

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**Sixty-Ninth Legislature**  
OF THE  
**STATE OF MAINE.**  
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**1899.**

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**SENATE.**

Wednesday, March 1, 1899.

The Senate met according to adjournment and was called to order by the president.

Prayer by Rev. Mr. Pictou of Gardiner.

Journal of yesterday read and approved.

(Senator Weeks of Somerset, in the chair.)

**HOUSE BILLS READ AND ASSIGNED.**

Bill an act to incorporate the Van Buren Water Company.

Bill an act relating to chapter 472 of the Private and Special Laws of 1897, entitled "An act to incorporate the Livermore Falls Light and Power Company."

Bill an act to extend the charter of the Orono Water Company.

Bill an act in reference to Boston Auction Company.

Bill an act to incorporate the Dixfield Fire Engine Company.

Bill an act to legalize the calling and holding of the annual town meeting of the town of Jefferson in the year A. D. 1897.

Bill an act to extend the charter and rights of the Sanford Mills.

Bill an act to amend section 1 of chapter 525 of the Private and Special Laws of the year 1885, relating to the Presque Isle Village fire department.

Bill an act to set off a part of the town of Trescott and annex the same to the town of Edmunds.

Bill an act to amend section 1 of chapter 525 of the Private and Special Laws of the year 1885, relating to the Presque Isle Village fire department.

Bill an act to amend chapter 72 of the Special Laws of 1887, in relation to the taking of fish in Nequasset lake.

Bill an act to amend chapter 135 of the public acts of 1895, and acts additional thereto, relating to the salary of the judge of the municipal court of Bath. As amended.

Bill an act to establish the salary of the judge of probate for the county of Hancock.

This bill came up on its first reading, and on motion by Mr. Hamlin of Hancock, the rules were suspended, the bill read the second time and passed to be engrossed.

The following petitions and remonstrances were presented and referred:

**SEA AND SHORE FISHERIES.**

By Mr. Hamlin of Hancock—Petition of Frank W. Lunt and 32 others, of Fremont, asking for legislation to protect owners of weirs.

**AGRICULTURE.**

By Mr. Blanchard of Franklin—Remonstrance of F. H. Rollins of Farmington Falls, and 29 others, against the repeal of the feeding stuffs inspection law.

By Mr. Plummer of Penobscot—Remonstrance of Otis Reed and 12 others of Orono, against the same.

By Mr. King of Oxford—Remonstrance of Eli F. Cushman and 37 others of Bethel, against the same.

By Mr. Fernald of Androscoggin—Remonstrance of H. F. Boothby of Livermore and 45 others, against the same.

By Mr. Jones of Penobscot—Remonstrance of Boyden Bearce and 27 others of East Eddington, against the same.

**TOWNS.**

By Mr. Chamberlain of Lincoln—Petition of B. S. Fifield and 19 others, praying for the setting off of Ocean Park from the town of Old Orchard and annexing the same to the city of Saco.

**REPORTS OF COMMITTEES.**

Mr. Hamlin for the committee on judiciary, reported ought to pass, bill an act to extend the charter of the Bluehill Water Company.

The same gentleman for the same committee reported ought to pass, bill an act to incorporate the Lily Water Company.

Mr. Reynolds, for the committee on legal affairs, reported ought to pass, bill an act authorizing the trustees of the ministerial fund in the Congregational Society of Buxton to apply the interest of said fund toward the payment of the minister's salary.

Mr. Plummer, for the same committee, reported ought to pass, bill an act for the better protection of ship masters and seamen.

Mr. Chamberlain, for the committee on sea and shore fisheries, reported ought to pass, bill an act to repeal chapter 280 of the Private and Special Laws of 1883, relating to the use of rafts or floats in fishing for smelts in Bagaduce river.

The same gentleman for the same committee, which was instructed by an

order of the Legislature to inquire into the expediency of a law for close time on clams, reported ought to pass, bill an act for the better protection of clams.

Mr. Pierce, for the Waldo county delegation, reported ought to pass, bill an act to fix the salary of the judge and the register of probate for the county of Waldo.

These reports were severally accepted and bills were tabled for printing under rule.

The following gentlemen from the committee on education, to which was referred, resolve in favor of the Central Maine State Normal School, reported that the same be referred to the next Legislature: Messrs. Blanchard, Chamberlain, Burns, Peaslee, Ryerson, Merrill, Walker.

