

Senator Anne Carney, Chair  
Representative Amy Kuhn, Chair  
Joint Standing Committee on Judiciary  
c/o Legislative Information Office  
100 State House Station Augusta, ME 04333-0100

**Baxter State Park Testimony Neither For Nor Against LD 829 (132nd Legislature, March 2025)**

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, I am the Director of Baxter State Park, Kevin Adam. I am testifying Neither For Nor Against LD 829 - An Act to Standardize the Laws Regarding the Carrying of Concealed Handguns in State Parks.

Baxter State Park is a 209,644-acre forested wilderness park and charitable trust created by former Governor Percival Baxter.<sup>1</sup> 12 M.R.S. § 900; <https://baxterstatepark.org/>. The Park is home to Maine's most iconic symbol and tallest mountain, Katahdin. The Park is also home to 48 heritage brook trout water bodies, 10 wilderness campgrounds, 46 peaks and ridges, multiple backcountry campsites, 215 miles of trails, and a 30,000-acre Scientific Forest Management Area that is dedicated to exemplary forestry. Consistent with the terms of the trust, over 50,000 acres of the Park is open to hunting and trapping.

I would like to point out a potential issue with the way the bill is written. The bill suggests that the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands has jurisdiction over Baxter State Park. Baxter State Park, however, is not part of the state park system administered by the Bureau of Parks and Lands. 12 M.R.S. § 900. Instead, Baxter State Park is separately administered by the Baxter State Park Authority, which has full power in the control and management of the Park, including the power to promulgate and administer rules. 12 M.R.S. §§ 901, 903.

The Baxter State Park Authority (the Authority) is a three-member board, the membership of which was "obviously selected by Governor Baxter himself and ratified by him by his subsequent gifts." 12 M.R.S. § 901; *Fitzgerald v. Baxter State Park Authority*, 385 A.2d 189, 202-03; see 5 M.R.S. § 12004-G(11). The Authority "consists of the state's principal officers in the professions of the law, forestry, and fish and wildlife management." *Normand v. Baxter State Park Authority*, 509 A.2d 640, 647 (Me. 1986) (quoting *Fitzgerald*, 385 A.2d at 202-03); 12

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<sup>1</sup> Then a private citizen, former Governor Baxter gifted Baxter State Park to the State of Maine over a thirty-one-year period through a series of deeds of trust that were transmitted to the incumbent Governor and accepted by the Legislature through private and special laws. *Fitzgerald v. Baxter State Park Authority*, 385 A.2d 189, 191-92 (Me. 1978); e.g., P. & S.L. ch. 1931, ch. 23; P. & S.L. ch. 1945, ch. 1; P. & S.L. ch. 1947, ch. 1; P. & S.L. ch. 1949, ch. 1; P. & S.L. ch. 1963, ch. 1.

M.R.S. § 901 (2022); Op. Me. Att'y Gen. 83-46. Those three state officers are experts in professions related to the governance of Baxter State Park and former Governor Percival Baxter intended that those three officials sitting together as the Authority have the autonomy to make decisions regarding all uses within Baxter State Park. Thank you for the opportunity to testify regarding LD 829.

Kevin Adam  
Director - Baxter State Park

Kevin Adam  
Baxter State Park  
LD 829

Hello I have submitted testimony for LD 829