

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

‘**Sec. 1. 9-A MRSA §8-303, sub-§2-A** is enacted to read:

**2-A.** Notwithstanding subsection 2, 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, license or permit fees or the provision of a specific service provided by that governmental entity if the surcharge:

A. Is disclosed clearly to the consumer prior to payment; and

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.

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" means a county established or governed by Title 30-A, Part 1, a municipality as defined in Title 30-A, section 2001, subsection 8, a quasi-municipal corporation as defined in Title 30-A, section 2604, subsection 3 or the Judicial Department as described in Title 4.’

## SUMMARY

This amendment replaces the bill. The amendment allows a county, municipality or quasi-municipal corporation and the Judicial Department to impose a surcharge for the use of a credit card or debit card to pay for taxes, fines and services provided as long as the surcharge is disclosed to the consumer prior to payment and the amount does not exceed the costs incurred by the governmental entity. The amendment clarifies that a surcharge may be imposed for the use of a debit card if the governmental entity is charged a fee associated with debit card transactions. The amendment requires that the governmental entity disclose to the consumer that the consumer can avoid the surcharge by paying by cash, check or other means not a credit card or debit card. The amendment also clarifies that the governmental entity has no liability to the credit card or debit card company or card processor for nonpayment of credit card or debit card charges by the consumer.

**FISCAL NOTE REQUIRED**  
(See attached)