**§8-509. Credit card and debit card surcharge prohibition**

**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. 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.

[PL 2011, c. 427, Pt. A, §15 (NEW).]

**2. Surcharge permitted for governmental entity.**  Notwithstanding subsection 1, a governmental entity may impose a surcharge for payments made with a credit card or debit card for taxes, fines, charges, utility fees, regulatory fees, registration fees, license or permit fees or the provision of a specific service or good provided by that governmental entity if the surcharge:

A. Is disclosed clearly to the consumer prior to payment; and [PL 2011, c. 427, Pt. A, §15 (NEW).]

B. Does not exceed the costs associated with providing the credit card or debit card service that are directly incurred by the governmental entity or assessed by an authorized 3rd-party payment service provider for a credit card or debit card transaction. If there is not a cost assessed by an authorized 3rd-party payment service provider for a debit card transaction, the governmental entity may not impose a surcharge associated with a debit card transaction. [PL 2011, c. 427, Pt. A, §15 (NEW).]

A governmental entity shall disclose to the consumer that the surcharge may be avoided if the consumer makes payments by cash, check or other means not a credit card or debit card. A governmental entity is not subject to any liability to the issuer of a credit card or an authorized 3rd-party payment service provider for nonpayment of credit card charges by the consumer. As used in this subsection, "governmental entity" includes, but is not limited to, a state department or agency, a county established or governed by Title 30‑A, Part 1, a municipality as defined in Title 30‑A, section 2001, subsection 8, a plantation established or governed by Title 30‑A, chapter 301, a quasi-municipal corporation as defined in Title 30‑A, section 2604, subsection 3, the Judicial Department as described in Title 4, the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

[PL 2021, c. 150, §2 (AMD).]

SECTION HISTORY

PL 2011, c. 427, Pt. A, §15 (NEW). PL 2021, c. 150, §2 (AMD).

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