

LOCATION MAP

GENERAL NOTES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN NOVEMBER, 2022.
2. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON FIELD WORK PERFORMED BY SEBAGO TECHNICS, INC. IN NOVEMBER 2022. TRADITIONAL SURVEY MEANS AND METHODS SUPPLEMENTED WITH LIDAR WERE EMPLOYED IN THE COLLECTION OF THIS TOPOGRAPHIC INFORMATION.
3. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83. ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
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BENCHMARK:

BM-1	DESCRIPTION	ELEVATION: (NAVD88)

LEGEND

	DECIDUOUS TREE
	SIGN
	WATER GATE VALVE
	WATER SHUT OFF
	HYDRANT
	CONTOURS
	SANITARY MANHOLE
	CULVERT
	LIGHT POLE
	UTILITY POLE
	GUY WIRE
	BOULDER
	PHOTO LOCATION
	SURVEY CONTROL



NICHOLAS S. ELLISTON, PLS 2518

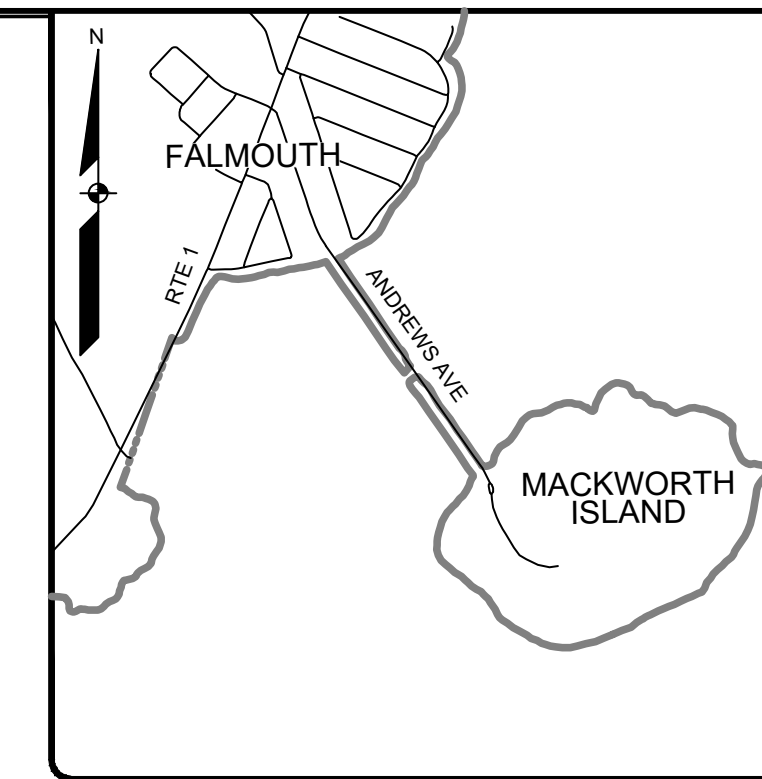
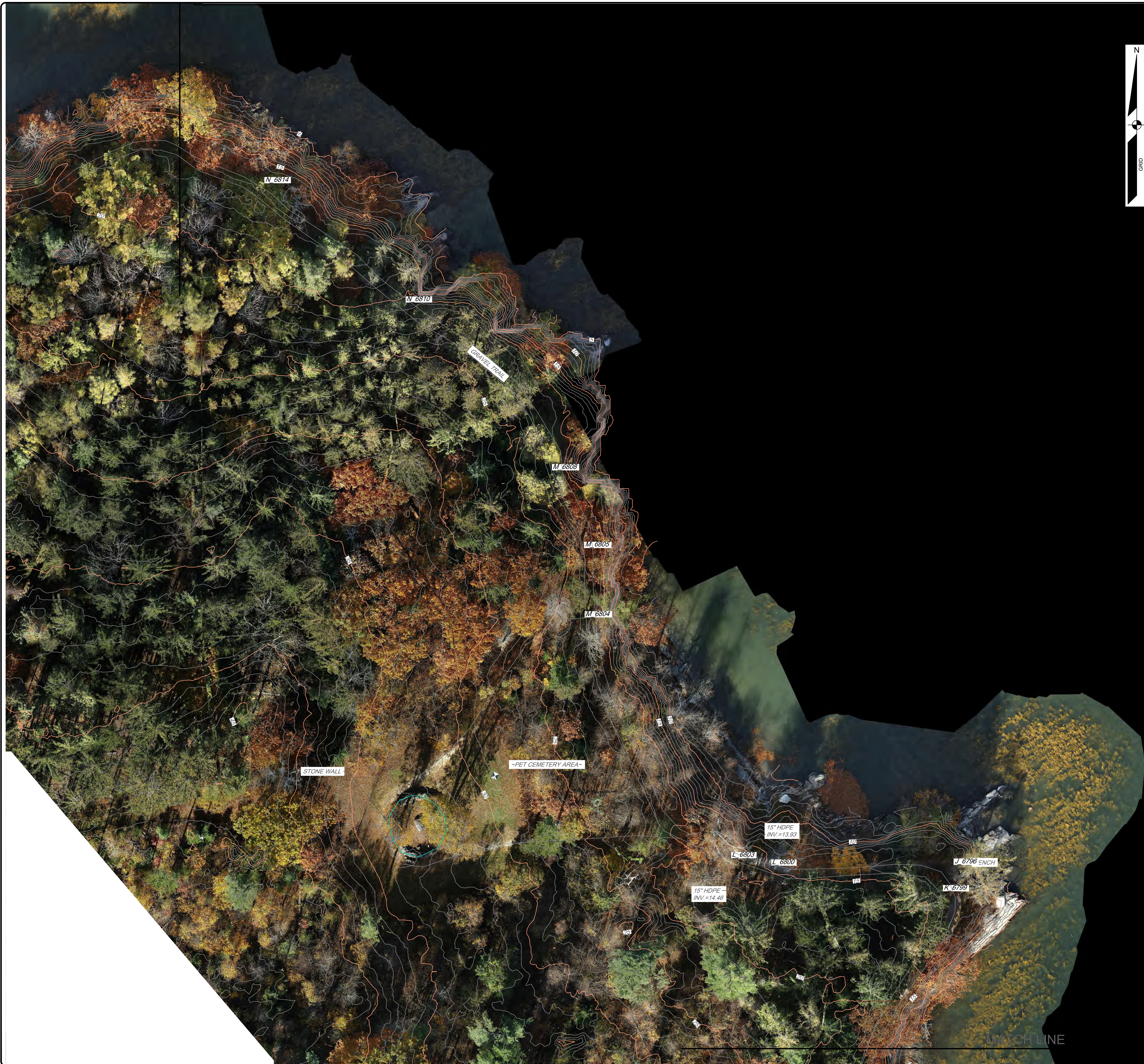
REV	NOSE	DATE	STATUS

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TITCOMB ASSOCIATES
 A Division of Sebago Technics
 75 John Roberts Rd.
 Suite 4A
 South Portland, ME 04106
 Tel: 207-200-2100

EXISTING CONDITIONS SURVEY
 OF:
 MACKWORTH ISLAND TRAIL LOOP
 ANDREWS AVENUE CAUSEWAY
 FALMOUTH, MAINE 04105
 FOR:
HARRIMAN
 23 HARRIMAN DRIVE
 AUBURN, MAINE 04210

DESIGNED	-
DRAWN	JMC
CHECKED	NSE
DATE	11/15/22
SCALE	1" = 30'
PROJECT	220594



LOCATION MAP

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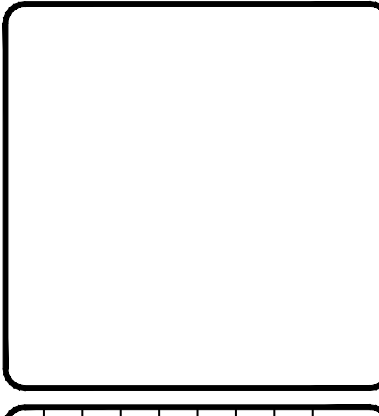
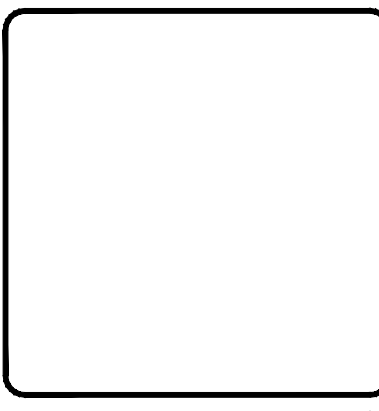
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- CONTOURS
- SANITARY MANHOLE
- CULVERT
- LIGHT POLE
- UTILITY POLE
- GUY WIRE
- BOULDER
- PHOTO LOCATION
- SURVEY CONTROL

NICHOLAS S. ELLISTON, PLS 2518



REV	NO	DATE	STATUS

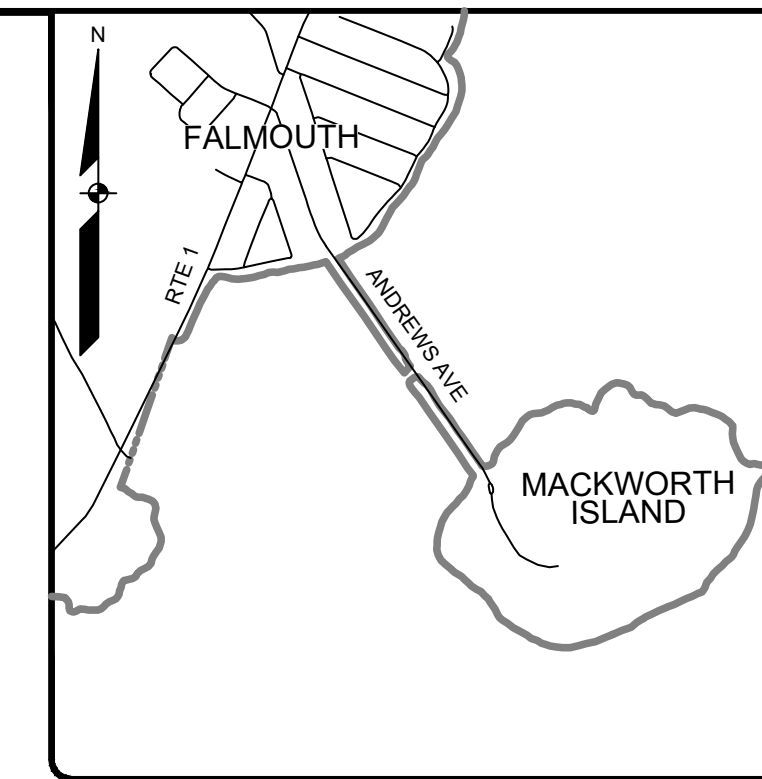
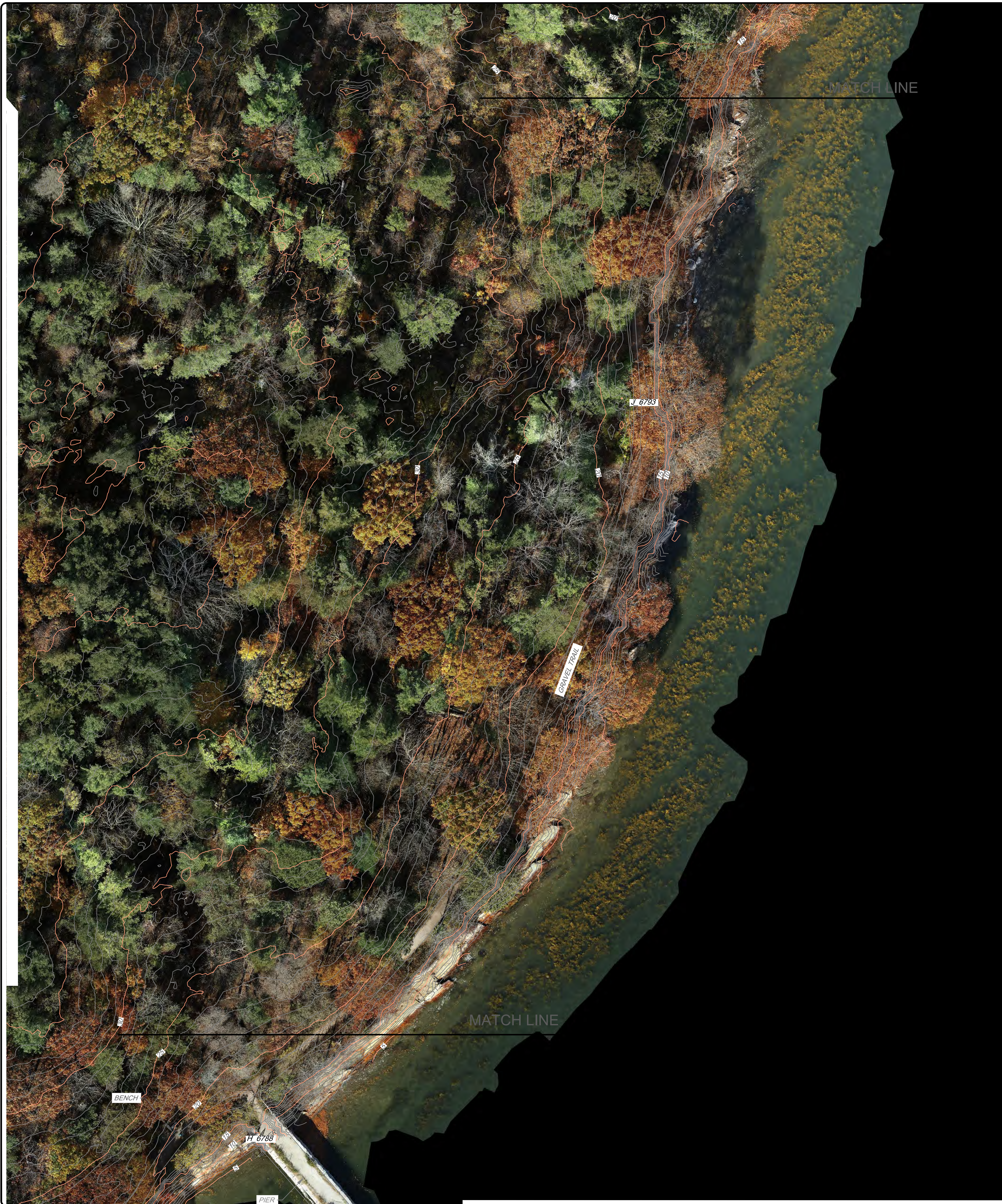
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ALBURNY, MAINE 04210

