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**HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

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**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 541, L.D. 1324, “An Act to Allow Credit and Debit Card Surcharges”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 9-A MRS §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 in an amount not to exceed 2% of the total cost of a sales transaction on a cardholder who elects to use a credit card or debit card in lieu of payment by cash, check or similar means as long as the surcharge is clearly disclosed prior to payment. 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. A seller may not impose a surcharge on a payment made using an electronic benefits transfer card issued by the statewide Supplemental Nutrition Assistance Program.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment is the minority report of the committee and replaces the bill. Current law prohibits a seller in a sales transaction, except for governmental entities with certain limitations, from imposing a surcharge on a cardholder who pays using a credit card or debit card. The amendment authorizes a seller to impose a surcharge not to exceed 2% of the total cost of the sales transaction on a cardholder who pays using a credit card or debit card as long as the surcharge is clearly disclosed prior to payment. The amendment does not permit a surcharge on sales transactions on a payment made using an electronic benefits transfer card issued by the statewide Supplemental Nutrition Assistance Program.

**COMMITTEE AMENDMENT**