

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

---

Legislative Document

No. 1262

---

H.P. 810

House of Representatives, March 21, 2023

### **An Act to Amend the Law Governing the Credit Card and Debit Card Surcharge Prohibition**

---

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 WOODSOME of Waterboro.

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

2 **Sec. 1. 9-A MRSA §8-509, sub-§1**, as enacted by PL 2011, c. 427, Pt. A, §15, is  
3 amended to read:

4 **1. Surcharge prohibited.** A seller in a sales transaction may not impose a surcharge  
5 on a cardholder who elects to use a credit card or debit card in lieu of payment by cash,  
6 check or similar means, unless the seller is registered as a seller in accordance with Title  
7 36, section 1754-B and the seller uses an authorized 3rd-party payment service provider.  
8 For purposes of this section, "surcharge" means any means of increasing the regular price  
9 to a cardholder that is not imposed on a customer paying by cash, check or similar means.  
10 A discount or reduction from the regular price is not a surcharge.

11 **SUMMARY**

12 Under current law, a seller in a sales transaction may not impose a surcharge on a  
13 cardholder who elects to use a credit card or debit card in lieu of payment by cash, check  
14 or similar means. This bill authorizes a seller in a sales transaction to impose a surcharge  
15 as long as the seller is registered as a seller with the State for sales tax purposes and the  
16 seller uses an authorized 3rd-party payment service provider.