DESIGNED	
DRAWN	JMC
CHECKED	NSE
DATE	11/15/22
SCALE	1" = 30'
PROJECT	220594

220594.dwg, TAB: NSE SH. 4



LOCATION MAP

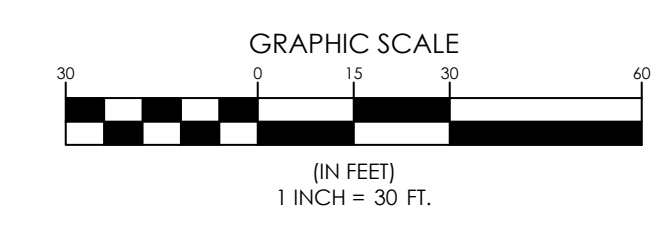
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- SURVEY CONTROL



NICHOLAS S. ELLISTON, PLS 2518

REV	NOSE	DATE	STATUS

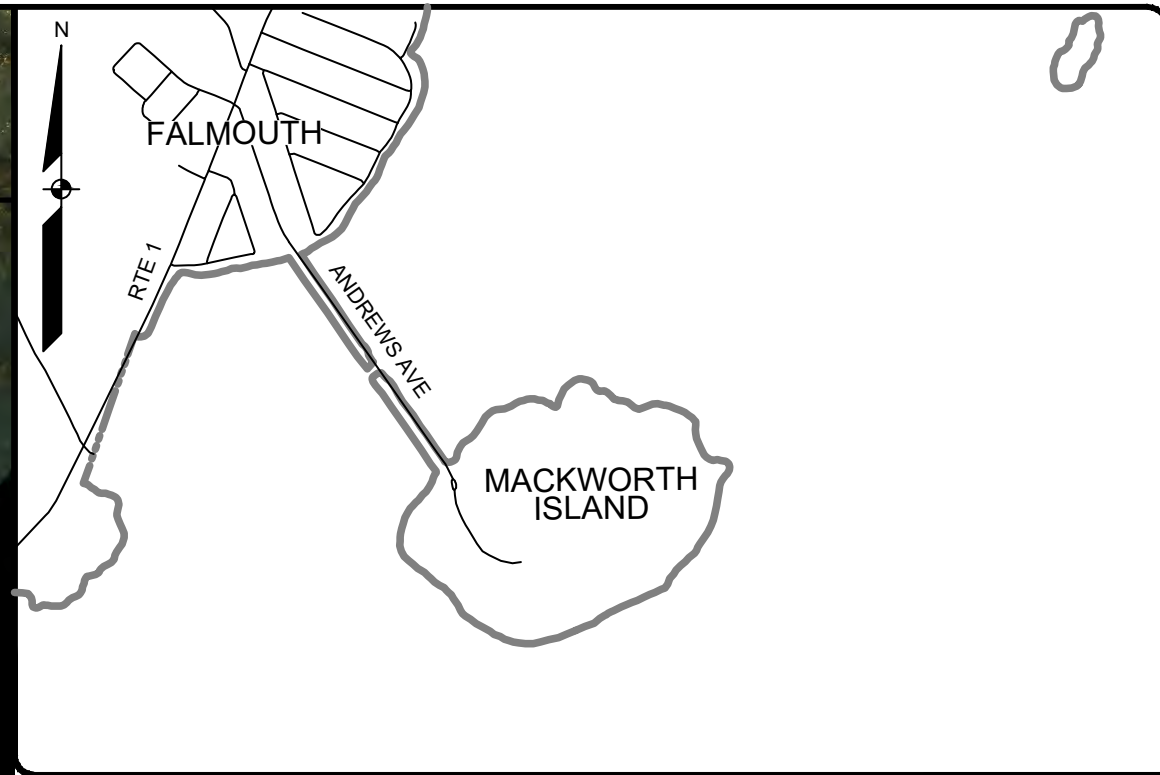
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23 HARRIMAN DRIVE
ALBURN, MAINE 04210

DESIGNED	
DRAWN	JMC
CHECKED	NSE
DATE	11/15/22
SCALE	1" = 30'
PROJECT	220594



LOCATION MAP

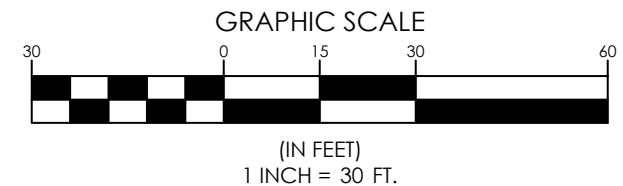
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NICHOLAS S. ELLISTON, PLS 2518	
PLS OR FE	

REV	NO	DATE	STATUS

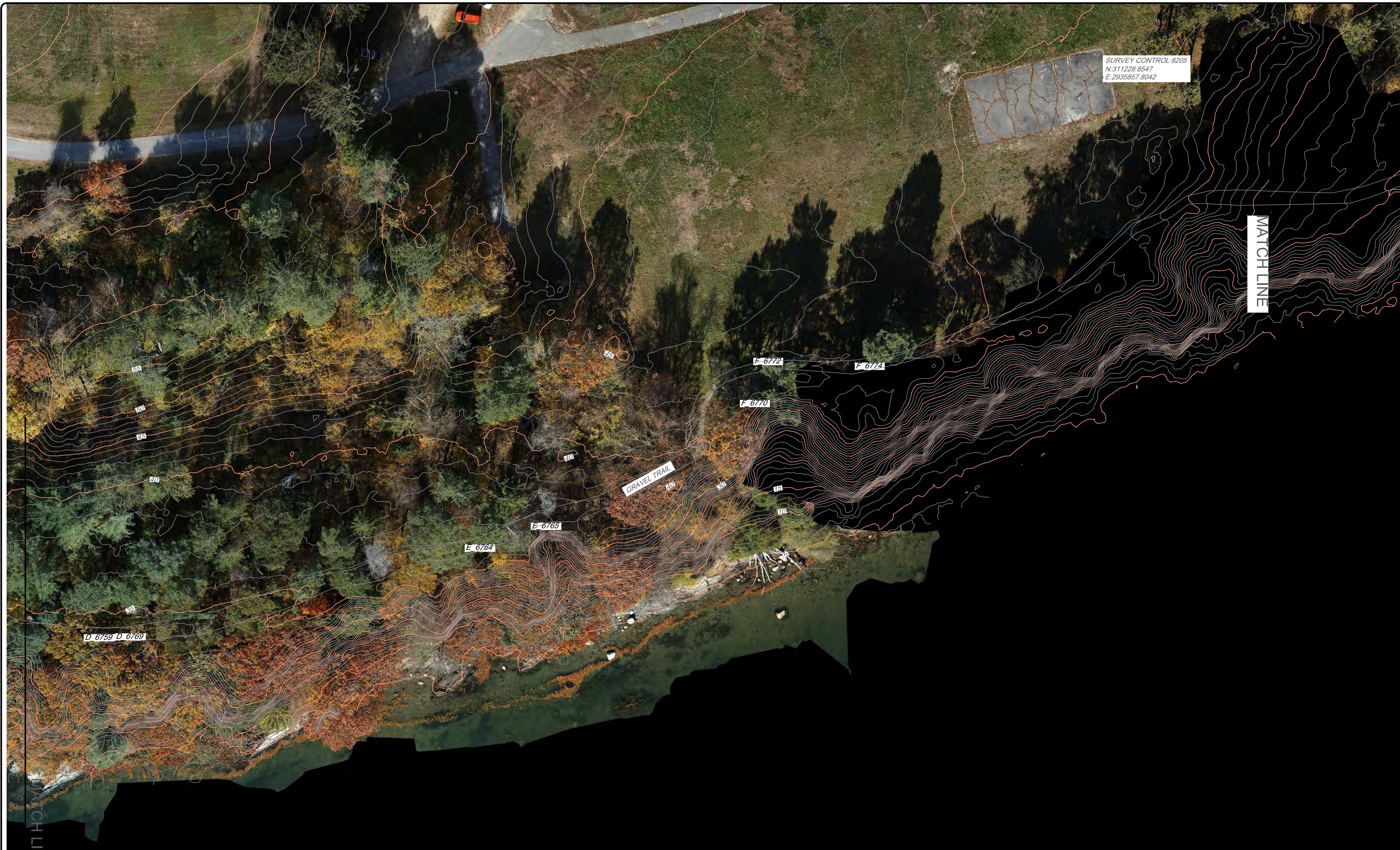
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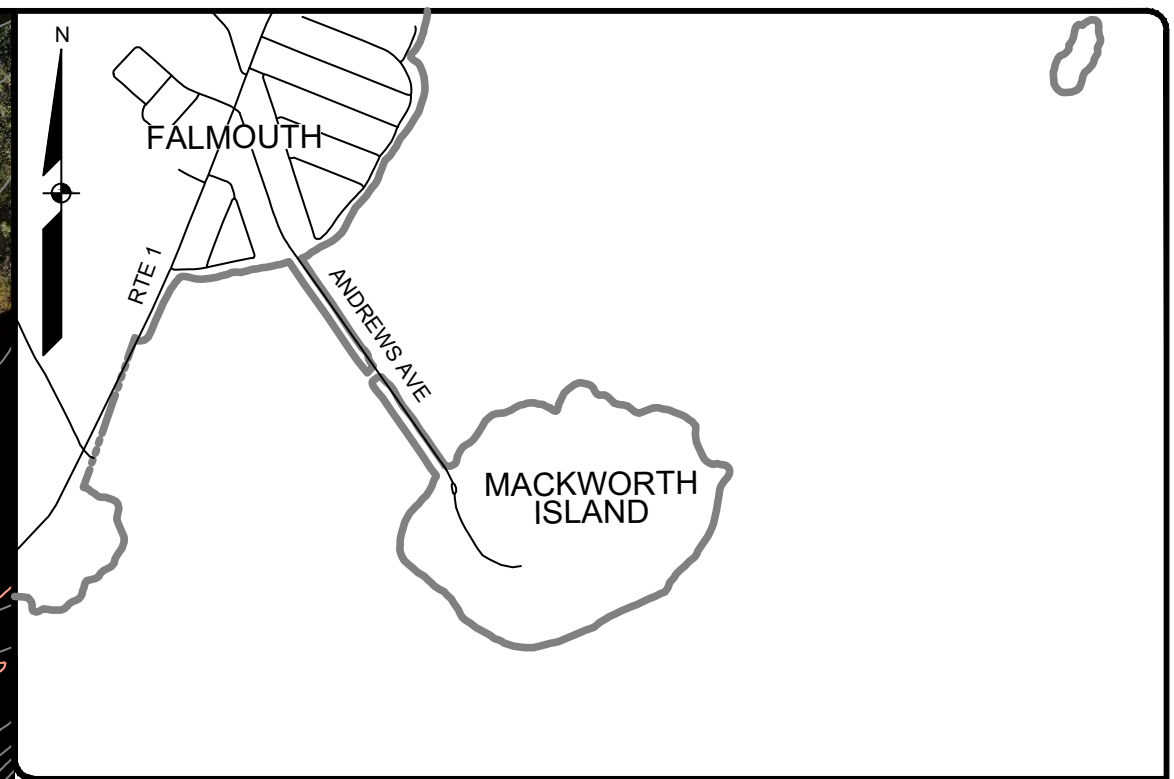
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 AUBURN, MAINE 04210

