

**Maine Administrative Procedure Act
2021-2022 Regulatory Agenda Filing
Baxter State Park Authority**

July 2, 2021 (Original Agenda)
August 23, 2021, Amended agenda
added Rule 1.1 and 5.5

AGENCY UMBRELLA-UNIT NUMBER: **94-293**
AGENCY NAME: **Baxter State Park Authority**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON** (as defined by 5 MRS §8051-A), including mailing address, phone, and email address:
Georgia Manzo, 64 Balsam Drive, Millinocket, ME, 04462
Georgia.manzo@baxterstatepark.org, 723-9616

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA (either indicate "None", or list all emergency rules):
None

EXPECTED 2021-2022 RULEMAKING ACTIVITY (a list of all rules your agency expects to propose for the year beginning October, 2021). For each chapter, include the following information:

CHAPTER NUMBER AND TITLE:

Chapter 1 BAXTER STATE PARK RULES AND REGULATIONS:

Rule 1 CAMPING, RESERVATIONS AND REGISTRATION

Rule 1.1 *The Authority and Director may establish administrative policies and procedures for the processing of reservations..*

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

To provide for a formal policy and procedure mechanism to remove some of the judicially unenforceable portions of Baxter State Park's Rules.

SCHEDULE FOR ADOPTION:

December 2021

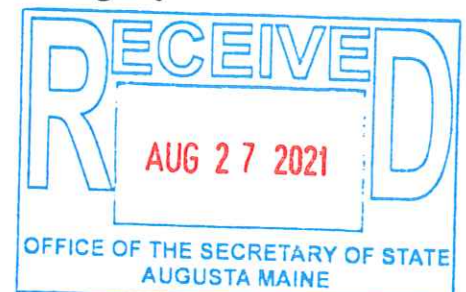
AFFECTED PARTIES:

Baxter State Park Staff, visitors

CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison:



Rule 1.2 *Camping is permitted by reservation only and only in authorized campgrounds and campsites, as specified by the Park, May 15 through October 22 and December 1 through March 31. Campers must register at the gatehouse no later than 8:30 p.m. Check-out time is 11:00 a.m and check-in time is 1:00 p.m. Tents are not permitted outside of lean-tos at lean-to sites. Camping by groups of more than 12 people is permitted only at group camping areas located at Bear Brook, Foster Field, Nesowadnehunk Field, Trout Brook Farm and North Branch Camps.*

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

To clean up potentially unnecessary restrictions on our season length, check out times, and locations for group sites, which should be regulated at the policy level. Also to potentially remove the “no tents in lean-tos” portion of this rule.

SCHEDULE FOR ADOPTION:

December 2021

AFFECTED PARTIES:

Baxter State Park Staff, visitors

CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison:

Rule 2 HIKING AND DAY USE

Rule 2.2 *Hiking or mountain climbing may be restricted at the discretion of the Director. Park users must be reasonably prepared and equipped for the activity they are engaged in, and must take reasonable precautions against endangering themselves or others. Hikers must carry a working flashlight. No children under the age of six (6) years are allowed above timberline. Registration of technical rock/ice climbers is required. The Baxter State Park Authority may request reimbursement of search and rescue costs in cases of reckless hikers.*

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

Staff have been directed by the Authority to consider alterations to the “No children under six” portion of this rule.

SCHEDULE FOR ADOPTION:

December 2021

AFFECTED PARTIES:



Baxter State Park Staff, visitors
CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison
(including mailing address, phone, and email address):

Rule 3 HUNTING, TRAPPING AND FISHING

Rule 3.1 *Hunting and trapping are prohibited within the Park. Use or possession of any firearm, bow and arrow, sling shot, or air rifle or pistol is prohibited....*

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

To add crossbow to list of prohibited hunting implements.

SCHEDULE FOR ADOPTION:

December 2021

AFFECTED PARTIES:

Baxter State Park Staff, visitors

CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison
(including mailing address, phone, and email address):

Rule 4 RESOURCE PROTECTION AND WILDERNESS PRESERVATION

Rule 4.6 *Where toilets are not available, human waste must be disposed of at least 200' from water or trail by burying or by carry-out.*

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

To bring rule into alignment with Leave No Trace principles on disposing of feces above treeline.

SCHEDULE FOR ADOPTION:

December 2021

AFFECTED PARTIES:

Baxter State Park Staff, visitors

CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison
(including mailing address, phone, and email address):

Rule 5 VEHICLES AND TRANSPORTATION

Rule 5.1 *No vehicle over nine (9) feet high, seven (7) feet wide, or 22 feet long for a single vehicle or 44 feet long for combined units may enter the Park. Oversize units may be authorized to use the Park road system by special use permit, subject to conditions set by the Director. The Director may restrict the use of vehicles by persons without camping reservations.*

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

To reexamine vehicle length restrictions and potentially remove the last sentence, which is a remnant from a period prior to our day use parking reservation system.

SCHEDULE FOR ADOPTION:

December 2021

AFFECTED PARTIES:

Baxter State Park Staff, visitors

CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison (including mailing address, phone, and email address):

Rule 5.4 *The operation of...The operation of Motorcycles is prohibited on unpaved roads within the Park. Unless further...*

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

To potentially permit motorcycle use beyond the paved surface up to the staffed gatehouses. The rule as is remains difficult to enforce.

SCHEDULE FOR ADOPTION:

December 2021

AFFECTED PARTIES:

Baxter State Park Staff, visitors

CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison (including mailing address, phone, and email address):

Rule 5.5 *Take-off and landing of aircraft in the Park is prohibited except on Matagamon, Nesowadnehunk, and Webster Lakes. Persons landing aircraft on permitted*

waters in the Park must register with Park Headquarters or a gatehouse in advance. "Aircraft" is defined to include any machine or device capable of deriving support in the atmosphere from the reactions of the air, including, but not limited to model craft, hot air balloons, hang gliders, para-sails, para-gliders and unmanned aerial vehicles (UAVs). The possession of a UAV on any trail, waterway or body of water within the Park is prohibited.

STATUTORY BASIS: Pursuant to 12 M.R.S.A. §903.1: The Baxter State Park Authority may adopt rules pursuant to the Maine Administrative Procedure Act it considers necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the Baxter State Park to the State.

PURPOSE (of the rule):

To clarify Park policy around the prohibition of UAVs in the Park.

SCHEDULE FOR ADOPTION:

December 2021

AFFECTED PARTIES:

Baxter State Park Staff, visitors

CONSENSUS-BASED RULE DEVELOPMENT:

N/A

CONTACT PERSON for this chapter, if different from the general agency liaison (including mailing address, phone, and email address):

Wismer, Don

From: Georgia Manzo <georgia.manzo@baxterstatepark.org>
Sent: Tuesday, August 24, 2021 3:34 PM
To: Wismer, Don
Cc: eben
Subject: Amended Regulatory Agenda - Baxter State Park
Attachments: BSP Regulatory Agenda 2021 Amended.docx

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings, Don,

I hope you are well. Here is Baxter State Park's amended Regulatory Agenda. I will forward a hard copy along to you. (This has been filed electronically as well.)

Best regards,

Georgia Manzo
Park Secretary
georgia.manzo@baxterstatepark.org
Phone: 207-723-9616 X222
Cell: 207-447-8932