

THE BAXTER PARK WILDERNESS FUND

THE TRUST FOR PUBLIC LAND wishes to make a gift to the State of Maine for the benefit of Baxter State Park. This gift is made possible through the generosity of an anonymous Maine resident (the "Donor"). In consideration of this generosity, this gift is made subject to the following conditions and subject to the acceptance of these terms by the State of Maine.

The initial gift and any additions thereto shall be transferred and paid over, upon acceptance by the State of Maine, to the GOVERNOR OF THE STATE OF MAINE, to be invested and reinvested as a trust fund, known as **THE BAXTER PARK WILDERNESS FUND**, (the "Fund") and distributions, subject to conditions set forth in this instrument, and made at least quarter-annually therefrom, shall be paid over to the Baxter State Park Authority (the "Authority") as created under Title 12, Maine Revised Statutes Annotated, Sections 900 to 907, inclusive, to be expended, as determined solely by the Authority, for the purposes of Baxter State Park.

The Governor of the State of Maine (the "Governor") shall appoint, to have supervision and investment authority of this trust Fund, a Commission of three (3) members, who shall receive no compensation for their services but who shall be reimbursed for all of their reasonable expenses and, except for the first two years of the Fund's existence, each Commissioner shall serve a term of three (3) years on a staggered basis so that the term of one Commissioner shall expire each year (therefore the initial terms of two (2) of the members of the Commission are for one and two years, respectively).. The Governor shall appoint a Commissioner to complete the uncompleted term of any Commissioner who does not complete her term. At no time during a Commissioner's term shall that Commissioner hold an elected or appointed position in state government or be an employee thereof.

The persons appointed to the Commission shall be persons having a demonstrated interest in the preservation and future of Baxter State Park and, although not exclusively, be persons who have backgrounds in the fields of investment, accounting, banking, insurance or law.

The purpose for the establishment of this fund is to create a vehicle to accept contributions and provide income for the maintenance and operation of Baxter State Park. The Donor's goal for the fund is to establish an ever increasing source of income for these purposes as well as making user fees more affordable. It is the Donor's hope that the Commission would seek to accomplish this goal by production of income, capital appreciation and the transfer of small but regular additions from income to the trust principal. The Donor, by this gift, hopes to encourage additional contributions, using this vehicle. The commission may utilize traditional brokerage firms and investment advisors. It is the desire of the Donor that investment expenses be minimized and that the Commission exercise its good faith judgment concerning investment decisions and utilization of investment resources in the exercise of its duties.

The Commission shall employ the prudent investor standard of the State of Maine for investment purposes. Decisions and actions by the Commission shall be taken upon an affirmative vote of at least two Commissioners. The Commission shall keep complete financial records and statements of the Fund's activities and shall provide the Governor and the Authority with copies of such statements no less often than semi-annually. At least semi-annually, the Commission shall report to the Governor or his representatives and the State Treasurer on investments, income earned and distributions made, and shall meet with them annually to discuss the same.

This instrument, the Fund and the Commissioners shall be governed by The Maine Uniform Principal and Income Act, Title 18-A Maine Revised Statutes Annotated (§7-701 *et seq*) and the Maine Uniform Trust Code, Title 18-B M.R.S.A., including the Maine Prudent Investor Act, as they may be amended from time to time, as if the Fund were a trust under Maine law and the Commissioners trustees under Maine law. The Commissioners shall have the power to interpret this instrument and to modify its terms as they deem prudent and necessary to carry out and further the intention of the Donor.

The Fund shall indemnify the Commissioners in respect of any and all matters or actions for which indemnification is permitted by the laws of the State of Maine, including without limitation, liability for expenses incurred, including legal fees and expenses, in any threatened,

pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative. The Fund may purchase and maintain insurance on behalf of the Commissioners or who are or were serving the Fund insuring them against any liability asserted against or incurred by a them, or any of them, in the course of or as a consequence of their service to the Fund in such capacity, whether or not the Fund would have the power to indemnify the Commissioner(s).

The Donor may make or direct future additions to the Fund, which the Governor and Commission shall accept. This trust Fund shall be open to contribution from others who may wish to contribute to the same purpose. The Commissioners may reject any contribution to the Fund which carries conditions, other than those from the Donor and all contributions in excess of the statutory minimum, must be accepted by the Governor.

The purposes of Baxter State Park are set forth in the State of Maine Statutes and are repeated here for the guidance of the Commission.

Section 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 upon them, the recipients, to preserve the trust impressed upon them, to ensure for themselves and future generations the fullest use of Baxter State Park consistent with the desires of the donor.

Governor Baxter’s expressed desires were that this park ‘shall forever be retained and used for state forest, public park and public recreational purposes . . . shall forever be kept and remain in the natural wild state . . . shall forever be kept and remain as a sanctuary for beasts and birds.’

Lest those that follow, uncertain of Governor Baxter’s wishes, seek to define his desires in ways inharmonious with their original intent, this section is enacted.

It shall be the object of the Baxter State Park Authority to preserve the grandeur and beauty of Maine’s highest peak, Mount Katahdin, as well as the 45 other mountains, the numerous

lakes, ponds and streams; to subordinate its own wishes to the intent of Governor Baxter; to recognize his wish that, in this era of change, one thing of natural beauty remain constant.

This intent must be interpreted so as not to separate this park from the people to whom it was given; but rather seek to have it enjoyed and 'used to the fullest extent but in the right unspoiled manner.'

As a public forest it shall remain in its natural wild state and when 'the Forests of our State have been cut off and disappeared, when civilization has encroached upon the land we now refer to as "Wild Land," this park will give the people of succeeding generations a living example of what the State of Maine was "in the good old days" before the song of the woodsman's axe and the whine of the power saw was heard in the land.'

As a public park and a place of recreation, it is apparent that it is intended for 'those persons who enjoy the wilderness' and that the repeated use of the word 'recreation' refers to the use of this park compatible with its natural state as a wilderness area and an expanse 'for those who love nature and who are willing to walk and make an effort to get close to nature . . . with pleasant foot-trails built and attractive campsites laid out in the valleys, by the brooks, and on the shores of the water.'

As a tract kept in its 'natural wild state', it is intended that 'everything in connection with the park must be left simple and natural and must remain as nearly as possible as it was when only the Indians and the animals roamed at will through those areas . . .' Access to the park shall be provided only 'as may be necessary to accommodate those persons who wish to enjoy the great unspoiled area that now is the property of our State . . .'

As a 'sanctuary for beasts and birds' it shall be forever a 'sanctuary and home for the creatures of the wild', and as refuge 'against hunting, trapping and killing' where 'hunting with cameras will take the place of hunting with guns.'

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 larger State Park Commission' (Bureau of Parks and Recreation). 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.

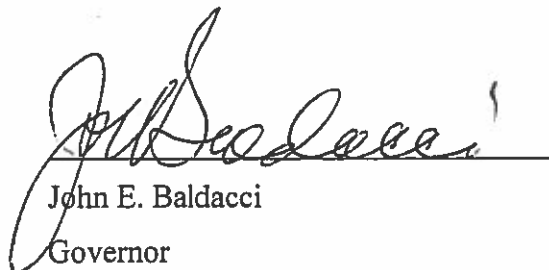
‘While I am living I fear no encroachments on the park, but as time passes and new men appear upon the scene, there may be a tendency to overlook these restrictions and thus break the spirit of these gifts.’

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

ACCEPTANCE

On behalf of the People of the State of Maine and pursuant to the provisions of Title 2, Maine Revised Statutes Annotated, Section 5, I accept this Gift and the Terms of this generous Donation.

August 23, 2007



John E. Baldacci
Governor