

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 32

S. P. 43

In Senate, January 12, 1955.

Read three times under suspension of rules, passed to be engrossed without reference to committee in concurrence.

HARVEY R. PEASE, Clerk.

Presented by Senator Butler of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

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-W E.L.S. Piscataquis County Recorded in Said Registry Book 309 Page 86 sixths (5/6ths) of the Public Lot in Township Six (6) Range Nine (9) 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

WEHREAS 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 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

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.