DESIGNED	
DRAWN	JMC
CHECKED	NSE
DATE	11/15/22
SCALE	1" = 30'
PROJECT	220594

220594.dwg, TAB: NSE SH. 6



SURVEY CONTROL 8205
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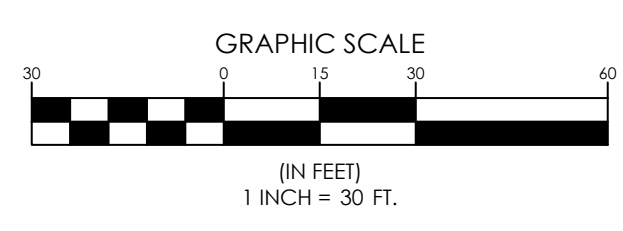
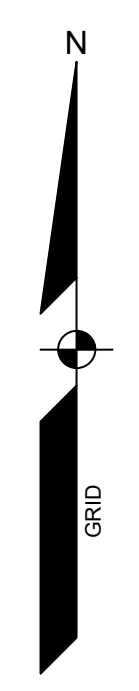


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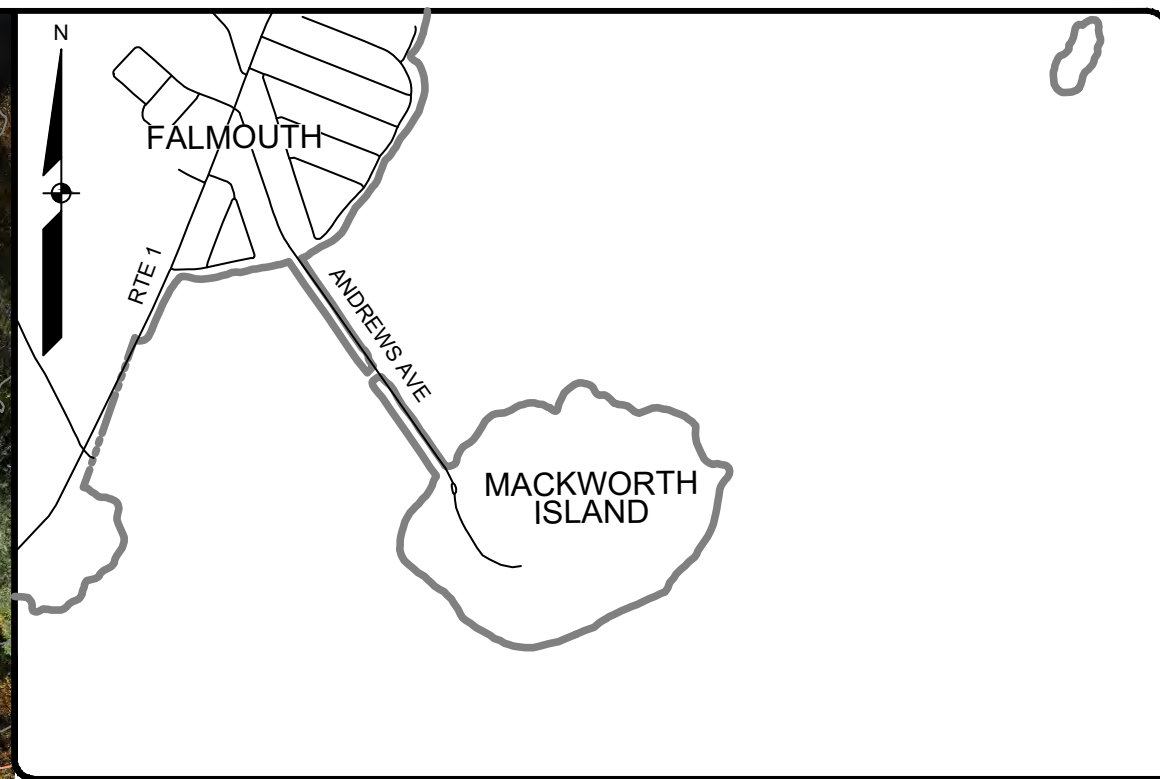
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FALMOUTH, MAINE 04105
FOR:
HARRIMAN
23 HARRIMAN DRIVE
ALBURN, MAINE 04210

DESIGNED	
DRAWN	JMC
CHECKED	NSE
DATE	11/15/22
SCALE	1" = 30'
PROJECT	220594



LOCATION MAP

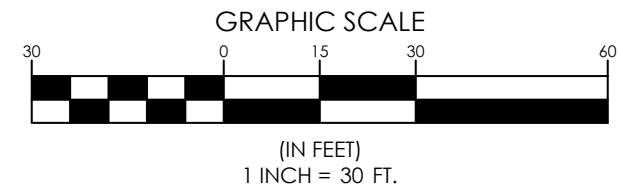
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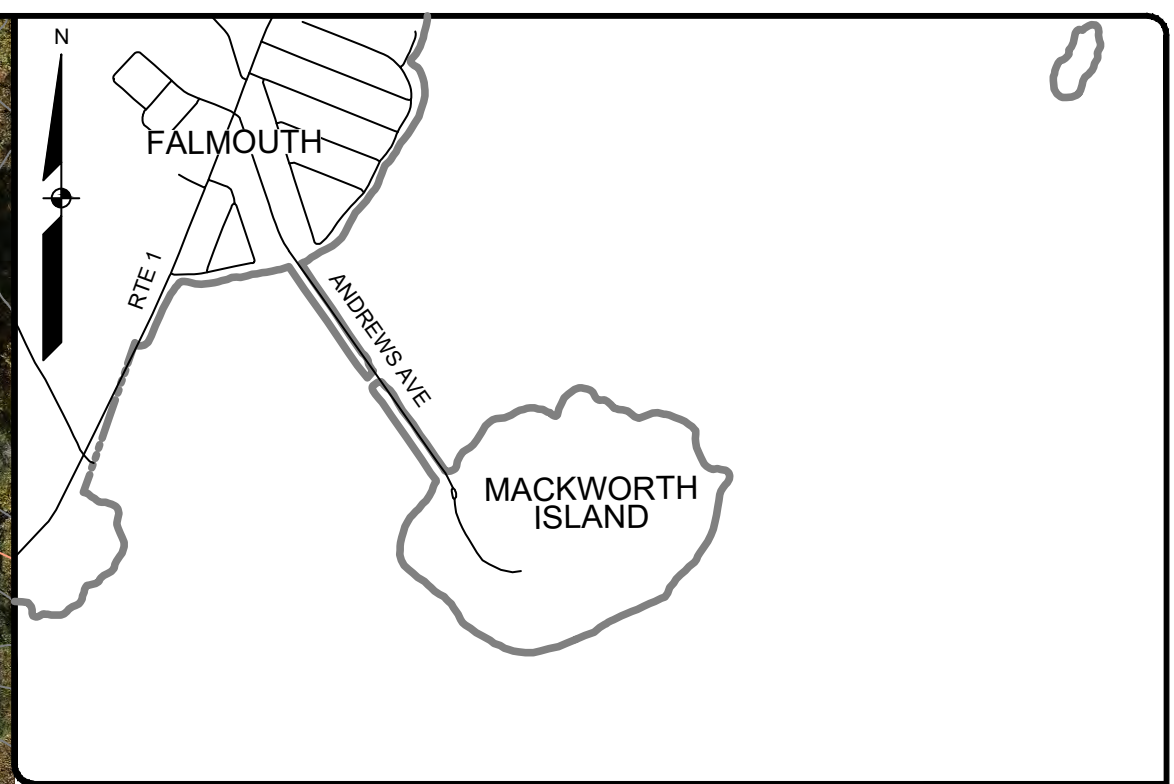
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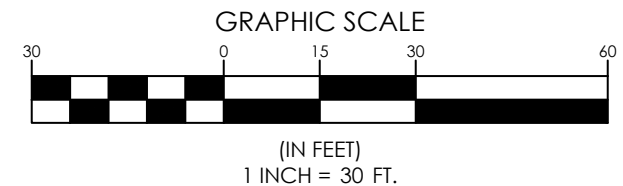
LOCATION MAP

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- △ SURVEY CONTROL



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PLS OR PE

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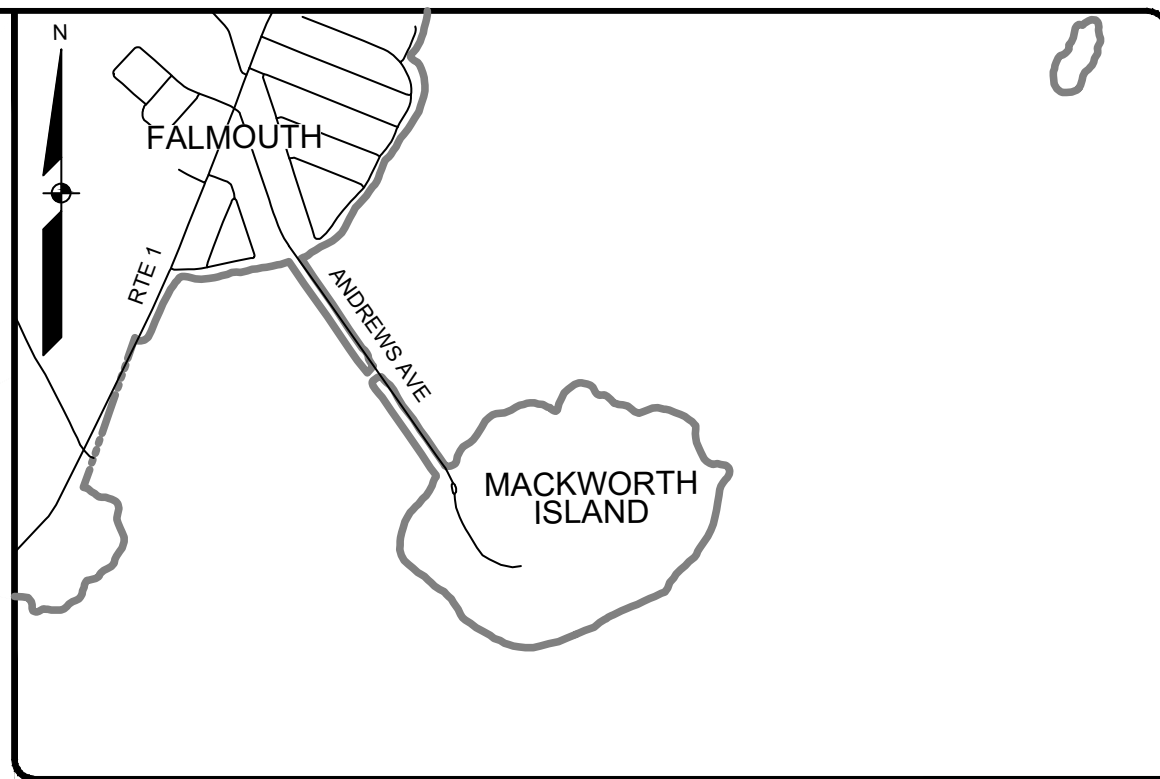
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SHEET 9 OF 10

