



# HOUSE OF REPRESENTATIVES

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Senator Bailey, Representative Gramlich, Distinguished Members of the HCIFS Committee:

My name is Will Tuell. I represent House District 10 in central and coastal Washington County, and it is an honor to join your committee for the first time ever in nine years of legislative service.

Thank you for the opportunity to present LD 151, a bill I've introduced on behalf of local businesses in the border communities of Calais and Lubec — towns that are facing real challenges amid ongoing economic uncertainty, including the impact of tariffs on cross-border trade.

LD 151 is a simple, commonsense proposal: It allows Maine businesses to pass on swipe fees — which are increasingly costly — to customers choosing to pay with credit or debit cards, rather than forcing businesses to absorb those fees.

Under current law, Maine is one of only four states that still prohibit this practice. Ironically, Maine's own government agencies, including the University of Maine System, are allowed to impose surcharges, but private sector businesses are not. That's an inconsistency that makes no sense — particularly for small businesses operating on thin margins, businesses like C&E Feeds which absorbed over \$11,000 in swipe fee costs last year alone — enough, owner Heather Henry Tenan and her husband Glen note would be enough to pay their local property taxes and avoid all the negative connotations that come with not doing so.

Credit and debit card swipe fees reached a record \$172 billion in 2023<sup>2</sup>. These fees drive up costs for every consumer and hurt small retailers and hospitality providers most — especially in rural and border communities like mine, where every penny counts.

Allowing a reasonable, clearly disclosed surcharge gives businesses the freedom to make informed pricing decisions. It's about fairness — giving Main Street businesses the same option that government entities already have — and allowing consumers to choose how they pay, with transparency. Senator Moore will be testifying later today about an experience she had on a recent trip out of state as to how this could work, and I would encourage you to ask her questions about that as well.

It's also important to note that courts have struck down similar prohibitions in other states, including New York and Florida, on First Amendment grounds — (1) <https://usa.visa.com/dam/VCOM/global/support-legal/documents/merchant-surcharging-qa-for-web.pdf> and (2) <https://merchantspaymentscoalition.com/credit-and-debit-card-swipe-fees-hit-new-record-1872-billion-driving-prices-american-families> -- affirming that businesses have a right to communicate prices clearly and set their own pricing models.

LD 151 is about leveling the playing field and supporting local businesses. It allows them to remain competitive, especially as they face rising operational costs, economic uncertainty, and challenges unique to border states like Maine.

Let's give Maine businesses the flexibility they need to survive and thrive.

I respectfully urge the Committee to support LD 151.  
Thank you, and I'd be happy to take any questions, though I can assure you there are others following behind me that will have much more practical, useful information than I.