

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

**CHAPTER 150
S.P. 87 - L.D. 800**

**An Act To Amend Credit and
Debit Card Surcharges
Imposed by Governmental
Entities**

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

Sec. 1. 5 MRSA §1509-A, as amended by PL 1999, c. 762, §1 and affected by §5, is further amended to read:

§1509-A. Payment by credit card

State departments and agencies shall implement, with the approval of the State Controller and the State Treasurer, procedures for accepting payment for goods, services, ~~taxes, fines, forfeitures~~ charges or any other fees by ~~major credit cards card, debit card~~ or other electronic means. ~~Unless otherwise provided for in law as of the effective date of this section, any administrative expenses or credit card fees incurred in connection with this method of receiving funds must be absorbed within the existing budget of the department or agency as authorized by the Legislature~~ a state department or agency may impose a surcharge, including a service fee, for ~~payments made by credit card or debit card for taxes, fines, charges, utility fees, regulatory fees, registration fees, license or permit fees or the provision of a specific service or good provided by that state department or agency in accordance with the provisions of Title 9-A, section 8-509, subsection 2.~~

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

2. Surcharge permitted for governmental entity. Notwithstanding subsection 1, a governmental entity may impose a surcharge for payments made with a credit card or debit card for taxes, fines, charges, utility fees, regulatory fees, registration fees, license or permit fees or the provision of a specific service or good provided by that governmental entity if the surcharge:

- A. Is disclosed clearly to the consumer prior to payment; and
- B. Does not exceed the costs associated with providing the credit card or debit card service that are directly incurred by the governmental entity or assessed by an authorized 3rd-party payment service provider for a credit card or debit card transaction. If there is not a cost assessed by an authorized 3rd-party payment service provider for a debit card transaction, the governmental entity may not impose a surcharge associated with a debit card transaction.

A governmental entity shall disclose to the consumer that the surcharge may be avoided if the consumer

makes payments by cash, check or other means not a credit card or debit card. A governmental entity is not subject to any liability to the issuer of a credit card or an authorized 3rd-party payment service provider for nonpayment of credit card charges by the consumer. As used in this subsection, "governmental entity" includes, but is not limited to, a state department or agency, a county established or governed by Title 30-A, Part 1, a municipality as defined in Title 30-A, section 2001, subsection 8, a plantation established or governed by Title 30-A, chapter 301, a quasi-municipal corporation as defined in Title 30-A, section 2604, subsection 3, the Judicial Department as described in Title 4, the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

See title page for effective date.

**CHAPTER 151
S.P. 113 - L.D. 802**

**An Act To Ensure
Decommissioning of Solar
Energy Developments**

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

Sec. 1. 35-A MRSA c. 34-D is enacted to read:

CHAPTER 34-D

SOLAR ENERGY DEVELOPMENT DECOMMISSIONING

§3491. Definitions

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

1. Decommissioning. "Decommissioning" means the physical removal of all components of a solar energy development, including but not limited to solar panels and associated anchoring systems and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, and other structures, buildings, roads, fences, cables, electrical components or associated facilities and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, to the extent the components of the development are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity.

For any portion of a solar energy development located on land classified as farmland any time within 5 years preceding the start of construction of the development, "decommissioning" means the physical removal of all such components of the development to a depth of at least 48 inches or to the depth of bedrock, whichever is less, to the extent such components are not otherwise in