

## 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.

ROBERT B. HUNT

R(+ B. Hunt

Presented by Representative WOODSOME of Waterboro.

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

- **Sec. 1. 9-A MRSA §8-509, sub-§1,** as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:
- 1. Surcharge prohibited. A seller in a sales transaction may not impose a surcharge on a cardholder who elects to use a credit card or debit card in lieu of payment by cash, check or similar means, unless the seller is registered as a seller in accordance with Title 36, section 1754-B and the seller uses an authorized 3rd-party payment service provider. For purposes of this section, "surcharge" means any means of increasing the regular price to a cardholder that is not imposed on a customer paying by cash, check or similar means. A discount or reduction from the regular price is not a surcharge.

11 SUMMARY

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