220594.dwg, TAB: NSE Sh. 9



LOCATION MAP

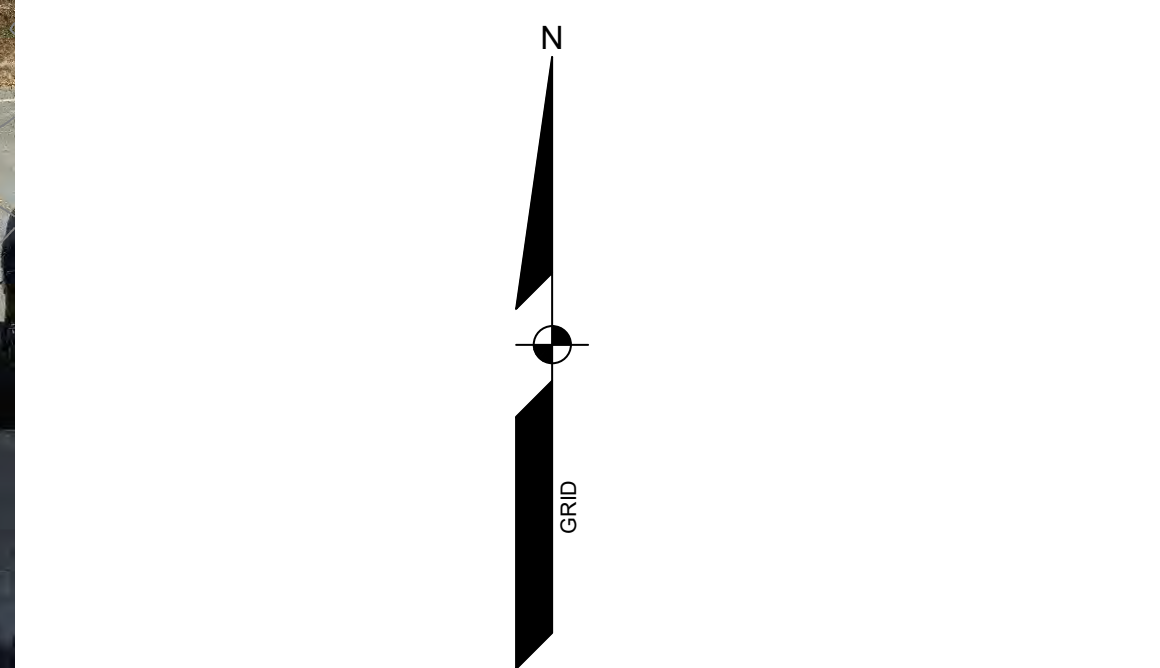
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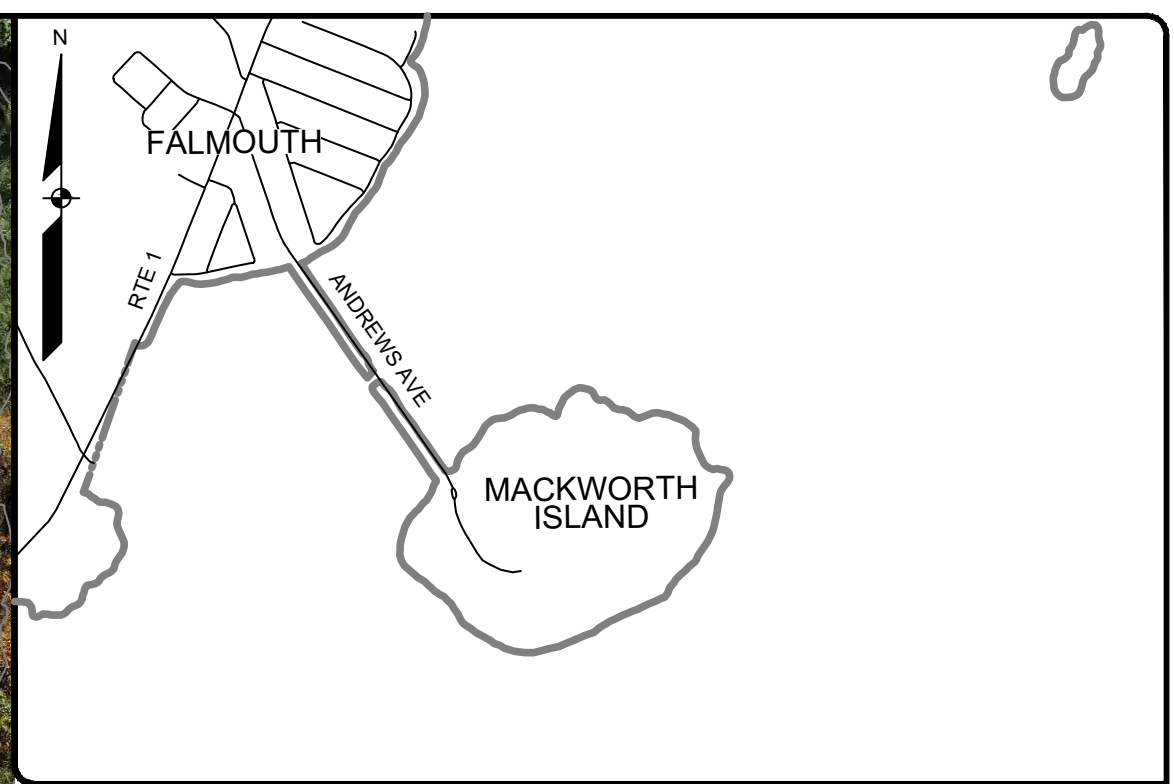
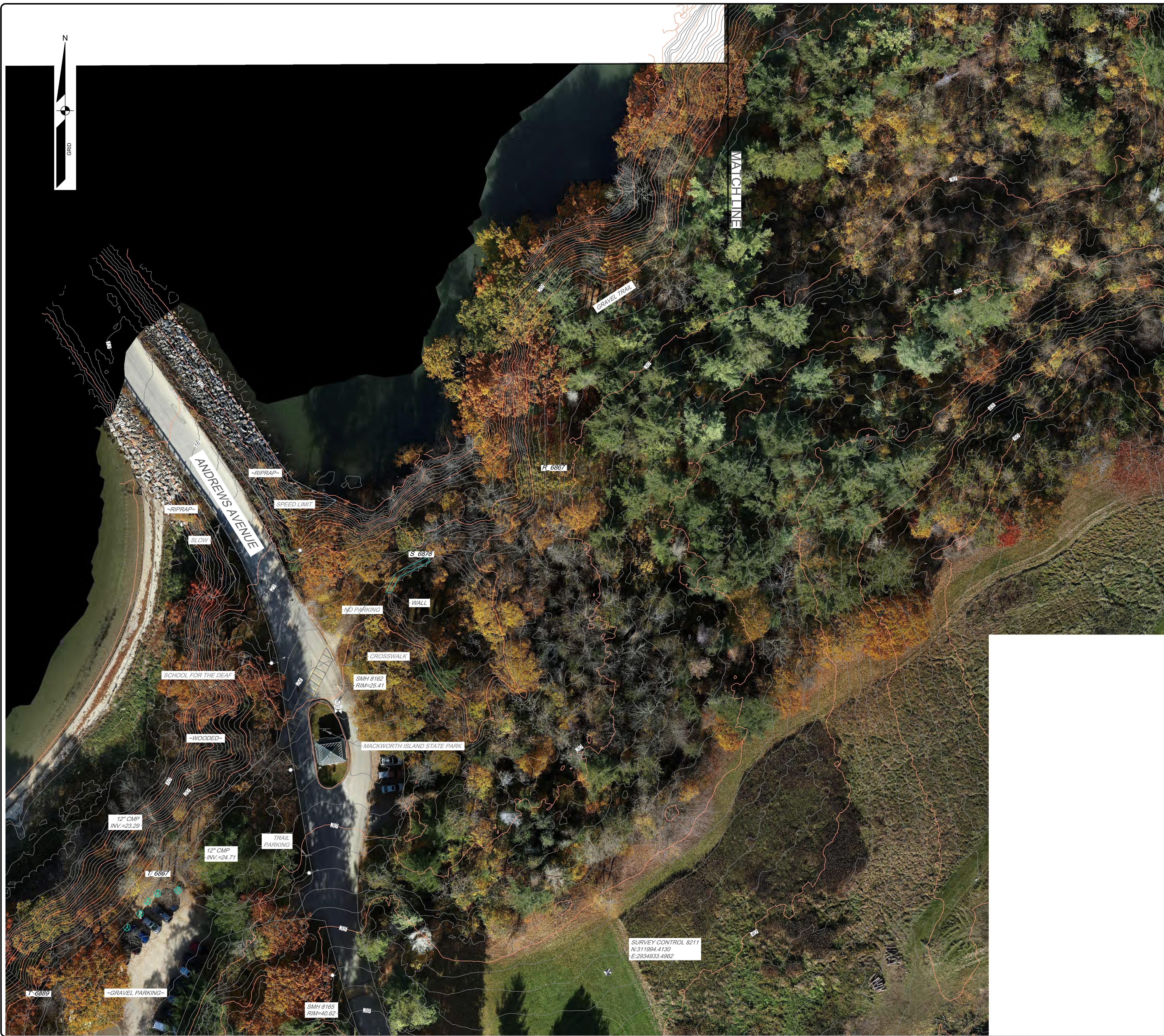
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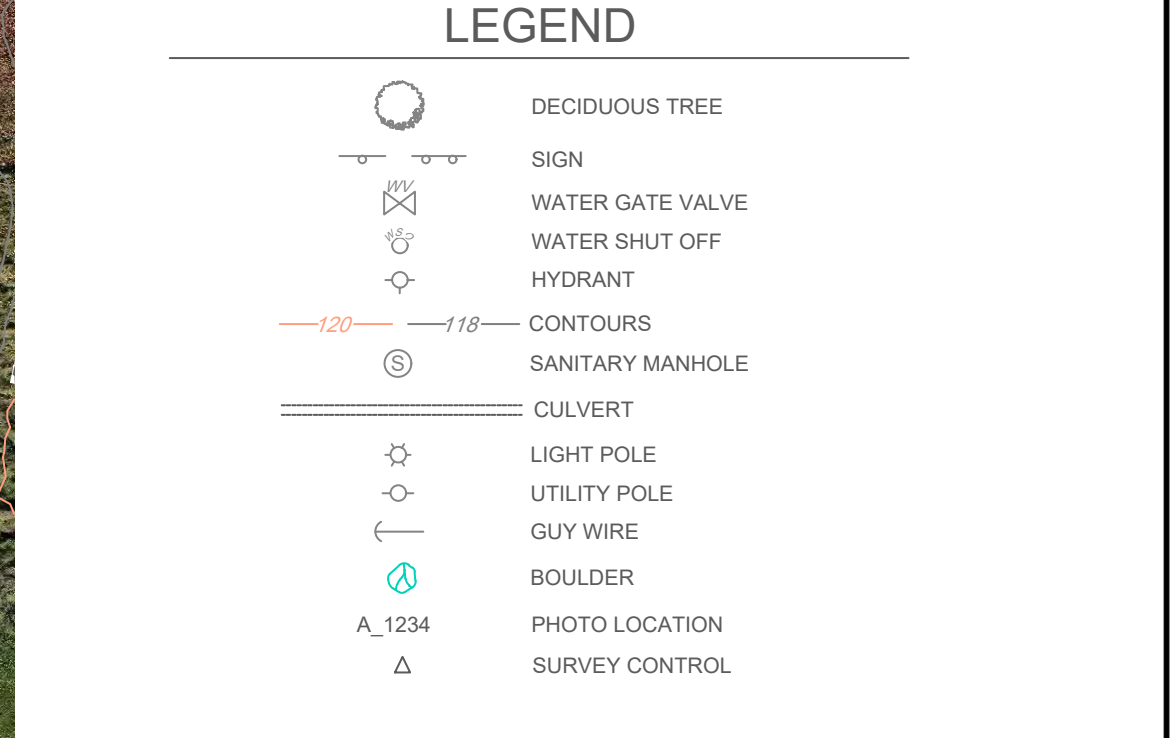


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- PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83. ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
- BENCHMARK:

BM-1	DESCRIPTION	ELEVATION: (NAVD88)
- UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD C/ASCE 38-02. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

REV	NOSE	DATE	STATUS



TITCOMB ASSOCIATES
A Division of Sebago Technics
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel: 207-200-2100

EXISTING CONDITIONS SURVEY
OF: MACKWORTH ISLAND TRAIL LOOP
ANDREWS AVENUE CAUSEWAY
FALMOUTH, MAINE 04105
FOR: HARRIMAN
23 HARRIMAN DRIVE
ALBURY, MAINE 04210

DESIGNED: JMC
DRAWN: JMC
CHECKED: NSE
DATE: 11/15/22
SCALE: 1" = 30'
PROJECT: 220594

GRAPHIC SCALE
1 INCH = 30 FT.

220594.dwg, TAB NSE SH. 11

B: STATE PARK RECOMMENDATIONS

SUMMARY

The Master Plan was focused on utilization and addressing immediate facility needs on the GBSD/MECDHH campus. Steering Committee and public input resulted in several recommendations for the State Park that are included in the Master Plan as well as topics that are outside the Master Plan scope and require additional exploration.

