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March 25, 2025

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The Honorable Donna Bailey, Senate Chair
The Honorable Lori Gramlich, House Chair
Joint Standing Committee on Health Coverage, Insurance and Financial Services
100 State House Station
Augusta, ME 04333

Re: LD 151, *An Act to Allow Businesses to Impose a Surcharge on Credit Card and Debit Card Transactions*


Dear Senator Bailey and Representative Gramlich:

I am writing in opposition to LD 151, *An Act to Allow Businesses to Impose a Surcharge on Credit Card and Debit Card Transactions*, which would amend 9-A M.R.S.A. § 8-509, a section of Maine's Truth-in-Lending law, and repeal 10 M.R.S.A. c. 202-B. The bill would permit sellers to impose a surcharge for consumers opting to pay with a credit or debit card to cover the costs associated with processing those payments.

The current surcharge prohibition has been in Maine law since 2011. During that time, sellers unable to pass the costs directly on to consumers using payment cards have presumably built the processing costs into the overall prices of goods and services. Allowing the surcharge will impose an additional fee on top of those costs already built in, leading not to a shifting of costs to card users only, but rather to higher prices. Additionally, to the extent shifting the processing costs exclusively to card users is the goal of the bill, it bears mention that some Maine businesses only accept payment cards and do not accept cash or checks. Since neither the existing nor the proposed law explicitly requires sellers to accept alternative forms of payment, the surcharge accomplishes nothing in those all-card businesses other than to increase prices. If the surcharge is permitted (beyond the currently allowed government transactions), then the seller should be explicitly required to accept cash or checks so that consumers can avoid the additional fee.

Thank you for your consideration.

Sincerely,


Aaron M. Frey
Attorney General