

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 151

H.P. 84

House of Representatives, January 14, 2025

An Act to Allow Businesses to Impose a Surcharge on Credit Card and Debit Card Transactions

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUELL of East Machias.
Cosponsored by Senator MOORE of Washington and
Representative: MINGO of Calais, Senator: PIERCE of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 9-A MRSA §8-509**, as amended by PL 2021, c. 150, §2, is further amended
3 to read:

4 **§8-509. Credit card and debit card ~~surecharge prohibition~~ surcharges**

5 ~~**1. Surecharge prohibited.** A seller in a sales transaction may not impose a surcharge~~
6 ~~on a cardholder who elects to use a credit card or debit card in lieu of payment by cash,~~
7 ~~check or similar means. For purposes of this section, "surecharge" means any means of~~
8 ~~increasing the regular price to a cardholder that is not imposed on a customer paying by~~
9 ~~cash, check or similar means. A discount or reduction from the regular price is not a~~
10 ~~surecharge.~~

11 **1-A. Definitions.** As used in this section, unless the context otherwise indicates, the
12 following terms have the following meanings.

13 A. "Governmental entity" includes, but is not limited to, a state department or agency,
14 a county established or governed by Title 30-A, Part 1, a municipality as defined in
15 Title 30-A, section 2001, subsection 8, a plantation established or governed by Title
16 30-A, chapter 301, a quasi-municipal corporation as defined in Title 30-A, section
17 2604, subsection 3, the Judicial Department as described in Title 4, the University of
18 Maine System, the Maine Community College System and the Maine Maritime
19 Academy.

20 B. "Surcharge" means any means of increasing the regular price to a cardholder that is
21 not imposed on a consumer paying by cash, check or similar means. "Surcharge" does
22 not include a discount or reduction from the regular price.

23 ~~**2. Surcharge permitted for governmental entity.** Notwithstanding subsection 1, a~~
24 ~~A governmental entity or seller in a sales transaction may impose a surcharge for payments~~
25 ~~made with a credit card or debit card for taxes, fines, charges, utility fees, regulatory fees,~~
26 ~~registration fees, license or permit fees or the provision of a specific service or good~~
27 ~~provided by that governmental entity or seller in a sales transaction if the surcharge:~~

28 A. Is disclosed clearly to the consumer prior to payment; and

29 B. Does not exceed the costs associated with providing the credit card or debit card
30 service that are directly incurred by the governmental entity or seller in a sales
31 transaction or assessed by an authorized 3rd-party payment service provider for a credit
32 card or debit card transaction. If there is not a cost assessed by an authorized 3rd-party
33 payment service provider for a debit card transaction, the governmental entity or seller
34 in a sales transaction may not impose a surcharge associated with a debit card
35 transaction.

36 A governmental entity or seller in a sales transaction shall disclose to the consumer that the
37 surcharge may be avoided if the consumer makes payments by cash, check or other means
38 not a credit card or debit card. A governmental entity or seller in a sales transaction is not
39 subject to any liability to the issuer of a credit card or an authorized 3rd-party payment
40 service provider for nonpayment of credit card charges by the consumer. ~~As used in this~~
41 ~~subsection, "governmental entity" includes, but is not limited to, a state department or~~
42 ~~agency, a county established or governed by Title 30-A, Part 1, a municipality as defined~~
43 ~~in Title 30-A, section 2001, subsection 8, a plantation established or governed by Title~~

1 ~~30-A, chapter 301, a quasi-municipal corporation as defined in Title 30-A, section 2604,~~
2 ~~subsection 3, the Judicial Department as described in Title 4, the University of Maine~~
3 ~~System, the Maine Community College System and the Maine Maritime Academy.~~

4 **Sec. 2. 10 MRSA c. 202-B,** as amended, is repealed.

5 **SUMMARY**

6 Current law permits a governmental entity to impose and prohibits a seller in a sales
7 transaction from imposing a surcharge on a credit card or debit card transaction. This bill
8 permits a seller in a sales transaction to impose a surcharge on a credit card or debit card
9 transaction. It also repeals a chapter of law governing credit card practices involving
10 providers of travel services, as the law prohibits providers of travel services from imposing
11 a surcharge on credit card transactions.