

PO Box 322 Belfast, ME 04915 (207) 331-4164 www.friendsofbaxter.org

**TESTIMONY ON LD 294
AN ACT TO INCLUDE A TRIBAL MEMBER
IN THE BAXTER STATE PARK AUTHORITY**

I am Ellen Baum, President of Friends of Baxter State Park, an organization with a mission to inspire passion for the Park's wild character in the spirit of Percival Baxter. Our organization has worked with the Baxter Park Authority for 23 years. We attend every single meeting and have spoken before it on countless occasions. We are intimately familiar with its role and responsibilities in managing the Park.

We are testifying both for and against LD 294. While I am aware that the legislative language calls for testifying neither for nor against a bill, such terminology does not truly capture our sentiments.

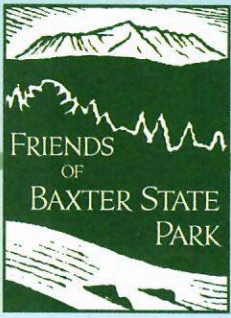
The overarching intent of LD 294 is to provide for greater Wabanaki involvement in Baxter State Park matters – an important goal and one that we fully support. We acknowledge and respect the sacred connection between the Wabanaki people and Katahdin – a relationship that has existed for millennia and continues to this day. Along with many other Maine conservation organizations, we have spent the past five years learning about Wabanaki history and culture as part of the First Light Learning Journey, which has spawned new initiatives within our organization to expand our thinking and our work with Baxter State Park to incorporate Wabanaki interests.

We are all aware of Percival Baxter's magnificent gift of Katahdin and the surrounding lands to the people of Maine. But the lands were only part of that gift. The other essential contribution that Baxter made were the Deeds of Trust to guide the stewardship of these lands free from the intervention of government and outside interests, along with an endowment to avoid dependence on public funding and outside financial pressures. The Baxter State Park Authority was given the responsibility of serving as trustees to the Deeds of Trust as articulated by Assistant Attorney General Paul Stern. On December 22, 1997, he wrote:

"The Authority as trustee is required to comply with the intent of Governor Baxter, and not with general State policy. Indeed, if the Authority chose to comport its decision with general State policy, it would be a violation of the Trust."

(Whitcomb, Howard. *Governor Baxter's Magnificent Obsession: Documentary History of Baxter State Park 1931-2006*, Friends of Baxter State Park, 2008, pp.226-227)

The park is to be preserved in its wild state as unspoiled wilderness.
- Governor Percival Baxter



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Governor Baxter's incredible foresight has served the Park and the People of Maine well over the decades. The Deeds of Trust and their administration by the Authority has succeeded in preventing outside interference in Park matters by political and other forces, and in doing so has preserved Baxter State Park as a national treasure.

We understand that the sponsors and supporters of LD 294 have worthy objectives, which we share. However, for the Legislature to interfere with the operations of Baxter State Park would set a terrible precedent, one that would inevitably lead to future attempts by the Legislature to intervene in Park affairs. Baxter State Park would be significantly weakened by this legislative intrusion into its structure and function – something that Percival Baxter worked so hard to prevent.

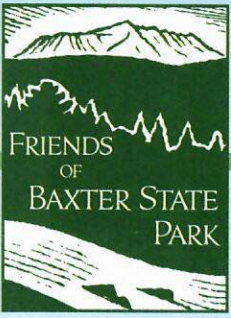
Friends of Baxter State Park acknowledges that Wabanaki people are an integral part of the past, present, and future of Baxter State Park, and we believe that the Park will be stronger by incorporating Wabanaki perspectives. We simply do not feel that LD 294 is the best way to accomplish this goal. Instead, we believe that there are other, more meaningful avenues to bring Wabanaki voices into the management of Baxter State Park. Moreover, we are prepared to invest our own organization's time and resources into helping make that happen.

In closing, we believe that LD 294 is a well-intentioned proposal, but one that can be better achieved without undermining the institutional foundation of Baxter State Park.

Attached to our testimony is a compilation of citations from the deeds of trust and other sources that directly pertain to this legislative proposal.



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**Attachments to Testimony on LD 294
Friends of Baxter State Park
February 13, 2023**

1.) Title 12 MRSA §900

"Seldom has a more generous gift been presented to a people than has been given by Percival Proctor Baxter to the people of the State of Maine. It is incumbent on them, the recipients, to preserve the trust impressed upon them, to ensure for themselves and for future generations the fullest use of Baxter State Park consistent with the desires of the donor."