The following gentlemen, from the same committee, reported that the resolve ought to pass: Messrs. Plummer, Gardner, Webster.

Upon motion by Mr. Plummer, the majority and minority reports were laid on the table and specially assigned for Friday, March 3.

#### ORDER.

On motion by Mr. Witham of Cumberland, it was

Ordered, The House concurring, that on and after Wednesday, March 8, the Legislature hold two sessions a day until otherwise ordered.

#### PASSED TO BE ENGROSSED.

Bill, an act relating to the Young Men's Christian Association of Portland, Maine.

Bill, an act relating to sealers of weights and measurers.

Bill, an act for the prevention of certain kinds of nuisances.

Bill, an act to incorporate the Ogunquit Sewerage Company.

Bill, an act authorizing the Manufacturing Investment Company to locate, erect and maintain piers and booms in the Kennebec river.

Bill an act authorizing the city of Bangor to construct a bridge over Kenduskeag stream near the European and North American Railroad bridge.

Bill, an act giving lien for shoring and running logs.

#### ORDERS OF THE DAY.

Mr. Vickery of Kennebec—Pending the second reading of Senate document number 67; Senator Jones, of Penobscot

had it laid on the table for an examination of the bill. He has examined it and says that he has no objection to it; therefore I move that the vote be reconsidered whereby it was made a special assignment for Thursday, that it be taken from the table and given its second reading.

The motion was agreed to.

Bill an act to consolidate, simplify, revise and amend the laws pertaining to inland fisheries and game, as contained in chapters 30 and 40 of the Revised Statutes, and in amendments and additions thereto, and to repeal old and obsolete Private and Special Laws pertaining to fishing in the public waters of the State.

The bill, having had its second reading, was passed to be engrossed.

On motion by Mr. Blanchard of Franklin, resolve in favor of blasting a ledge in the town of Frenchville, in the county of Aroostook, was taken from the table, read the second time and passed to be engrossed.

On motion by Mr. Witham of Cumberland, the report of the committee on interior waters, reporting leave to withdraw on petition of Warren B. Chute and 28 others, for the improvement of Songo and Chute rivers, was taken from the table and recommitted to the committee on interior waters.

#### RATE OF INTEREST ON PERSONAL LOANS.

Mr. Blanchard of Franklin, moved to take from the table House document number 83, bill an act to limit the rate of interest on loans on personal property.

Mr. BLANCHARD: I move that the bill take its second reading, and that the vote be taken by yeas and nays.

Mr. REYNOLDS of Cumberland: Mr. President, before we proceed to vote by yeas and nays, I wish to say just a few words in regard to this bill. It is made necessary by the fact that I am a member of the committee on legal affairs, which has reported it, and the further fact that I have understood within a day that there was opposition to in the Senate of which I did not know. I have just a few words to say in regard to this matter. What the line of opposition is I cannot state, but the reason of this bill is this: It was introduced into the House by Mr. Morey, and Mr. Morey, I suppose, introduces bills: that come to him, as do the rest

of us, many of which we do not approve, possibly many more which we are not interested in, but this one Mr. Morey was interested in. It was one which he approved.

As brought originally before the committee, it was not in its present shape. In the hearing before the committee this state of facts was developed by witnesses who were there, which was only a corroboration of the experience, I imagine of every man who has come in contact with business matters, that large rates of interest are charged and that many people who had placed their property under mortgage were compelled to pay, as was testified before the committee, somewhere from 3 to 10 per cent. a month. Now, so far as I know, no person would want to approve, on general principles, of payments at that rate. The committee thought that was the fact, but the bill as originally presented did not commend itself entirely to the judgment of the committee, and they worked on the matter until this bill came as a result. During that time this fact developed, that in the state of Pennsylvania this question of exorbitant rates of interest had come before the highest courts there, and the courts had said that it was against public policy and that such rates of interest should not be charged. I think the matter has been raised in our own State, in the city of Water-ville, where Judge Philbrook, a member of the House, has secured a writ of injunction to prevent the exaction of a rate as high as 10 per cent. right in this State. Now this state of facts exists, that they are charging very large rates of interest. Our committee felt that they could not wholly remedy this evil. In this State there can be charged any rate of interest that people can agree upon, and the result is that people who are pursued by disaster from one stage to another get into that situation that they make contracts, as proved before the committee, that are exceedingly onerous, paying in a short time the principal several times over. In view of that fact we have reported this, that is to say, in those matters above \$200, let the supreme court take care of it, but in these matters of less than \$200, it is not fair to subject these people who have such small sums at stake, and such small sums with which to enforce their rights—it is not fair to sub-

