I am unmarried. Once I asked Margaret Payson of Portland to be my wife (January 18, 1914) but she declined. She still is unmarried. There is a young woman who now lives in Italy (Rome) who, were I a few years younger, I would ask to be my wife. Donna Santa Borghese, of the House of Borghese, daughter of the Head of that illustrious family. She is 27 years of age, attractive, brilliant, friendly and lovable. No doubt she would refuse me, for my surroundings differ so from hers that she would not be happy and contented here. She is wonderful: the few days I was with her will never be forgotten. She stimulates all with whom she comes in contact to do their best; she brings out the best in them. Maybe I shall see her again, but I almost fear to do so: it is hopeless. Her picture is in this letter and her full name is

Donna Santa Gaetana Sandomia Borghese, PhD.

Palazzo Borghese, Rome Italy

My sister Mrs. Madeleine B. Tomlinson and her two sons James Baxter and Edward have lived with me at the Blaine House Augusta for more than a year. Garry III, 2 years 5 months is my constant companion (Irish setter). Miss Susan Ballow of Bath is my housekeeper, faithful and friendly, a most unusual woman.

What I am to do after retiring from the governorship is doubtful. I hope to continue to be useful, and to do my part as a citizen. With health, means, position and experience I ought to find some niche into which I will fit.

My sister Emily Poole Baxter July 15-1874-September 4-1921 was my devoted friend. She believed in me and I in her. Her loss was my greatest affliction. Had she been with me during these years she would have advised me kindly and wisely. She was brilliant, talented, simple of taste, loveable and her presence would have strengthened me. I know that her spirit has guided me and comforted me.

During the World War, 1917-1919 I was Chairman of one of the two Draft Boards in Portland, Me., and served throughout the War. It was a great experience and I learned much of human nature through contact with many of the 8000 men on my lists. It was real service, somewhat unappreciated by the public at large, but it was a vital part of the Country's Military resources.

This is but a brief and incomplete record, but as it may rest undisturbed for centuries beneath the granite block on the floor of the Memorial, it may prove of human interest to the Men and Women of Maine of - I know not when.

Percival Proctor Baxter  
Governor of Maine



# State of Maine

In the Year of Our Lord Two Thousand and Six

## JOINT RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF BAXTER STATE PARK

**WHEREAS**, on March 3, 1931, the former governor of the State of Maine, Percival Proctor Baxter of Portland, deeded to the people of the State of Maine some 5,760 acres of land, including Mount Katahdin, the highest mountain in Maine, known to Native Americans, Maine's first peoples, as the "Greatest Mountain"; and

**WHEREAS**, over the following 31 years, Governor Baxter presented to the people of Maine 28 further parcels of public park land, totaling some 195,058 acres, acquired through his own perseverance and at his own personal expense, to "show to the people of my native state my appreciation of the honors they conferred upon me in the years gone by"; and

**WHEREAS**, in 1962, Governor Baxter's final donation of public park lands brought to some 200,000 acres in total those he personally presented to the people of Maine, which, he wrote, "shall forever be retained and used for state forest, public park and public recreational purposes ... shall forever be kept and remain in the natural wild state ... shall forever be kept and remain as a sanctuary for beasts and birds"; and

**WHEREAS**, in acknowledgement of the enduring spirit of these gifts and deeds of trust thus established, in 1931 the 85th Maine State Legislature named the highest peak of Mount Katahdin "Baxter Peak," and the 105th Maine State Legislature's 1971 statement of purpose proudly established Baxter State Park with the words: "Seldom has a more generous gift been presented to a people than has been given by Percival Proctor Baxter to the people of the State of Maine ..., to preserve the trust impressed upon them, to ensure for themselves and for future generations the fullest use of Baxter State Park consistent with the desires of the donor"; and

**WHEREAS**, following subsequent gifts and purchases, including the Togue Pond purchase, the Bowater purchase and the Katahdin Lake acquisition, today Baxter State Park comprises some 205,000 acres, making it one of the largest state parks in the United States and the very largest ever given by an individual; and

**WHEREAS**, enduring world wars, forest fires and storms natural and political, enhanced by the youthful work of the Civilian Conservation Corps, embraced by generations of visitors from around the world and weathering the world's ever-changing expectations of wilderness, Mount Katahdin and Baxter State Park still stand as symbols of the solitude, steadfastness and independence that is the spirit of the State of Maine; now, therefore, be it