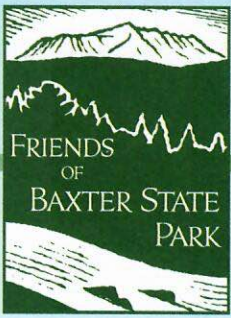
"While this area bears the name park, it is not to be confused with the existing state park system and is to "be separately administered free from any connection with the State Park Commission." (Bureau of Parks and Lands) That system, purchased with the funds of the people, must change from time to time to accommodate changing circumstances and the varying desires of its proprietors; not so, Baxter State Park, purchased by the generosity of one man, richly endowed, and presented to the people with specific stipulations."

"Solemnly cognizant of the responsibility, it shall always be the purpose of the Authority to satisfy the terms of the Trust."

2.) Memorandum from Assistant AG Paul Stern to members of the Baxter State Park Authority, 12/22/1997

"The Authority as trustee is required to comply with the intent of Governor Baxter, and not with general State policy. Indeed, if the Authority chose to comport its decision with general State policy, it would be a violation of the Trust. In a wide variety of contexts, Governor Baxter made it clear that his desire was that the park and its funds be utilized according to his intent, and not general State policy."

"The choices at times may be difficult, and indeed politically painful, for Authority members, but as Trustees of the fund and the Park, Authority members have the duty, obligation, and responsibility to comport their decisions with Governor Baxter's Trust"



3.) Fitzgerald v. Baxter State Park Authority (1978)

"The membership of the Authority, obviously selected by Governor Baxter himself and ratified by him by his subsequent gifts, consists of the State's principal officers in the professions of the law, forestry, and fish and wildlife management. Both Governor Baxter and the legislature placed their confidence in the judgment and integrity of those high state officials."

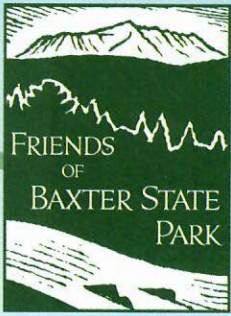
4.) Attorney General Opinion: Deputy AG Rufus Brown to AG James Tierney, 11/29/1983

"The Authority was created in 1939 to act as trustee for the State of Maine for purposes of Baxter's Trust. This Act, which Baxter "undoubtedly had a major role" in planning and introducing to the Legislature, JW Hakola, Legacy of a Lifetime, at 139, specified that the membership of the Authority should consist of the Attorney General, the Commissioner of Inland Fisheries and Game, and the State Forest Commissioner. Of course, that membership has remained consistent to the present date."

"One of the most emphatic letters on the subject of membership of the Authority was written by Governor Baxter on February 16, 1967 to the Park Authority in reference to a proposal to enlarge the Authority to include State Representatives from Millinocket and Greenville. Governor Baxter strongly opposed this change in the membership, writing:

.... The citizens of our State, if this matter were placed before them, would not think of making any changes. Such an action would break the Trust which I established and I should be humiliated if I were ever called upon to go before a Legislative Committee to try to stop passage of this proposed bill."

"With this background, it appears clear that the present membership of the Authority was that intended by Governor Baxter and by such membership Governor Baxter intended to draw upon the expertise and the judgment of particular state officials."



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5.) Letter from Percival Baxter to Baxter State Park Authority, February 16, 1967

Percival P. Baxter's Vision for Baxter State Park: An Annotated Compilation of Original Sources, Volume IV Correspondence Related to Baxter State Park, 7.2. Baxter State Park Administration - 7.2.1 Authority's Autonomy

"The present Baxter Park Authority provides the kind of governing body I believe the best fitted to continue Baxter Park as I want it to be. The three men who comprise the Authority are state employees. I don't believe their services on the Authority have, or will have, any effect on their salary costs to the state. The Forest Commissioner provides the Authority with a person informed in forest land management, the Inland Fisheries & Game Commissioner with an interested and informed person in the management of fish and game in forested areas, and the Attorney General with a person and interested and knowledgeable in the law and all are interested in people. They have successfully administered Baxter Park in conformity with my ideas for many years. I want to see their type of administration continued long after I have passed from the scene."

6.) Attorney General Opinion: Deputy AG Rufus Brown to G. William Diamond and Neil Rolde, 12/6/1983

"Given Governor Baxter's strong views about the existing membership of the Authority, as expressed in various extrinsic documents and recognized by our own Law Court, there are sufficient grounds to conclude that the maintenance of the existing membership constitutes a trust obligation which should not be altered."



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