ject them to the cost of equity proceedings, and so we set off sums less than \$200 and simply state that a man shall not charge over 3 per cent. a month for three months, and in excess of that term not over 18 per cent. a year. Is that an unfair proposition?

Does anybody want to defend a higher rate of interest than that? I appeal to this Senate, and say that it seems to me that if that bill accomplishes this, and if it does not, I am against it, if that bill accomplishes this, I cannot understand how any man wants to fasten in any degree upon any citizen of this State a higher rate per cent. of interest than that. Now if this bill does not accomplish the object, tell us where the defect is and we will have it adjusted so that it will. Our claim is this, we want to fix no higher rate, we want to establish no higher rate of interest in any way. We simply want to cut down rates of interest. We simply want to make it possible for people who are unfortunate and pressed from one situation of disaster to another, if it is possible, to lighten their burdens, and they are heavy, all over this State, and the members of the Senate understand that as well as I do. We do not want any freak legislation; we do not want to put upon the statute books a mass of incompetent stuff; we simply want to place there something that is reasonable and if this statement that I make is correct and the bill accomplishes that one thing, I say that there can be no reason in the world why it should not pass.

Now who have objected to the bill? I have heard it said that it is objected to because it establishes a high rate. I say if I understand that bill, that it does not. Then who has objected to it? Is it anybody who has been paying high rates or anybody who has been paying high rates or anybody who has been paying low rates? Not at all. The only persons who have appeared before the committee and expressed themselves as dissatisfied with it, so far as I know, are people who are interested in high rates. These are the people who are interested in the defeat of this bill, as I understand it. If I am wrong, point out my error and I will vote against the bill or ask to have it amended. If I am right, I ask you senators by this ye and nay vote to

place yourselves where you believe you ought to stand. I, for one, am glad that a ye and nay vote is called for. I do not for a minute think that anybody in the future is going to be interested enough in my position to inquire how I stood on these matters, but I want the record to show how I stood. I want it to appear that I was opposed to high rates of interest and I want it to appear in this session, on the vote here today. I say that these are the only persons we know that objected to it, these people who have become so accustomed to 5 and 10 per cent. a month that the sympathetic side of their nature seems to be lulled into eternal repose—these are the people whose interests we should not consider. Just so far as we can, let us protect the rights of those who are weak in the enforcement of their own rights.

Mr. BLANCHARD: Mr. President and gentlemen: I had trusted that no discussion of this bill would arise, but after listening to the remarks of the senator from Cumberland, I feel that it is incumbent upon me to explain my position. After listening also to the pathetic scenes which he has described in regard to the excessive rates of interest charged in certain sections of the State, I also deem that it is necessary for me to give a word of explanation and I hope that I can explain to the gentleman and the members of this body that it is not because I believe in an excessive rate of interest that I am opposed to this measure, but for other reasons which I will give. I understand the history of this bill to be, that it was introduced before the legal affairs committee, of which the senator has the privilege of being its honored chairman, and that there it met with discussion and was discussed pro and con and at last drafted into a new form, which comes to us, today, with amendments attached to it; that in its passage through the House it met with opposition and was amended, and as I think from the report before me, would undoubtedly have been killed if it had not been expected that this body would give it the end which they expected it would justly meet. Now what is the effect of the bill as drawn? Will it reach the class of men to which the senator has referred? There is no doubt that exorbitant rates of interest

are charged in certain sections of this State, but I will ask you, if you will carefully scan the bill, if there is anything in the wording of it that will throw a direct shot at the persons that it attempts to reach; if it is not possible, under the direct wording of the bill, for them to effect all the points they desire; and is it not possible, after this bill has become a law and placed upon our statute books, for the parties who wish to enter into any secret trade and charge whatever rate of interest they see fit? I ask if there is anything in that bill which objects to two parties making such a contract as they see fit between themselves, and, further, what will be the effect of this bill when it becomes a law? It will go upon our statute books that we have here given out that 3 per cent. a month is a rate of interest which can be collected, and that which amounts to 36 per cent. a year can be collected for loans which are made upon collateral securities. While there may be a few cities where exorbitant rates of interest are charged, today, throughout the vast extent of our State, in the rural communities, and in the town and villages there is no such exorbitant rate of interest charged as is allowed to be charged in that bill, and when that shall once become a law, those who have any idea of sharpness whatever will at once go out and charge the full rate of interest which is allowed in this bill, and that, for one reason, is why I seriously object to the bill.