**RESOLVED**: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in our deliberations to recognize and commemorate the determination, foresight and perseverance of Governor Percival Proctor Baxter on this, the 75th Anniversary of his original magnificent and enduring gift to the people of his native State of Maine; and be it further

**RESOLVED**: That We do reaffirm for the 21st century our gratitude for and dedication to the spirit and generosity of the deeds of gift of Governor Percival Proctor Baxter that endure in Mount Katahdin and Baxter State Park and are expressed for all future generations in his assertion that: "Buildings crumble, Monuments decay, Wealth vanishes, but Katahdin in all its glory, Forever shall remain The Mountain Of the People of Maine"; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of Governor Percival Proctor Baxter, to the former and current directors of Baxter State Park and to Baxter State Park Authority headquarters in Millinocket, Maine for display on behalf of the people of Maine, "the Pine Tree State."

House of Representatives  
Read and Adopted  
May 24, 2006  
Sent up for Concurrence  
Ordered Sent Forthwith

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk of the House

H.P. 1509

ATTEST: *John Richardson*  
JOHN RICHARDSON  
Speaker of the House of Representatives

Sponsored By:

Rep. Herbert Adams  
of Portland

*Herbert C. Adams*

Cosponsored By:

President Beth G. Edmonds  
of Cumberland  
Rep. James D. Annis  
of Dover-Foxcroft  
Rep. Walter E. Ash, Jr.  
of Belfast  
Rep. Christopher W. Babbidge  
of Kennebunk  
Rep. Christopher R. Barstow  
of Gorham  
Rep. Patricia A. Blanchette  
of Bangor  
Rep. Lawrence Bliss  
of South Portland  
Rep. Richard B. Brown  
of South Berwick  
Rep. Mark E. Bryant  
of Windham  
Rep. Richard J. Burns  
of Berwick  
Rep. Emily Ann Cain  
of Orono  
Rep. Marilyn E. Canavan  
of Waterville  
Rep. Roderick W. Carr  
of Lincoln  
Rep. Herbert E. Clark  
of Millinocket  
Rep. Margaret M. Craven  
of Lewiston  
Rep. Charles Earl Crosby III  
of Topsham  
Rep. Glenn A. Cummings  
of Portland  
Rep. Timothy E. Driscoll  
of Westbrook  
Rep. Robert S. Duchesne  
of Hudson  
Rep. Benjamin F. Dudley  
of Portland  
Rep. Michael Edward Dunn  
of Bangor  
Rep. Robert W. Duplessie  
of Westbrook  
Rep. Jane E. Eberle  
of South Portland  
Rep. Peter Edgecomb  
of Caribou

Rep. Sean Faircloth  
of Bangor  
Rep. Charles D. Fisher  
of Brewer  
Rep. Patrick S. A. Flood  
of Winthrop  
Rep. Stan Gerzofsky  
of Brunswick  
Rep. Connie Goldman  
of Cape Elizabeth  
Rep. Carol A. Grose  
of Woolwich  
Rep. Stephen P. Hanley  
of Gardiner  
Rep. Randy E. Hotham  
of Dixfield  
Rep. Deborah J. Hutton  
of Bowdoinham  
Rep. Arlan R. Jodrey  
of Bethel  
Rep. Theodore S. Koffman  
of Bar Harbor  
Rep. Arthur L. Lerman  
of Augusta  
Rep. Jacqueline A. Lundeen  
of Mars Hill  
Rep. Elaine Makas  
of Lewiston  
Rep. Boyd P. Marley  
of Portland  
Rep. Edward J. Mazurek  
of Rockland  
Rep. Elizabeth S. Miller  
of Somerville  
Rep. H. Sawin Millett, Jr.  
of Waterford  
Rep. Janet T. Mills  
of Farmington  
Rep. Stanley A. Moody  
of Manchester  
Rep. Jacqueline R. Norton  
of Bangor  
Rep. Lillian LaFontaine O'Brien  
of Lewiston  
Rep. David N. Ott  
of York  
Rep. Rosaire "Ross" Paradis, Jr.  
of Frenchville