State Park-related items included in the Master Plan

- No mow grass buffer at boundary locations between the State Park trail and school campus that are difficult to identify.
- To maintain a rural experience on the island, do not expand existing parking lot sizes. See Master Plan Executive Summary and Parking and Traffic section for more information.
- Add a camera to provide live feed information of parking lot capacity. Camera feed to be connected to the State Park website.

State Park-related items discussed during the planning process for future consideration and/or implementation.

- Pave and stripe existing parking lots to improve efficiency and navigation. The island survey, located on Appendix 5, provides information about the parking areas.
- Identify trail areas that require maintenance relative to grading/slope, coastal bluff erosion, or other concerns. The island survey, located on Appendix 5, provides information about the entire trail loop.

C: PUBLIC MEETING NOTES

SUMMARY

Notes from public comments at June 30, 2022 meeting at Falmouth Town Hall.

Town of Falmouth Public Presentation Comments

Public Presentation meeting June 29, 2022

Falmouth Town Hall

Notes from Question and Answer period for Mackworth Island

Neighbor

My husband and I called and wrote letters. 2 or 3 lights out on a causeway. Woman had gone into homes lighting state said, lights are not ours...town said lights are not ours. Something is happening over there at night. Cars go in. Concerned about what's going on for crime or just camper staying overnight.

Elaine Clark, BGS –

Probably partly both state, town and maybe law enforcement. They can help address that issue.

Holly – worked at school

Was staff of school. Involved in deaf education. Situation of building is no longer acceptable to state. Asked if any kind of historic look at consistently cut budget over the years - trickle down problem that money wasn't there. Going forward, want to make sure doesn't happen again.

Elaine Clark, BGS –

Definitely a backlog of capital improvements at the facilities - very under-invested . Will try to produce costs estimates that will become a budget request but no guarantee of what will happen with budget request.

Part of the study – Lisa from Harriman working with Karen on program to determine how much square footage is needed for the school's programming. See the resource and not let that happen again.

Holly - Utilization percentage?

Lisa Sawin, Harriman -

Utilization was based on that type of program and how much square footage used to build a new program for that utilization.

Holly – the report said that the pier does not have deep water access. Vessels should not be landing on the Island. Asked if parks department was thinking about adding?

(Response was just an observation)

Town of Falmouth Public Presentation Comments

School Parking spaces - impromptu spaces counted?

Jason Ready, VHB –

There is parking near leased office space. Some people parked up on the lawn, historical use, but not paved spot. Part of ADA spaces, complying with state law.

Holly

June 4th is not a good representation of the amount of traffic. Recommend taking one more day to get a better idea Since in early June, Kids not on vacation, early in season, etc.

Harriman confirmed later they will circle back and observe a summer day in high season.

Gary Best, Maine Bureau of Parks and Lands -

Good observation. Every park is different. Intent of state park is to provide a recreational trail, for “refreshment in body and spirit.” Trying to provide a space just outside of Portland. Can get out on a trail, have space. Parking that we have, is really what we’re looking at for the visitor experience. But can look at organizing parking and turn-around, and perhaps provide better public information.

(Talked about Popham, creating text alert system when parking lots full, but not necessarily for Mackworth, since turnover is faster.)

Perhaps webcam. Looking more at - is there some real time public information to help visitors determine whether this is the best time to visit. But they will NOT build parking garage and fit more cars.

Julia – Neighbor

Lives on Andrews Ave. Grew up with Mackworth island. Grew up with students from the island. It is a beautiful place. Knew Gov. Baxter. Was his huge desire to be deaf school. Don’t think he ever thought it was going to turn into a tourist attraction. Have seen island advertised in MA, NY news. Many out of state license plates. Not the neighborhood, not the state.

We were told a number a years ago, number of parking lot spaces wasn’t enlarged because of erosion, didn’t want to encourage more parking. When busy, people ignore spaces for Falmouth and parking in a way to create more spaces. Not fair to people who live at the end of the street.

Gates were always closed at dusk in the past. Why don’t they close them? They need to be closed.

People are going in at all hours of the day and night. All hours. There was a former neighbor who used to patrol and act as safety officer but has since gone. Park itself is open from 9 am to sunset. But people are going in at night.

Gary Best, Maine Bureau of Parks and Lands -

Park open from 9 am to sunset. We don’t want people there at night. Can we do this better? All state parks 9 – sunset. This is really helpful, to have this planning discussion to determine how

Town of Falmouth Public Presentation Comments

to do things better. To listen. Certain parks that we do promote but Mackworth island is not one of them. Already so popular for its capacity.

Neighbor

Are there formulas for how many parking spaces are appropriate for 100 acre island? How do people think about that? Does that suggest that we ought to limit access intentionally to keep use really low or do you build up like Popham.

Gary Best, Maine Bureau of Parks and Lands -

We have an average of 2.5 visitors per vehicle. Bikes and Walking. Even though 100-acre park, utilization is only around the Perimeter trail. Not encouraging people to go off trail. Thinking about what visitor experience is.

Holly Winger – neighbor.

Take deeper look and find out if visitors to island are local, (Falmouth), State of Maine resident, or out of state visitor. Helpful to get that info. I don't know what Falmouth's contribution is financially to fund any of activities, police. Wondering if could look at priority access for Falmouth residents or Maine state residents vs out of state visitors?

Debra Coyman – neighbor.

Share intentions around animal and bird sanctuary aspects of charter. Seen increased cases of people diving off path to beach, steep and erosion sensitive areas. "I hate those fairy houses." Originally a designated zone for that but now people going into the woods and ripping stuff off trees – looks like a garbage pile. Now happening on half the island and off the trail and into the woods. Real detriment to enjoying a natural space. Bradbury has staff year-round. Mackworth is much smaller and urban oriented and deserving of staff. Interesting in decision making around those things.

Gary Best, Maine Bureau of Parks and Lands -

Bank erosion concern – very valid. We are looking at that trail. Did go over and walk around island. Wolf Neck woods had similar erosion area – they put in set of stairs to help get people down to ocean and shoreline. One approach would be to try to harden and improve those areas that people are going down.

Mackworth Island unique for fairy houses. We don't encourage that at other parks. Welcome all of these thoughts. State parks trying to do better every single day. We can look at that. Is there a better way to frame children to have a nature activity.

Staffing - do have 2 staff members seasonal 20 weeks. Stagger them. Isn't enough to cover full coverage. Would need at least 3 staff for full coverage- Just keeping someone in booth. Bradbury does provide some support. Mackworth not alone with staffing shortage.

Town of Falmouth Public Presentation Comments

Holly – worked at school

Not people patrolling trails. And all of a sudden and people are walking up and wanting to go into the school. Small fence around the trail perhaps to protect going off trail and into school. More traffic coming in and more people who could walk into the schools. Safety issue to think about. More people to potentially walk to school.

Gary Best, Maine Bureau of Parks and Lands -

Not looking at increasing state park parking. Maybe improved signage and design or living fence, shrubs. Encourage and educate visitors about separating state park and school.

Neighbor - How does state park strategic plan fit as far as park since began with looking at school buildings.

Gary Best, Maine Bureau of Parks and Lands -

Main reason started was because of school and school buildings. Pleased parks and lands pulled into the discussion. Focus on doing everything we can with the funding that we have. Grants. All starts with us getting together, what the vision, how do we make things better. Incrementally make improvements. That's the reality of funding and staffing situation.

Mary – neighbor

Curious about additional input outside of this meeting. We know focus is school itself.

Gary Best, Maine Bureau of Parks and Lands -

Over all park comments, Mackworth island is under direct management of Bradbury Mountain State Park. Bradbury Mountain great place to reach out to or to Gary West (gary.west@maine.gov)

Deane Rykerson – Bureau of General Service

Want discussion to be as widely disseminated as possible Will be posting this meeting on website with possibility of additional comments and questions and discussion.

Elaine Clark, BGS

Next phase of work for Harriman is looking at parking, queueing, trail, erosion – all the things have discussed tonight. Studied by engineers and architects and added to the report.

Neighbor

Idea – have Friends of Acadia which is big. Would we have “ Friends of Mackworth Island”

Gary Best, Maine Bureau of Parks and Lands -

Have Maine Volunteers and Parks. Could help with organizing MVP program.

Town of Falmouth Public Presentation Comments

John Woodcock

Asked about game plan for removal of underground oil tanks?

Will Gatchell, Harriman -

Looking at utility infrastructure in general. Some of those specific areas are connected to things and making series of recommendations about how to improve.

John Woodcock

Water tower older than Baxter family. Just took the top off to run AC transformer down to gym. That could be restored and on the national historical register. Three story water tower. Mansion and water tower should be restored. Historic site. (per Harriman, Part of Harriman report will include historical details as well)

Any additional comments can also be sent to the town of Falmouth to Maggie Fleming - mfleming@falmouthme.org

Neighbor

Pointed out that tracked/counted cars at peak times should not be excluded to meet a deadline. Why aren't you taking your time and checking to see how many cars are going over there?

Harriman agreed to circle back during high summer season and capture data for a high traffic summer day.

Holly Winger - Neighbor

Fisherman already parking there at 5 am. Things are happening day and night. See cars from NY, NJ, CT, everybody is very aware of Mackworth island. Covid has made this island just come alive. Concern for school safety - at 6 pm saw a man coming down from school to his car in parking lot. What is he doing? Worried about security of the children. Definitely had come from the school. The traffic now is unbelievable has been in home for 25 years and really increased.

Neighbor

Also been concern boats after dark. Curious to know - When fire engines and police where are they going to? Another stat might be worth looking into.

Karen Hopkins – GBSD/MECDHH

Have seen increase around the island in the evening. Have called police. Need to close the fence in evening.

Town of Falmouth Public Presentation Comments

Holly – works on island

Consideration to have only open certain days to locals only? Locals more respectful. Anything to consider?

Gary Best, Maine Bureau of Parks and Lands -

A lot of our parks received federal funding. That prohibits any sort of exclusive use. Very unlikely. Here to serve people of Maine. Also, tourism is an economic engine. And tourist economy. I don't see that an option. Same with park passholders only – don't see that happening.

Holly Winger – neighbor

When did Mackworth become a state park or Perimeter designated as state park? That's changed in last 5 years. When started to have a park employee. That had never been done before. Has always been and didn't know it? Are all state parks, called that. Or are there different designations

Gary Best, Maine Bureau of Parks and Lands -

It's been in state ownership under jurisdiction of Bureau of Parks and Lands for decades and decades and decades. Early on considered public reserved land. Most big, giant parcels. Managed for resources, timber, etc. around 2010, the designation from public lands to state park. Used for recreation. More of a park. So became a park. Partnered with school. Early on, school had staff in the booth for a time. But over time, positions got cut. Period of time, not Dept of Ed, not Bureau of Parks and Land. - Parking on causeway, overflowing parking, on grass. State park system request to control and received funding and got two seasonal positions. Most of time when there, in the booth. Staggered. Core 12 weeks with both, then stretch on either side.

Parking fees go to general fund. Certain amount of general fund is appropriated to parks every year.

D: HISTORICAL REFERENCE INFORMATION

CONTENTS

- Summary of the Governor Baxter Deed, prepared by BGS
- Deed of Gift Document
- Supporting Documentation establishing Deed, Lease, School, etc.

Summary
Percival Baxter's Gift of Mackworth Island to the State of Maine

Ownership of and Responsibility for the Land
and for the Buildings Occupied by the Maine Educational Center for the Deaf and
Hard of Hearing

A. 1943

1. Offer of Gift – Letter

In a letter dated January 13, 1943 to Governor Sumner Sewall, the President of the Senate and the Speaker of the House, former Governor Percival Baxter offered a gift of Mackworth Island in the Town of Falmouth to the State, to be held “in trust by the State for public purposes.”

See **Attachment 1** for P. Baxter's letter.

2. Property Offered to the State with Deed Restrictions

- Mackworth Island is 100 acres +/- settled in 1631 by Arthur Mackworth.
- The deed to include the “bridge and right-of-way connecting it with State Highway No. 1.”
- The condition of the gift is that it “always be used for State public purposes only.”
- These could be “recreational and educational, for a hospital or 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.”
- It may 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.

See **Attachment 2** for P. Baxter's deed to the State.

3. 1943 Trust Fund

- The offer included \$10,000 to establish a trust fund for some State public purpose in connection with the State's ownership of the Island.