Further, we are aware that those measures which have been passed in Legislature by the few for the government of the many have never been enforced to any great extent and that whenever such measures as these have been passed, of which I consider this bill one of that kind, and have been placed upon our statute books, they have been a hindrance to legislation rather than to its perfection. Gentlemen, for these reasons I hope that the members of this body will vote not to allow such a measure as this, with all its faults, to become a law. If it had in it anything which would reach the point in fact, and stated it distinctly, and if the sum was made up of such extent that it would cover all transactions, I would be glad to support it, but in its present condition I cannot do so.

Mr. REYNOLDS: "Mr. President, it is necessary for me to use my privilege and take a minute or two in statement. I cannot discuss the merits of the details of this bill. They have been discussed very carefully in the committee. I think that my brother Blanchard does not understand it fully, but I will leave that to the good judgment of the senators. I want to say, since he made illusion to its history in the House, just this one thing: That in the House, at the request or through the interest of Mr. Macomber of Augusta, this bill was tabled. It stayed there some little time. Mr. Macomber asked Mr. Morey to have the bill amended. During its progress, because I was a member of the legal affairs committee, Mr. Macomber came to me—and certainly it will never be questioned that Mr. Macomber is a conservative sort of man—and said to me, "Mr. Reynolds, I object to the passage of that bill as it stands, for this reason only, that I want put into that bill teeth stronger than are there; that I want something there that will fasten it down more exactingly. This abominable business ought to be stopped and I want this bill to help stop it." We have discussed that from day to day and at last Mr. Macomber agreed to the proposition of the committee, as I took it at the time, that it was better to have part of what you wanted rather than to hazard the whole of what you wanted, so we thought it wise to take the first step in this line, and I am satisfied that Mr. Macomber believes that it is a first step and a good one. I will say this further, and will not bother you longer, that I understand this is practically the New York law, that it has been tested there and found successful in its operation.

Mr. BLANCHARD: I know nothing about any individual member's standing upon this measure in the House. I only know that we have about us a body of reporters, who I believe understand the value of the measures as they go through the different branches, and I simply read from this paper, which was in yesterday's News, referring to the Morey bill: "This measure passed the House after having been several times tabled, and then only on the strength of the statement that the Senate would kill the

bill when it reached that body." I should judge that they would understand the sentiment of the House as well, perhaps, as any one individual member, and while I do not wish to enter into any further discussion of the question, although I wish that I might have the time, I find after reading it carefully through to ascertain its purpose and intent, that if there is anything of real value and worth in the bill, I can say that I think it falls far short of the mark for which it was intended.

The question being upon a ye and nay vote, the motion was agreed to, and a ye and nay vote was ordered upon the question of the second reading of the bill. The vote was as follows:

YEAS—Fernald, Grindle, Hargraves, Hurd, King, Merrill, Plummer, Reynolds, Sharp, Stearns, Weeks, White, Witham, Young. Total, 14.

NAYS—Adams, Blanchard, Chamberlain, Hamlin, Heald, Hodsdon, Johnston, Jones, Peirce, Pike, Sawyer, Shepherd, Vickery, Whitehouse. Total, 14.

ABSENT—Drummond, Dudley. Total, 2.

And 14 voting in the affirmative and 14 in the negative, the motion was lost.

Mr. BLANCHARD: I now move that the bill be indefinitely postponed.

Mr. REYNOLDS: I hope that it will not be indefinitely postponed. I will not ask the senator to hold it, but I will ask for a vote upon indefinite postponement.

And 13 voting in favor of indefinite postponement and 14 against, the motion to indefinitely postpone was lost, and the bill was laid on the table.

On motion by Mr. Stearns of Aroostook,

Adjourned.