In Senate Chamber  
Under Suspension of the Rules  
Read and Adopted  
May 24, 2006  
In Concurrence

*Joy J. O'Brien*  
JOY J. O'BRIEN  
Secretary of the Senate

ATTEST: *Beth Edmonds*  
BETH EDMONDS  
President of the Senate

Rep. John L. Patrick  
of Rumford  
Rep. Leila J. Percy  
of Phippsburg  
Rep. Anne C. Perry  
of Calais  
Rep. Donald E. Pilon  
of Saco  
Rep. Raymond G. Pineau  
of Jay  
Rep. Hannah Pingree  
of North Haven  
Rep. John F. Piotti  
of Unity  
Rep. Peter L. Rines  
of Wiscasset  
Rep. Sonya G. Sampson  
of Auburn  
Rep. James M. Schatz  
of Blue Hill  
Rep. Roger L. Sherman  
of Hodgdon  
Rep. Deborah L. Simpson  
of Auburn  
Rep. Nancy E. Smith  
of Monmouth  
Rep. William J. Smith  
of Van Buren  
Rep. Judd D. Thompson  
of China  
Rep. John L. Tuttle, Jr.  
of Sanford  
Rep. Linda M. Valentino  
of Saco  
Rep. William R. Walcott  
of Lewiston  
Rep. Thomas R. Watson  
of Bath  
Rep. David C. Webster  
of Freeport  
Rep. Walter A. Wheeler, Sr.  
of Kittery

Rep. Richard G. Woodbury  
of Yarmouth  
Sen. Mary Black Andrews  
of York  
Sen. Bruce S. Bryant  
of Oxford  
Sen. Dean F. Clukey  
of Aroostook  
Sen. Jonathan T. E. Courtney  
of York  
Sen. Scott W. Cowger  
of Kennebec  
Sen. Dennis S. Damon  
of Hancock  
Sen. Paul T. Davis, Sr.  
of Piscataquis  
Sen. Kenneth T. Gagnon  
of Kennebec  
Sen. Barry J. Hobbins  
of York  
Sen. John L. Martin  
of Aroostook  
Sen. Arthur F. Mayo III  
of Sagadahoc  
Sen. Elizabeth H. Mitchell  
of Kennebec  
Sen. Kevin L. Raye  
of Washington



In Testimony Whereof, I have caused  
the seal of the State to be hereunto affixed. GIVEN  
under my hand at Augusta, this thirty-first day of May,  
in the year two thousand and six.

*Matthew Dunlap*  
MATTHEW DUNLAP  
Secretary of State



## Appendix D

### Nell Porter Brown, “Saving Katahdin Lake: The Inside Story” (*The Trust for Public Land, New England: Summer 2007*)



*Spectacular Katahdin Lake, with Mount Katahdin reflected in it, eluded the founder and stewards of Baxter State Park, until TPL transferred it to the Park last December.*

Bridget Besaw

## SAVING KATAHDIN LAKE: THE INSIDE STORY

BY NELL PORTER BROWN

During his lifetime, former Maine Governor Percival P. Baxter worked single-handedly to buy and donate to the people of Maine the 28 separate parcels totaling more than 200,000 acres that today comprise Baxter State Park. His vision first materialized in 1930 with the purchase of land that contained one of Maine's most exquisite natural wonders, Mount Katahdin. In the ensuing years, Baxter, and others, tried to preserve another nearby gem: Katahdin Lake, in which the mountain is perfectly mirrored on a clear day. Every effort failed until, in 2003, Maine Governor John Baldacci asked his Department of Conservation (DOC) and The Trust for

Public Land to spearhead the effort to secure the lake and its surrounding old-growth forests and add it to the park.

The resulting unprecedented deal which officially preserved the 6,691 acres as public land in December, thereby completing Baxter's original plan for the park took not only two years of negotiating with the land's owners, months of public debate, and the hard-won approval by the Maine Legislature, but a historic \$14 million private fundraising effort and, finally, help from well over 1,000 artists, businesses, foundations, agencies, and individuals who simply loved the park and believed in the cause. "This project nearly died a dozen times," says

*(continued on page 3)*

## SAVING KATAHDIN LAKE: THE INSIDE STORY *(continued from front page)*

Sam Hodder, TPL's Senior Project Manager in Portland. "But so many people took ownership and responsibility for it. And we did not give up."