4. Legislative Acceptance of the Gift

By Private and Special Laws of 1943, Chapter 1, the 91st Legislature accepted the gift of Mackworth Island, a bridge, a right of way and pole rights, to be held forever by the people of Maine for state public purposes, as trustee in trust, subject to the conditions and reservations set forth in the deed of conveyance. The Law also accepted the \$10,000 gift in Trust.

See **Attachment 3** for the 1943 Private and Special Law.

5. The Deed

The deed conveyed Mackworth Island with the bridge, right-of-way and pole rights, subject to the condition that the pet cemetery be maintained, and the property be used for State Public Purposes only but never for corrective or penal institutions nor for any purpose connected with the enforcement of laws of the state relating to criminals.

Percival Baxter retained a lease for his use of the property “as long as [he] ... desired.”

See **Attachment 4** for the Lease.

B. 1949

Percival Baxter, who spent summers on the Island from 1943-1949, “moved from the Island and thereafter the State assumed full ownership and responsibility.” In 1949, therefore, all legal and financial responsibility for the Island was assumed by the State.

See **Attachment 5** for P. Baxter’s notification of his departure from the Island.

C. 1953

1. Offer of Construction Funds

Former Governor Baxter offered the State \$500,000 to construct a “new school for the Deaf or toward the construction of a new Home and School for the wards of the State” and \$125,000 for construction of a new bridge to same. The Legislature was given the choice of which facility to build. He offered an additional \$50,000 for the bridge by letter dated March 9, 1953 (total \$175,000 for the bridge).

Construction was required to begin by January 1, 1955.

2. Acceptance of Construction Funds

By Private and Special Laws of 1953, Chapter 44, the 96th Maine Legislature accepted the total sum of \$675,000 to be used toward construction of a State institution on Mackworth Island and for a Bridge thereto in the Town of Falmouth.

See **Attachment 6** for acceptance of the construction funds.

D. 1954

An additional \$25,000 was added to the construction fund. When combined with the original \$10,000 and the above \$675,000, the new total was \$710,000.

E. 1958

As of December 31, 1958, the State had spent its state appropriation of \$1,240,000 on the school. Percival Baxter's gift had gained \$75,244.74 in interest (raising the principal plus interest total to \$785,244.74). \$712,051.12 of the gift was spent, leaving an unexpended balance of \$73,193.62.

F. 1968

Governor Baxter asked that the "Mackworth Island Deaf School Fund" (by then approximately \$90,000) be closed with the balance transferred to the Baxter State Park Trust Account. Following vote of the Legislative Council, the State Controller transferred \$88,000 to the Baxter Fund and closed the Mackworth Island Fund.

G. 1992

The Department of Conservation, predecessor to the consolidated Department of Agriculture, Conservation and Forestry (ACF), and the Department of Education on behalf of the Governor Baxter School for the Deaf entered into an agreement with ACF in 1992 to manage the tidal shoreline, embankment, beach, and public open space zones, including forested areas, of the Island. Management of the school zone remained with the DOE/GBSD.

H. 1999

1. The Governor Baxter School for the Deaf (GBSD)

GBSD is a public school with the purpose of educating deaf and hard of hearing students. It was established as a "body politic and corporate and instrumentality and agency of the State" under 20-A M.R.S. § 7401. See **Attachment 7**.

2. Mackworth Island and Buildings Are State Property

Under 20-A M.R.S. § 7407 (9), the school board “may” make improvements to facilities; however, the State retains ownership of Mackworth Island and the school facilities.

See **Attachment 8**.

Note that the school board “may” make improvements, but the school facilities are owned by the State (not the Department of Education) and thus are the responsibility of DAFS/BGS.

3. DAFS/BGS Assistance to GBSD

Under P.L. 1999, ch. 775 § 12, DAFS/BGS was to provide “any necessary assistance” to the School Board of the GBSD to assist in the orderly implementation of the act for 2 years. Following the 2-year period, DAFS/BGS was to serve as a “liaison to the School Board of the Governor Baxter School to assist the school board in properly managing the ... state-owned facilities on the island.”

The “liaison” language was later repealed.

I. 2014

By Memo of Agreement signed by Richard Rosen and David Bernhardt and by Financial Order, responsibility for the Bridge located along the Causeway to Mackworth Island was transferred to MDOT.

See **Attachment 9**.

The causeway remains the responsibility of DAFS/BGS, **the bridge is the responsibility of MDOT**.

J. Conclusions

The Maine Educational Center for the Deaf and Hard of Hearing is an independent agency and instrumentality of the State of Maine.

Due to the State’s retained ownership of Mackworth Island and school facilities, DAFS/BGS is responsible for buildings of the GBSD/Maine Educational Center for the Deaf and Hard of Hearing on Mackworth Island and for the causeway linking the mainland with Mackworth Island.

DAFS has statutory authority to lease school property consistent with Governor Baxter's deed and in accordance with state law and policy on the lease of state-owned facilities. A portion of the funds may be retained by the school for "statutorily authorized programs."

Buildings constructed with Governor Baxter's gift are restricted to use as a "Maine School for the Deaf." An open question is whether subsequent renovations caused a pro-rata portion of any renovated building to be released from the use restriction.

Any buildings constructed with state funds subsequent to Governor Baxter's gift, such as Brewster Hall, are subject to deed restrictions but not to the gift restriction (use as a "Maine School for the Deaf.")

ACF manages the tidal shoreline, embankment, beach, and public open space zones, including forested areas, of the Island under a 1992 agreement with the DOE/GBSD. Management of the school zone remained with the DOE/GBSD.

ACF manages its portions of the Island as a state park, however access to the school area is restricted except with special permission.

MDOT is responsible for maintaining the bridge situated within the causeway.

The school board has the option to make improvements to facilities that are necessary to fulfill the purposes of 20-A M.R.S. Chapter 304.

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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-

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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-

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

CHAP. I

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

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,

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

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

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

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

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

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.

ing one-half (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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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

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.....
.....

(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;

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

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AN ACT Accepting from Percival Proctor Baxter the Gift of Six Hundred Seventy-five Thousand (\$675,000) Dollars for the new Maine State School for the Deaf to be Constructed on Mackworth Island in the Town of Falmouth, Maine, and for a new Bridge Connecting said Island with the Mainland of said Town.

Emergency preamble. Whereas, in the judgment of the legislature the acceptance of the gifts as offered by the Honorable Percival Proctor Baxter creates an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine, and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

WHEREAS, PERCIVAL PROCTOR BAXTER, Governor of Maine during the years 1921-1925, by Deed dated January 13, 1943, and recorded in the Cumberland County Registry of Deeds, Book 1706, Page 54, donated and conveyed to the State of Maine, IN TRUST, Mackworth Island, Mackworth Rock, and the Bridge leading to said Island, all in the Town of Falmouth, and

WHEREAS, the said State by Legislative Act, Chapter 1 of the Private and Special Laws of Maine 1943, accepted the said Gifts, the same forever to be held by said State IN TRUST to be used for State Public Purposes as stated in said conveyance, the said acceptance being recorded in said Registry, Book 1727, Page 361, and

WHEREAS, the said Baxter in a Communication dated March 4, 1953 addressed to His Excellency Burton M. Cross, Governor of Maine, and to the Honorable Senate and House of Representatives of the Ninety-sixth Legislature, expressed his desire that his Gifts be used during his life time for State Public Purposes within the provisions of said Trust, and

WHEREAS, the said Baxter in said Communication offers to donate to said State the sum of five hundred thousand (\$500,000) dollars toward the establishment on said Island of a new Maine School for the Deaf, and

WHEREAS, the said Baxter further offers to donate to the said State the sum of one hundred twenty-five thousand (\$125,000) dollars for the construction of a Bridge to said Island, together with an additional sum of fifty thousand (\$50,000) dollars for the said Bridge, as offered by letter

addressed to His Excellency Burton M. Cross, Governor of Maine, dated March 9, 1953, making a total of one hundred seventy-five thousand (\$175,000) dollars for the said Bridge.

NOW THEREFORE, the 96th Legislature of the State of Maine hereby accepts the offer by said Baxter to donate the total sum of six hundred seventy-five thousand (\$675,000) dollars to the said State to be used for the Purposes as specified in said Communication of March 4, 1953.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective April 9, 1953

Chapter 45

AN ACT Relating to Time of Sessions of Bath Municipal Court.

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

P. & S. L., 1937, c. 64, amended. The 2nd sentence of that part designated "Sec. II." of chapter 64 of the private and special laws of 1937 is hereby amended to read as follows:

'Said court shall be in session every Monday at ~~to~~ 9 o'clock in the forenoon for the entry of civil actions and the entering up of judgments in all defaulted actions and for the trial of actions of forcible entry and detainer, and on the 1st and 3rd Mondays of each month for the trial and determination of all other civil processes.'

Effective August 8, 1953

Chapter 46

AN ACT Relating to Knox County General Hospital.

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

P. & S. L., 1903, c. 99, § 2, amended. Section 2 of chapter 99 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 2. May hold property. Said corporation may take, receive, purchase, hold and possess lands and tenements in fee simple, in trust, upon

Title 20-A: EDUCATION
Part 4: SPECIFIC EDUCATION PROGRAMS
Subpart 1: SPECIAL EDUCATION
Chapter 304: MAINE EDUCATIONAL CENTER FOR THE DEAF AND
HARD OF HEARING AND THE GOVERNOR BAXTER SCHOOL FOR THE
DEAF

§7401. School established

The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is established as a public school pursuant to this chapter for the purpose of educating deaf and hard-of-hearing students. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State. [2005, c. 279, §6 (AMD).]

SECTION HISTORY

1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §1 (AMD). 2005, c. 279, §6 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) · 7 State House Station · State House Room 108 · Augusta, Maine 04333-0007

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[2017, c. 413, §1 (AMD) .]

7. Indemnification. The school board shall indemnify the employees and other agents of the school and purchase and maintain insurance to indemnify those persons to the extent provided in Title 13-B, section 714. The school board may indemnify members of the school board.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

8. Bonds. The school board shall require security for the faithful performance of duties by employees and other agents of the school who are entrusted with the custody of the school securities or authorized to disburse the funds of the school. The security must consist of a bond, either a blanket bond or individual bond with a surety bond, or bonds having a minimum limitation of \$100,000 coverage for each insured person. The expense of a bond is assumed by the school.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

9. Property management. The school board may acquire by purchase any property, lands, buildings, structures, facilities or equipment and make improvements to facilities necessary to fulfill the purposes of this chapter. The State retains ownership of Mackworth Island and the school facilities. Notwithstanding section 7403, the school board may make alternative plans regarding the location of the school.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

10. Island access. The school board shall consult annually with the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands on public access and management of that portion of Mackworth Island under the jurisdiction of that bureau.

[1999, c. 775, §11 (AMD); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §24 (REV) .]

11. Certificates and diplomas. The school board shall offer courses of study and grant diplomas and certificates on completion of courses of study. This granting of diplomas and certificates may be done in cooperation with the sending school.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

12. Contracts and agreements. The school board may enter into any contracts and agreements, to the extent that funds are available, in the execution of its powers under this chapter.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

12-A. Lease of school property. The Department of Administrative and Financial Services may enter into lease agreements consistent with the deed of gift from Governor Percival Baxter and in accordance with state law and policy on the lease of state-owned facilities, including but not limited to the provisions of Title 5, chapter 154. Any funds received pursuant to this subsection must first be applied in accordance with Title 5, section 1784. Any excess revenue above the requirements of Title 5, section 1784 may be retained by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to be applied to statutorily authorized programs.

**MEMORANDUM OF AGREEMENT
BETWEEN
STATE OF MAINE, DEPARTMENT OF TRANSPORTATION
AND
STATE OF MAINE, DEPARTMENT OF ADMINISTRATIVE
AND FINANCIAL SERVICES**

This Memorandum of Agreement ("Memorandum") is between the State of Maine, Department of Transportation ("MaineDOT") and the State of Maine, Department of Administrative and Financial Services ("DAFS").

