



Requirements for Commercial Use in Baxter State Park

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Introduction

Baxter State Park is the singular and unique creation of former Maine Governor Percival Baxter. Over 33 years, Baxter donated more than 200,000 acres to the people of Maine, beginning with Katahdin. He conveyed this land through multiple Deeds of Trust (hereafter the “Deeds”) with accompanying formal communications that together described how it was to be managed. Throughout his lifetime, he continued to provide additional communications, especially to the Baxter State Park Authority (hereafter the “Authority”), the Park’s governing body, which was established by the legislature in the 1930s at Baxter’s request. The mission of the Park comes from these documents, as described below.

Park Mission

The Deeds state that the Park land is set aside for public forest, park, and recreational purposes, to remain in its natural wild state, and to provide a sanctuary for wildlife. In 1955, in the formal communication that accompanied his last gift, Baxter wrote the following statement, which was enacted into law:

“This area is to be maintained primarily as a Wilderness and recreational purposes are to be regarded as of secondary importance and shall not encroach upon the main objective of this area which is to be ‘Forever Wild.’”

The Authority and Park staff must legally adhere to this collective guidance, interpreting it thoughtfully so as not to break the terms and spirit of the Trust. Baxter State Park wilderness status is defined by the Deeds- it is not part of the Maine State Park or any other state lands system, and does not correspond to the federal definition of wilderness and its associated management practices.

Background and History of Commercial Use

Guiding visitors has long been part of the history of Katahdin and Baxter State Park. Roy Dudley guided Percival Baxter and his party up Katahdin in 1920. However, little guidance can be found about guiding or other commercial uses in the Deeds, the formal communications, and other written guidance, including Attorney General opinions and previous actions of the Authority. The most direct statement is found in Baxter’s January 1945 letter to Governor Hildreth that accompanied the gift of an additional 35,000 acres when he wrote, “I seek to provide against commercial exploitation, against hunting, trapping, and killing, against lumbering, hotels, advertising, hot dog stands, motor vehicles, horse-drawn vehicles, and other vehicles, aircraft

and the trappings of unpleasant civilization. Nor is the park to be exclusively for professional mountain climbers; it is for everybody.”

Baxter Park Authority had discussions about the effects of commercial guides and other commercial activity through the 1980s to 2000s, but they were not regulated. By the early 2000s, Baxter State Park staff had become concerned enough about winter guiding on Katahdin, Appalachian Trail hiker shuttles, and photography workshops at Sandy Stream Pond to begin requesting commercial users to register at the gate. In 2004, a meeting was held with Park staff, the Commercial Use Subcommittee of the Park Advisory Committee, and 11 commercial user representatives. This was the beginning of more analysis of commercial operators' activity and numbers in Baxter State Park. Registration of commercial operators continued until 2019, when a free permit system was instituted, whose purpose was in part to gather more information on permittees and their activities.

Since 2019, free commercial permits have been issued. Monitoring by Park staff has increased with a focus on identifying commercial operators and ensuring their compliance with Park rules and regulations, that commercial operators are not impacting other visitors' experience, and that their commercial activities are not disproportionately contributing to the degradation of the Park's Natural Resources.

Definition of Commercial Use.

Definitions:

Commercial Use: is any guided activity *or* any fee for service for guiding, as well as shuttle/taxi services: any activities that require remuneration to the provider or organizer of those activities, including non-profits.

Commercial Permit Holder: Is the person or business that has been issued the commercial permit.

Commercial Permit Holder Representative: Is a person who is working for the Commercial Permit Holder.

Commercial activities that create advertisements for products or services are prohibited.

This commercial use policy does not apply to individuals working alone and taking still or moving pictures, or to painters or artists. It applies to any group instruction for these activities.

A separate commercial media policy ([link](#)) applies to still and moving pictures when the scale of the purpose of the project is about generating income and for a market audience.

If you are unsure if your use is considered “Commercial”, please inquire by contacting the Park.

This table lists some activities in the Park that are typically commercial or noncommercial.

NON-COMMERCIAL	COMMERCIAL
Photography by oneself	Guided Activities
Artist by oneself	Shuttle/Taxi Services
School (K-12) Day Trips	Camp Groups
Scouting trips	College Orientation Groups

COMMERCIAL USE POLICY

The Authority recognizes that some commercial uses may be appropriate for Baxter State Park, that commercial operations may benefit the Park by enhancing safety and educating visitors about the Park’s mission, management, and regulations, and that commercial operators have an elevated responsibility for stewardship and accountability for their activity. At the same time, commercial operations may have negative impacts if not monitored and regulated. Commercial Permit Holders and Commercial Permit Holder Representatives shall not have any exclusive rights or privileges over noncommercial users.

Commercial Activities will:

- Not compromise the Park’s wilderness mission, its natural resources, values, and or visitor experiences.
- Promote public health and safety.
- Ensure compliance with existing Park Rules and Regulations [link], and State laws regarding guiding and transportation of visitors in motor vehicles.
- Not interfere with or conflict with Park programs or activities.
- Comply with administrative processes and timelines to ensure that commercial use does not result in undue administrative costs for permitting, managing, and monitoring such use.