Why was this a particularly challenging project, and how did TPL pull it off?

The first hurdle was acquiring the land from a somewhat reluctant seller. The long-established Gardner Land Company in Lincoln, Maine, having purchased the property for its timber value, hesitated to sell the acreage outright, and agreed only to swap Katahdin Lake for other woodland parcels. "We talked all through 2004, making trips back and forth to Lincoln," says Hodder. "The Gardners were terrific to work with, and kept their harvesting operations out of the lake area until just before we came to terms in February of 2005." That spring, TPL and the DOC assembled a package of trade lands that would be acceptable both to the state and the Gardners. First, TPL agreed to purchase over \$7 million in private land that was identified with the help of The Nature Conservancy. Second, the DOC and the Gardners agreed to a group of state-owned woodlots that would be appropriate for private ownership.

"To release the public lots the Maine Legislature needed a 2/3 majority vote," explains Ralph Knoll, former DOC deputy director. "And that's when the political debate began." The North Woods is something of a lightning rod for Mainers: should it be preserved wilderness? Used to spur economic growth and jobs? Open to hunting and motorized recreational vehicles? Should all parcels serve all purposes? If Katahdin Lake were added to Baxter State Park, it would be off limits to hunters and motorized vehicles, as are all of the park's "core lands" surrounding Mount Katahdin.

People across the state weighed in, as did the media, and from the opening of the public comment period in February 2006, until a final vote was taken in April, Hodder, DOC Commissioner Patrick McGowan and his staff (as well as other proponents, such as longtime park superintendent Buzz Caverly, the Friends of Baxter State Park, members of the Baxter Park Authority, and Baxter historian Howard Whitcomb) spent uncountable hours in Augusta, at meetings and on the phone, persuading people to support the project. To complicate matters further, by law, the state could not just trade the lands to Gardner for the lake; each property had to be sold for cash (to TPL) and the cash used for conservation projects within the district in which each piece of land was located. This set off separate, localized debates that also threatened to derail the primary approval process for the swap lands. "This project had so many working parts that all had to add up in

AP Photo: Robert F. Bukaty



*A lone skier enjoys the wintry stillness of Katahdin Lake, and its breathtaking views of the mountains in Baxter State Park.*

sync," says Commissioner McGowan. "I don't think there's ever been, in the history of Maine, a project in which this department had as many resources committed to it."

After weeks of scrutiny, research, and deliberations, members of the Joint Committee on Agriculture, Conservation, and Forestry endorsed a compromise bill stipulating that the lake and 4,119 surrounding acres that were part of Governor Baxter's original vision be added to the park, but that 2,572 acres to the north be managed by the DOC (for which the state would pay \$2.5 million). Legislators of both houses voted 90 percent in favor of this arrangement.

By now it was April, and TPL faced the daunting challenge of raising the remaining \$11.5 million by December. "Preserving the integrity of the project and satisfying the donors, politicians, environmental groups, and foundations, was such an intricate balance," says TPL Senior Project Manager Badge Blackett, who also worked on the project. "That we held all these fragile levels of interest together was miraculous."

"The people of Maine really stepped up," reports McGowan. Donors included people like Terry Shortsleeve, a Maine teacher for 32 years who read about the effort in the *Portland Press Herald* and e-mailed a reporter to ask how she could help. And Judy Cook, an L.L. Bean employee who gave \$100 after receiving a campaign letter from Buzz Caverly, then shared news of the campaign with colleagues. L.L. Bean itself was also a strong supporter at the corporate level, stepping forward with one of the first and largest gifts

*(continued on next page)*





*Following a long tradition, artists David Little (L) and Chris Huntington paint the glorious fall landscape around Katahdin Lake.*

of the campaign. In addition, company chairman Leon Gorman and his wife, Lisa, personally supported the project with a major donation. "Katahdin has long been an icon of the Maine landscape. L.L. Bean has many strong connections to this grand massif," Gorman says. "My compliments to Governor Baldacci, Commissioner Pat McGowan, and TPL for providing critical leadership to protect the jewel in Maine's crown. We feel very strongly about conserving this important part of the state's outdoor heritage for current and future generations."