WHEREAS, the State of Maine is the owner of a certain piece of property known as Mackworth Island, including a causeway and bridge linking the Island with the mainland, all of which are located in Casco Bay in the County of Cumberland, Town of Falmouth, State of Maine (the "Property"); and

WHEREAS, DAFS has historically been responsible for maintaining and repairing the bridge known to MaineDOT as bridge #5600 (the "Bridge") linking Mackworth Island to the mainland. For the purposes of this document, the Bridge is the structure designed to carry vehicular and pedestrian traffic over the free flowing tidal channel between the Falmouth mainland and Mackworth Island. The Bridge's limits are from one bridge abutment to the other bridge abutment; and

WHEREAS, DAFS does not have technical expertise necessary to maintain and repair the Bridge; and

WHEREAS, MaineDOT has the technical expertise to maintain and repair the Bridge; and

WHEREAS, the Parties agree that it is in the best interest of the State that DAFS assign to MaineDOT the responsibility for the maintenance and repair of the Bridge; and

WHEREAS, DAFS is willing to assign to MaineDOT, and MaineDOT is willing to accept the assignment of the responsibility for the maintenance and repair of the Bridge.

NOW THEREFORE, in consideration of the premises, and the covenants set forth herein, the Parties agree as follows:

1. DAFS hereby assigns, and MaineDOT accepts, the assignment of the responsibility for the maintenance and repair of the Bridge linking Mackworth Island to the mainland. To effectuate the assignment, the parties agree to execute and submit a Financial Order to the Governor for approval and signature.
2. MaineDOT agrees to undertake the maintenance and repair of the Bridge, at its expense, for so long as such maintenance and repair is for State Public Purposes as set forth in a deed to the State of Maine from Percival Proctor Baxter dated January 13, 1943, recorded in the Cumberland County Registry of Deeds in Book 1706, Page 54, and pursuant to 1943 P.&S. ch. 1. All such work shall be conducted in accordance with MaineDOT's standard practices for work of a similar kind and nature.
3. DAFS agrees to provide such information to MaineDOT as MaineDOT may request from time to time with regard to the condition of the Bridge and causeway, including without limitation any drawings, analyses, opinions, recommendations or any other documents or materials regarding or related to the ownership, use, condition, maintenance or repair of the Bridge and causeway.
4. DAFS agrees to cooperate with MaineDOT with regard to any work undertaken by MaineDOT or any contractors or subcontractors that MaineDOT may engage in the maintenance and repair of the Bridge and any contiguous property as such may be required by MaineDOT, in its sole discretion.
5. MaineDOT agrees to request from the Maine State Legislature such appropriations as it deems necessary to carry out its responsibility for the maintenance and repair of the Bridge. DAFS agrees to support MaineDOT in all such requests.
6. The Parties agree that nothing in this Memorandum is intended, or to be construed, to relieve DAFS of any responsibility it may have as owner of the Property for the maintenance and repair of the Property except as provided herein.

7. The Parties agree that nothing in this Memorandum is intended, or to be construed, to relieve DAFS of any other responsibility it may have as owner of the Property to provide adequate liability insurance or self-insurance to protect the interests of the State, DAFS and MaineDOT.

8. The Parties agree that MaineDOT shall be solely responsible for any and all claims of whatever nature arising out of the work to be performed under this Memorandum. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to MaineDOT, its officers, agents or employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

9. MaineDOT agrees that in undertaking any maintenance or repair of the Bridge all such work will be conducted in such a manner as to limit the obstruction or flow of traffic on the Bridge and will consult, as necessary or requested, with any entity located on Mackworth Island with regard to any work undertaken. In this regard, MaineDOT agrees to notify any such entity of any work that may result in limiting or obstructing the flow of traffic on the Bridge or causeway.

10. This Memorandum shall be interpreted in accordance with the laws of Maine.

11. This Memorandum shall be effective upon the date of last signature below.

12. This Memorandum contains the entire understanding of the Parties with regard to the matters set forth herein and may not be amended without the express written agreement of both Parties.

[SIGNATURES ON FOLLOWING PAGE]

WHEREFORE, the Parties, by their duly authorized representatives, executed this Memorandum upon the dates set forth below.

Dated: September 18, 2014

DEPARTMENT OF TRANSPORTATION

A handwritten signature in black ink, appearing to read "D. Bernhardt", written over a horizontal line.

David Bernhardt, P. E., Commissioner

Dated: September 17, 2014

DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL SERVICES

A handwritten signature in black ink, appearing to read "Richard W. Rosen", written over a horizontal line.

Richard W. Rosen, Acting Commissioner



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

LEGAL SERVICES Tel: (207)624-3034 Fax: (207)624-3545
TTY Users dial Maine Relay 711
October 14, 2014

David Bernhardt
COMMISSIONER

Ed Dahl, Director
Bureau of General Services
Department of Administrative and Financial Services
78 State House Station
Augusta, ME 04333-0078

RECEIVED
OCT 15 2014

RE: Mackworth Island Bridge, Falmouth

DAFS Comm. Office

Dear Mr. Dahl :

Enclosed please find a State of Maine Financial Order between the Department of Administrative and Financial Services and the Department of Transportation. We are asking that Commissioner Rosen sign this document which transfers responsibility for the repair and maintenance of the bridge in the causeway between state-owned Mackworth Island and the mainland to the Department of Transportation. The Financial Order formally authorizes what has previously been agreed to by the Commissioners of both agencies pursuant to a Memorandum of Agreement dated September 18, 2014, a copy of which is also enclosed.

Historically the Bureau of General Services has been responsible for maintenance of the bridge along with the other facilities at Mackworth Island; however, the bridge is now in need of some structural repair and in light of the in-house technical expertise that MaineDOT has, both agencies agreed that transfer of the responsibility for both the immediate repair and the ongoing bridge maintenance would be the more efficient practice.

Please review the Financial Order and if you find it acceptable, please forward this to Commissioner Rosen for his signature. I would appreciate having the signed document returned to my attention at the above address. We would like to have the document available for review at the State Budget Office for their meeting on November 6, 2014. After the State Budget Office and Governor approvals have been obtained, I will see that your agency receives a copy for your records.

Please feel free to contact me at 624-3034 or Toni Kemmerle, MaineDOT's Chief Counsel, if you should have any questions regarding the Financial Order.

Sincerely,

Amy E. Hughes
Legal Administrator

AEH/st

Enclosures

cc: Dale Doughty, Director, MaineDOT Bureau of Maintenance & Operations



PRINTED ON RECYCLED PAPER

State of Maine
Executive Department
FINANCIAL ORDER




ORDERED,

That the Department of Administrative and Financial Services, pursuant to a Memorandum of Agreement dated September 18, 2014 and 5 M.R.S. §282-A, assigns the responsibility for the maintenance and repair of a certain State-owned bridge situated on the causeway connecting Mackworth Island with the mainland in the Town of Falmouth, County of Cumberland and State of Maine, to the Department of Transportation.

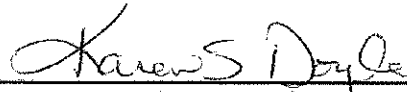
Said bridge is identified by the Department of Transportation as Bridge #5600 and is located on the causeway that links state-owned Mackworth Island in Casco Bay to the mainland. The limits of the structure are from bridge abutment to bridge abutment. The Department of Transportation shall undertake maintenance and repair of said bridge for so long as such maintenance and repair is for State Public Purposes as set forth in a deed to the State of Maine from Percival Proctor Baxter dated January 13, 1943, recorded in the Cumberland County Registry of Deeds in Book 1706, Page 54, and pursuant to 1943 Private and Special Laws, ch. 1.

Statement of Fact

The assignment of responsibility of maintenance and repair of the subject bridge is made pursuant to a Memorandum of Agreement between the Department of Transportation and the Department of Administrative and Financial Services dated September 18, 2014. The Department of Transportation has the technical expertise to perform the inspection, maintenance and repair that the bridge requires to continue to carry pedestrian and vehicular traffic, including emergency response vehicles, construction equipment and heating fuel delivery vehicles, to the State's facilities on Mackworth Island. The Department of Transportation will request from the Maine State Legislature such appropriations as it deems necessary for the maintenance and repair of the bridge.



RICHARD W. ROSEN, ACTING COMMISSIONER
DEPT. OF ADMINISTRATIVE AND FINANCIAL SVCS.



Signature of Department Head
KAREN S. DOYLE, DIRECTOR OF FINANCE

Name and Title

FOR BUREAU OF THE BUDGET USE ONLY



Signature of State Budget Officer

Policy Area: 08 - Transportation Safety and Development

Umbrella: TRC00 - DEPARTMENT OF TRANSPORTATION

Agency Contact: KAREN S. DOYLE

Agency Phone: (207) 624-3200

nyw 10/15/14

TRC00-0007

TRANSFER AGREEMENT

This agreement is entered into by and between the Bureau of Public Lands ("Public Lands"), Department of Conservation and the Governor Baxter School for the Deaf, Department of Education ("GBSD"). Pursuant and subject to the provisions of MRSA Title 12, Chapter 202 §552-E, GBSD hereby transfers to Public Lands responsibility for the management of the natural resources of Mackworth Island, Town of Falmouth, County of Cumberland State of Maine, said island being one hundred (100) acres more or less in extent as described in deed from Percival Proctor Baxter to the State of Maine dated January 13, 1943 and recorded in Cumberland County Registry of Deeds at Book 1706, Page 54, subject to the following terms and conditions:

*As illustrated
#5 in ml
plan*

1. The natural resources of Mackworth Island shall be managed by the Bureau of Public Lands in a manner that is in accordance with the terms of Governor Baxter's January 13, 1943 Deed of Conveyance. For the purposes of this agreement the natural resources of Mackworth Island to be managed by the Bureau of Public Lands are those areas identified as tidal shoreline, embankment, beach, and public open space zones, including forested areas, on the aerial map of Mackworth Island attached hereto and made a part hereof as Exhibit A.
2. The Bureau of Public Lands shall adhere to the resource management recommendations presented in the document entitled Mackworth Island Management Plan (pg. 35 and 36) within the financial constraints of the Public Lands Management Fund.
3. The Bureau of Public Lands shall work closely with the administration of the Governor Baxter School for the Deaf in exercising management of the natural resources of Mackworth Island. GBSD and Public Lands shall cooperate with each other and provide to each other upon request such

Post-It Fax Note	7671	Date	2/16	# of pages	3
To	Tom Perrin	From	Swanthony		
Co./Dept.	BPEL	Co.			
Phone #	287-3061	Phone #	778-4111		
Fax #	287-8111	Fax #			

information, inventory data and other materials useful for natural resource management as may be in the possession or subject to the control of either agency.

- 4. The term of this agreement shall commence upon its approval by the Commissioners of Education and Conservation and by the Governor and shall continue until terminated by agreement of all parties hereto.

Dated at Augusta this 29th day of June, 1992

Department of Education

By: Polly B. Ward Date: 6/18/92
Polly B. Ward, Acting Commissioner

Department of Conservation

By: C. Edwin Meadows, Jr. Date: 6/27/92
C. Edwin Meadows, Commissioner

Governor of Maine

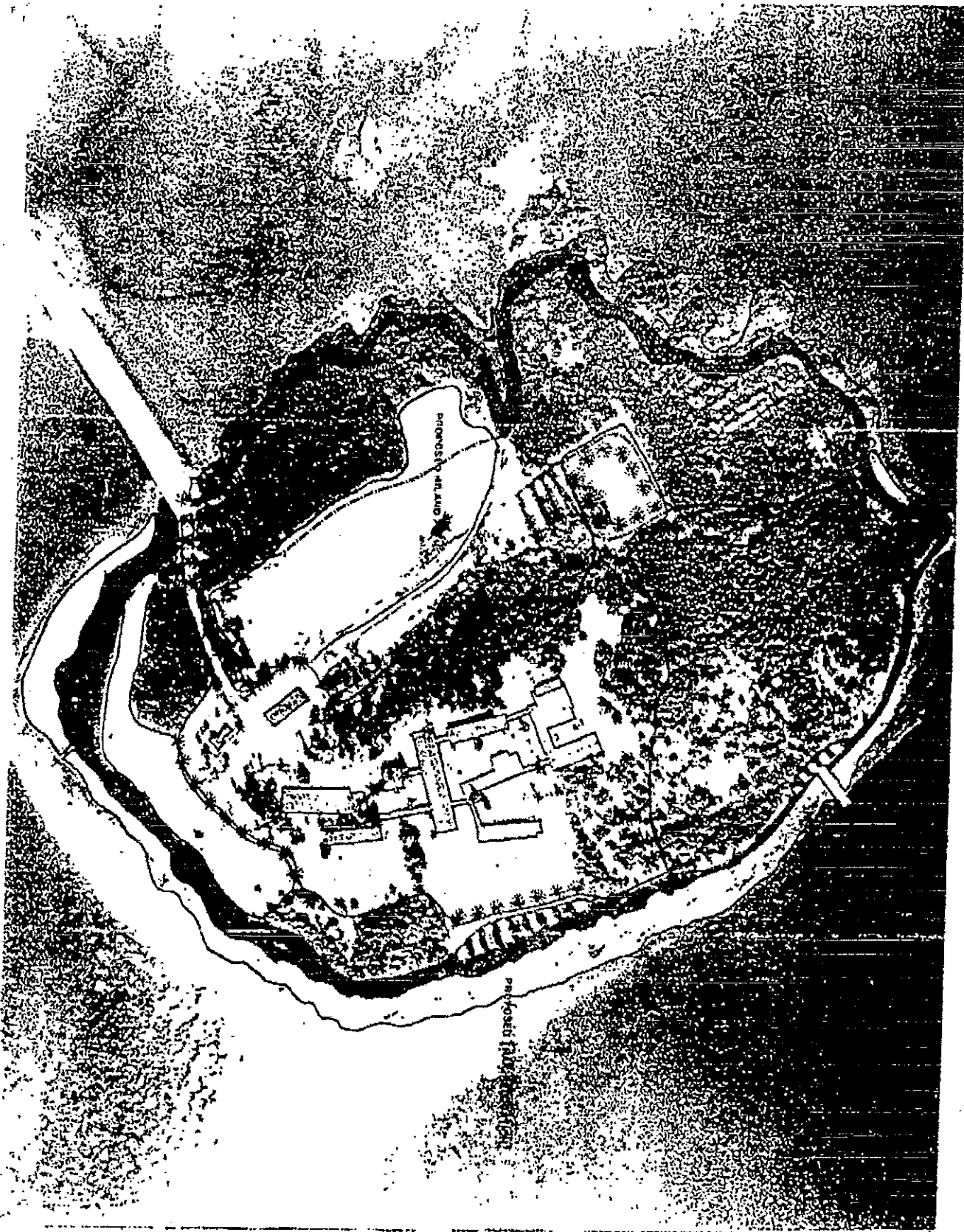
By: John R. McKernan Date: 6/26/92
John R. McKernan, Governor

