

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 829, L.D. 1195, Bill, "An Act to Amend the Maine Consumer Credit Code"

Amend the bill by striking out all of the title and substituting the following:

'An Act Concerning Credit Card Surcharges'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'10 MRSA c. 202-B is enacted to read:

CHAPTER 202-B

PROHIBITED CREDIT CARD PRACTICES INVOLVING  
PROVIDERS OF TRAVEL SERVICES

§1141. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Credit card. "Credit card" has the same meaning as "accepted credit card," as defined in Title 9-A, section 8-103, subsection 1, paragraph A.

2. Credit card issuer. "Credit card issuer" has the same meaning as "card issuer," as defined in Title 9-A, section 8-103, subsection 1, paragraph D.

3. Provider of travel services. "Provider of travel services" means a person, firm or corporation engaged in the

2 business of furnishing travel, transportation or vacation  
3 services.

4 4. Travel agent. "Travel agent" means a person, firm,  
5 corporation, partnership or association, other than a common  
6 carrier as defined in Title 12, section 6001, subsection 8 or  
7 employee of a common carrier, that:

8  
9 A. Is an officially appointed agent of a common carrier or  
10 is a member of a cruise lines association who operates  
11 exclusively as an agent for cruise lines in the sale of  
12 cruise travel products or services; and

13 B. As a legal agent for a provider of travel services:

14  
15 (1) Sells or offers for sale travel, transportation or  
16 vacation arrangements;

17  
18 (2) Negotiates for travel, transportation or vacation  
19 services; or

20  
21 (3) Professes to be by solicitation, advertisement or  
22 other means a seller, contractor or arranger for  
23 travel, transportation or vacation services.

24  
25 **§1142. Prohibited practice**

26  
27 When a travel agent furnishes travel services to a consumer  
28 and the consumer uses a credit card to obtain credit in the  
29 transaction, the provider of travel services for which the travel  
30 agent is an agent may not as the result of the use of the credit  
31 card impose a surcharge on or reduce commissions paid to the  
32 travel agent. This prohibition does not apply if the provider of  
33 travel services is the issuer of the credit card used in the  
34 transaction.

35  
36 **§1143. Remedies**

37  
38 Any person injured as a result of a violation of section  
39 1142 may seek damages and an injunction in a civil action. Any  
40 person likely to be injured by a violation of section 1142 may  
41 seek an injunction in a civil action. The court may award  
42 reasonable attorney's fees to the plaintiff.

43  
44  
45 **FISCAL NOTE**

46  
47 The additional work load and administrative costs associated  
48 with a minimal number of new cases filed in Superior Court will  
49 be absorbed within the budgeted resources of the Judicial  
50 Department.'

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**STATEMENT OF FACT**

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This amendment prohibits providers of travel services from reducing commissions to or charging surcharges to travel agents for customer purchases of travel services with credit cards.

Reported by the Committee on Business Legislation  
Reproduced and distributed under the direction of the Clerk of the  
House  
(5/8/91) (Filing No. H-282)