Camden National Corporation also made a major gift—one of the highest amounts the financial services company has ever given to one cause. "In order to survive we need to thrive, and that is all about partnerships," says company president and CEO Bob Daigle, "and we consider this a very important public-private partnership not only to sustain Camden National, but to sustain Maine's economic base through investments in its national treasures: its natural assets."

Artists, long inspired by Katahdin's iconic majestic landscape, raised \$27,000 through donating 18 paintings to a benefit auction at the Portland Museum of Art last summer. "The artist as conservationist is just such a natural mix," said Evelyn Dunphy, of West Bath, who has painted on the shores of Katahdin Lake for a decade. "My image of an activist is someone who marches and writes letters to newspapers. What this showed me is that I could work by myself in my studio and that my work could

be used to help save a place that was so near and dear to me—that one person really can do something. Whatever I have donated has been returned to me many times over by the friends I've made, and the sheer thrill of knowing we've saved the lake."

Many welcomed the opportunity to give. James J. Mathos, of Munhall, Pennsylvania, sent his check in with a handwritten letter. "I wish to express my sincere gratitude for making it possible for posterity to find peace, solace, and tranquility in Baxter State Park," he wrote. Always driving the 1,000-mile roundtrip from his home, and staying at the Roaring Brook Campground, Mathos has climbed Katahdin ten times: first, in 1952 at the age of 26, and last as a 78-year-old man, upon his wife's passing. "I climbed it with my children. I've climbed it with my brother. That place has had special significance in my heart all my life," he says. "I was so glad to be able to help."

With only two weeks until the December 15 deadline, a New York philanthropist who had made two trips to the lake and who had closely studied the project, finally decided to contribute the last major gift that brought the fundraising campaign across the finish line. All told, donations ranged from \$5 to over \$2 million, and came from 1,022 individuals, businesses, and foundations. It was a record-breaking achievement. "This \$14 million," according to DOC Commissioner McGowan, "was the largest amount of money raised in the shortest amount of time for a conservation project ever in Maine's history. Katahdin Lake is one of the most special places in New England." ♣



*Ian White painting*

For a look at how Katahdin inspires contemporary artists, visit the North Light Gallery in Millinocket, near Baxter State Park ([www.artnorthlight.com](http://www.artnorthlight.com)). Owner/artist Marsha Donahue is a native Mainer devoted to exhibiting the work of artists who paint, draw, and sculpt aspects of Maine's interior landscape. Donahue and artist David Little have also organized an exhibit of works by 23 artists involved in the Katahdin Lake campaign. "Taking Different Trails: The Artists' Journey to Katahdin Lake" will be on display at the Bates College Museum of Art in Lewiston, Maine, January-March, 2008. Artist Evelyn Dunphy is a landscape painter who works mostly in watercolor, and has produced many luminous works from the shores of Katahdin Lake. Her work can be seen at her West Bath, Maine, studio (by appointment), at the North Light Gallery, and on her website, [www.evelyndunphy.com](http://www.evelyndunphy.com).





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## About the Author:

Professor Whitcomb, a graduate of Brown University, received his Ph. D in Political Science from Rockefeller College, University at Albany. He taught American politics and constitutional law at Colgate and Lehigh universities, respectively, for a period of thirty-five years prior to retiring as an Emeritus Professor of Political Science from Lehigh in 1999.

He is the co-author of both *Judicial Administration* and *The Legal Foundations of Public Administration*, a multi-edition administrative law text for public administration students. In 1973-1974, he served as a Supreme Court Fellow in the Office of the Administrative Assistant to the Chief Justice of the United States.

Howard first climbed Katahdin in 1952 and has returned regularly to Baxter State Park ever since. He compiled and annotated for Friends of Baxter State Park the four-volume set, *Percival P. Baxter's Vision for Baxter State Park*, in 2005. He is a charter member of Friends and has been on its Board of Directors since 2005.

He resides with his wife, Annie Merrill, in Georgetown, Maine.

## About Friends of Baxter State Park:

Friends of Baxter State Park is an independent citizen group working to preserve, support, and enhance the wilderness character of Baxter State Park, in the spirit of its founder, Governor Percival Baxter.



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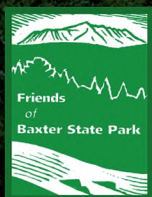
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