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April 3, 2025

Senator Chip Curry, Chair
Representative Traci Gere, Chair
Joint Standing Committee on Housing and Economic Development
100 State House Station
Augusta, ME 04333

Re: L.D. 1159, *An Act to Prohibit Businesses from Refusing to Accept Cash for In-person Payments*

Dear Senator Curry and Representative Gere:

I write in support of L.D. 1159, *An Act to Prohibit Businesses from Refusing to Accept Cash for In-person Payments*. This bill requires retailers to accept cash for sales of less than \$2,000 and prohibits them from charging a higher price to those paying with cash.

Cash is an important alternative to electronic payments for multiple reasons. Some consumers do not have access to bank accounts or credit cards or even the official identification necessary to open those accounts. These consumers are disproportionately minority and lower income residents. Moreover, some consumers prefer cash over electronic payment methods because of privacy concerns. Cash options are also more resilient in the event of technical outages that might shut down electronic payment processing capabilities.

The preservation of cash as a payment option is also important should the Legislature repeal Maine's existing prohibition on credit card surcharges (see, e.g., L.D. 151). Consumers should have a way to pay without incurring any surcharge that may be allowed in the future.

It is not clear whether L.D. 1159 would apply to rent payments for housing. Our Office receives complaints from tenants that landlords won't accept cash, which presents a hardship for those tenants who are unable or uncomfortable with electronic forms of payment and lack access to banking services. For that reason, we recommend that the bill be amended to make clear that it applies to rent payments. Because landlords may attempt to obtain waivers from tenants by burying a waiver in a form contract, the right to pay cash should be non-waivable.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron M. Frey". The signature is stylized with a large initial "A" and a long, sweeping underline.

Aaron M. Frey
Attorney General