Governor Baxter School for the Deaf

By: Kathleen M. Fries Date: April 30, 1992
Kathleen M. Fries, Superintendent

Bureau of Public Lands

By: Thomas A. Morrison Date: April 23, 1992
Thomas A. Morrison, Director



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**Maine Department of Conservation
Bureau of Parks and Lands ("BP&L")
Director's Land Classification
Mackworth Island**

Whereas, Title 12 § 1804-2, authorizes the Director of BP&L to classify lands as either Parks, Historic Sites, Public Reserved or Public Non-Reserved Lands; and

Whereas, under Title 12 § 1801,7,B, a "Park" can be "Any area not exceeding 1,000 acres that is with or without distinctive characteristics but contains natural features that afford ample opportunity for development and use for active recreation"; and

Whereas, public recreational use of Mackworth Island has increase significantly over time requiring additional facilities, management and stewardship; and

Whereas, the 100 acres of Mackworth Island under the Bureau's jurisdiction is now classified as Non-Reserved Public Lands, is managed primarily to provide public recreation opportunities, and there are no other actively managed Public Reserved Lands or Non Reserved Public Lands in the general vicinity of the Island; and

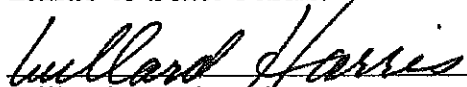
Whereas, the Parks staff of BP&L are actively managing other nearby Parks and Mackworth Island has exceptional walking, aesthetic and other recreational opportunities at a location adjacent to the city of Portland; and

Whereas, Parks staff can provide an increased level of stewardship and the current and future recreational use of the island can be better provided for as a Park; and

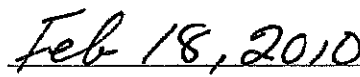
Whereas, increasing stewardship, management and facilities on the Island will require additional staff time and funding, which can be better provided by the Parks system;

Now therefore,

By signing below, the Director of the Maine Bureau of Parks and Lands hereby converts the land classification of Mackworth Island from Non-Reserved Public Lands to State Parks.



Willard Harris, Director
Maine Department of Conservation
Bureau of Parks and Lands



Date

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,

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

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

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

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

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

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.

**Maine Department of Conservation
Bureau of Parks and Lands ("BP&L")
Director's Land Classification
Mackworth Island**

Whereas, Title 12 § 1804-2, authorizes the Director of BP&L to classify lands as either Parks, Historic Sites, Public Reserved or Public Non-Reserved Lands; and

Whereas, under Title 12 § 1801,7,B, a "Park" can be "Any area not exceeding 1,000 acres that is with or without distinctive characteristics but contains natural features that afford ample opportunity for development and use for active recreation"; and

Whereas, public recreational use of Mackworth Island has increase significantly over time requiring additional facilities, management and stewardship; and

Whereas, the 100 acres of Mackworth Island under the Bureau's jurisdiction is now classified as Non-Reserved Public Lands, is managed primarily to provide public recreation opportunities, and there are no other actively managed Public Reserved Lands or Non Reserved Public Lands in the general vicinity of the Island; and

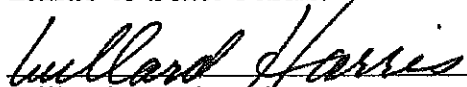
Whereas, the Parks staff of BP&L are actively managing other nearby Parks and Mackworth Island has exceptional walking, aesthetic and other recreational opportunities at a location adjacent to the city of Portland; and

Whereas, Parks staff can provide an increased level of stewardship and the current and future recreational use of the island can be better provided for as a Park; and

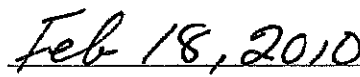
Whereas, increasing stewardship, management and facilities on the Island will require additional staff time and funding, which can be better provided by the Parks system;

Now therefore,

By signing below, the Director of the Maine Bureau of Parks and Lands hereby converts the land classification of Mackworth Island from Non-Reserved Public Lands to State Parks.



Willard Harris, Director
Maine Department of Conservation
Bureau of Parks and Lands



Date

TRANSFER AGREEMENT

This agreement is entered into by and between the Bureau of Public Lands ("Public Lands"), Department of Conservation and the Governor Baxter School for the Deaf, Department of Education ("GBSD"). Pursuant and subject to the provisions of MRSA Title 12, Chapter 202 §552-E, GBSD hereby transfers to Public Lands responsibility for the management of the natural resources of Mackworth Island, Town of Falmouth, County of Cumberland State of Maine, said island being one hundred (100) acres more or less in extent as described in deed from Percival Proctor Baxter to the State of Maine dated January 13, 1943 and recorded in Cumberland County Registry of Deeds at Book 1706, Page 54, subject to the following terms and conditions:

*As illustrated
#5 in ml
Plan*

1. The natural resources of Mackworth Island shall be managed by the Bureau of Public Lands in a manner that is in accordance with the terms of Governor Baxter's January 13, 1943 Deed of Conveyance. For the purposes of this agreement the natural resources of Mackworth Island to be managed by the Bureau of Public Lands are those areas identified as tidal shoreline, embankment, beach, and public open space zones, including forested areas, on the aerial map of Mackworth Island attached hereto and made a part hereof as Exhibit A.
2. The Bureau of Public Lands shall adhere to the resource management recommendations presented in the document entitled Mackworth Island Management Plan (pg. 35 and 36) within the financial constraints of the Public Lands Management Fund.
3. The Bureau of Public Lands shall work closely with the administration of the Governor Baxter School for the Deaf in exercising management of the natural resources of Mackworth Island. GBSD and Public Lands shall cooperate with each other and provide to each other upon request such

Post-It Fax Note	7671	Date	2/16	# of pages	3
To	Tom Perrin	From	Swanthony		
Co./Dept.	BPEL	Co.			
Phone #	287-3061	Phone #	778-4111		
Fax #	287-8111	Fax #			

information, inventory data and other materials useful for natural resource management as may be in the possession or subject to the control of either agency.

- 4. The term of this agreement shall commence upon its approval by the Commissioners of Education and Conservation and by the Governor and shall continue until terminated by agreement of all parties hereto.

Dated at Augusta this 29th day of June, 1992

Department of Education

By: *Polly B. Ward* Date: 6/18/92
Polly B. Ward, Acting Commissioner

Department of Conservation

By: *C. Edwin Meadows, Jr.* Date: 6/27/92
C. Edwin Meadows, Commissioner

Governor of Maine

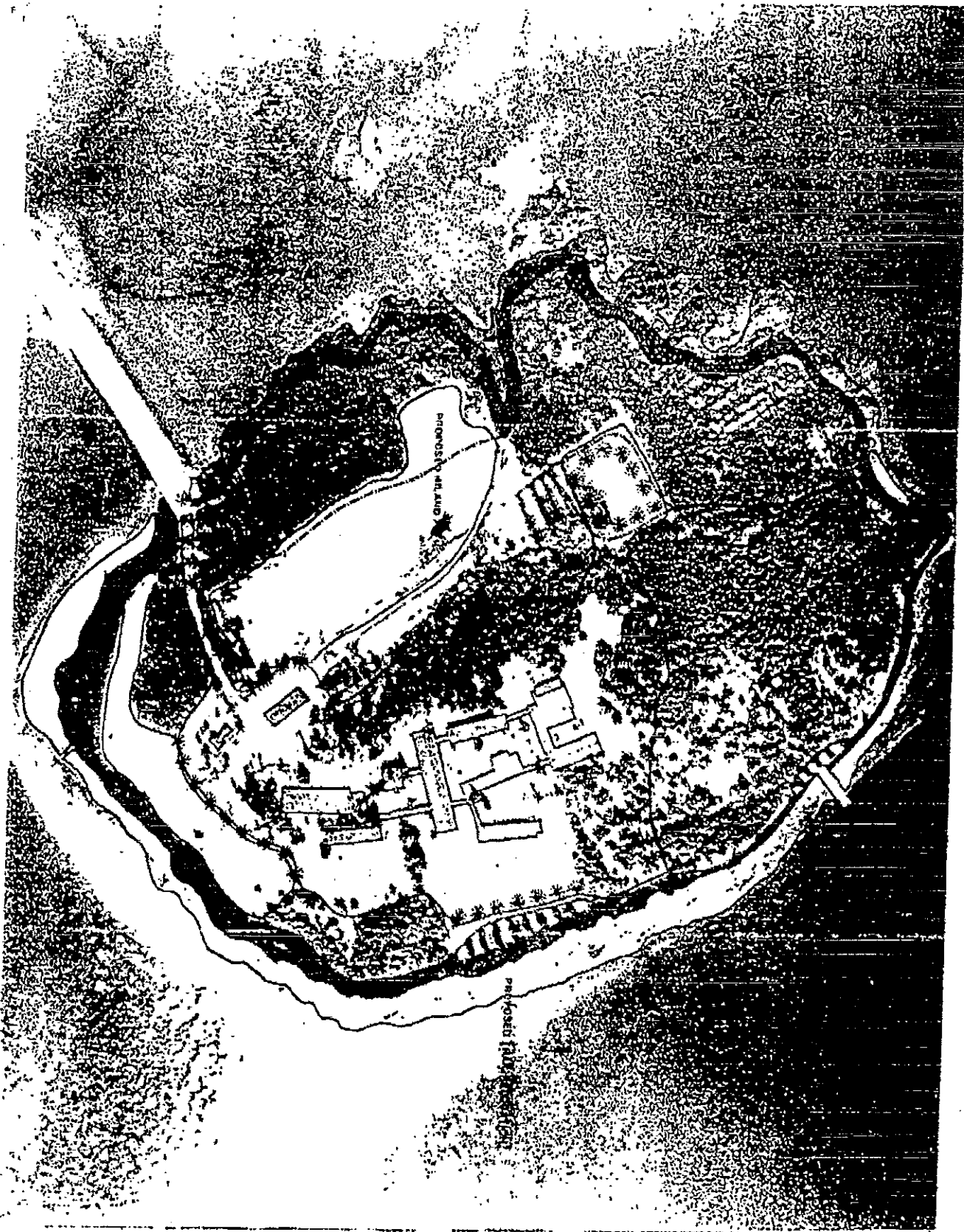
By: *John R. McKernan* Date: 6/26/92
John R. McKernan, Governor

Governor Baxter School for the Deaf

By: *Kathleen M. Fries* Date: April 30, 1992
Kathleen M. Fries, Superintendent

Bureau of Public Lands

By: *Thomas A. Morrison* Date: April 23, 1992
Thomas A. Morrison, Director



Scale
1 inch = 1 mile
1:62,500

City of [illegible]
[illegible]