Federal, State, and Local Laws. Commercial use permits issued by Baxter State Park and the Park rules under which commercial users operate ***do not*** supersede federal, state, or local laws governing commercial operations. For example:

- Transportation services must adhere to Maine Motor Vehicle laws ([link](#)).
- Guide services, Camp Trip Leaders, and Educational Trip Leaders must adhere to the specific law requirements in M.R.S.A Title 12 and summarized by the Department of Maine Inland Fisheries and Wildlife laws ([link](#)).

Commercial Permit Holders/Representatives are responsible for knowing and following all applicable laws governing their business, industry, or service.

The Baxter State Park Authority reserves the right to revoke permits for violations of Baxter Park rules, permit conditions, or state laws.

Monitoring. Baxter State Park staff are fully committed to resource protection, recreation management, and public safety. Baxter State Park reserves the right to monitor commercial use permittees for compliance with all laws and rules, and compliance with this policy.

Compliance monitoring of commercial activity within Baxter State Park includes:

- Issuance of commercial permits
- Annual surveys of commercial permit holders
- Observations of commercial use activities by Park staff
- Observations of commercial use activities by visitors
- Feedback from commercial users' customers

Commercial Use permits enable the Park to monitor the following:

- The scope of commercial activities in the Park, including the number and identity of commercial users, what services they provide, and when and where they are operating in the Park
- The number of commercial permit holders/users
- The licenses and qualifications of commercial permit holders/users
- The quality of services provided while in the Park
- The ratio of commercial use to non-commercial use
- The impacts of commercial use on Park resources and the wilderness experience of other visitors

Commercial Permit Conditions:

When a commercial permit is issued, the Commercial Permit Holder will agree to the following conditions.

1. Providing Accurate and Complete Information. The Commercial Permit Holder is required to provide accurate and complete information on their application for a Commercial Use Permit, the annual survey, reservations, or otherwise in relation to a Commercial Use Permit.

2. Legal Compliance. The Commercial Permit Holder must comply with applicable state statutes and rules, including those governing fishing and hunting, guiding, motor vehicle registration and operation, snowmobiling, and transporting visitors, as well as Baxter State Park rules.

3. Liabilities and Claims. The Commercial Permit Holder **including any agents, volunteers or independent contractors* will indemnify and hold harmless Baxter State Park and its officers, employees, and agents against all third-party claims, liabilities, and costs, including reasonable attorney fees, for all injuries to persons or property or claims for money damages, including claims for violation of intellectual property rights, arising from the negligent acts or omissions of the Permittee, its officers, employees, and agents in its use of the Park.

4. Insurance. The Commercial Permit Holder must keep in force a general liability insurance policy issued by a company fully licensed or designated as an eligible surplus line insurer to do business in this State by the Maine Department of Professional and Financial Regulation, Bureau of Insurance, which policy includes the activities to be covered by this Commercial Use Permit and a minimum of \$500,000 general liability insurance per occurrence. The policy must provide workers' compensation coverage for any employees or agents of the permit holder who will be carrying out activities in the Park under this Commercial Use Permit. Upon request, the permit holder must promptly provide a certificate of insurance to the Park.

5. Transfer. A Commercial Use Permit may not be transferred or assigned.

6. Reporting. The Commercial Permit Holder must complete the Baxter State Park Commercial Permit Activities Survey. This will be completed before the next year's commercial permit is approved.

7. Termination. The Park Director, in his/her sole discretion, may terminate a Commercial Use Permit for any reason.

8. Permit Display and Presentation. The commercial permit holder/representative must carry a copy of this permit while operating in the Park. Commercial permit holders/users who are

transportation providers must display their permit while driving in the Park and present it upon request by Park staff.

9. Leave No Trace. While operating within the Park, the commercial permit holder/user shall follow Leave No Trace principles.

10. Facilities. The commercial permit holder/ user may not use the Birches camping area (which is dedicated to individual long-distance hikers).

11. Camp Group Size. Groups of 12 or more must stay at designated group campsites.

12. Vehicle Staging. The commercial permit holder/representative may not stage or store vehicles in the Park overnight if staying outside the Park.

13. Reservations. When making camping or parking (Katahdin Trailhead Pass) reservations, commercial permit holders must check the commercial operator box and must use the name of their business. Commercial permit holders are allowed two (2) Katahdin Trailhead Passes per month.

Proposed: Reservations: Commercial Permit Holders must create a Reservation account for their commercial business, using the business name and business email address. When making a camping or parking (Katahdin Trailhead Pass) reservation, Commercial Permit Holders must use their commercial account. Commercial Permit Holders are allowed two (2) Katahdin Trailhead Passes per month for commercial use.

14. License. A Commercial Use Permit is a revocable license. It does not create any real property interest in Baxter State Park.

15. Permits. An approved permit from the Director of Baxter State Park is required before the commencement of any activity within the Park that falls under the definition of Commercial Use.

Permits are valid for 2 years.

Currently, permits are free; however, the Park reserves the right to charge a fee at a future date. The application for a permit can be found here:

<https://docs.google.com/forms/d/e/1FAIpQLSe6HjFfEDiT5w2LgRtrYGjXDCDSC-GxHCdHpoauhbxJweIhjQ/viewform>).

Each permit describes the specific conditions under which the permittee must operate, which can be found [here](#). The commercial operator is responsible for the actions of all those operating under their permit, including adherence to these policies and all permit conditions.

16. Violations. Violations of Park rules may result in the revocation of a permit, a citation, or both. The Baxter State Park Authority reserves the right to revoke Commercial Use Permits for violations of Baxter Park rules, state laws, or policies.

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