

§12. Compensation for services related to veterans' benefits matters

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensation" means payment of money, a thing of value or a financial benefit. [PL 2023, c. 617, §1 (NEW).]

B. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity. [PL 2023, c. 617, §1 (NEW).]

C. "Veterans' benefits matter" means the preparation, presentation or prosecution of a claim affecting an individual who has filed or expressed an intent to file a claim for a benefit, program, service, commodity, function or status, entitlement to which is determined under the laws and regulations administered by the United States Department of Veterans Affairs or the United States Department of Defense pertaining to veterans, their dependents, their survivors and any other individual eligible for such benefits. [PL 2023, c. 617, §1 (NEW).]

[PL 2023, c. 617, §1 (NEW).]

2. Prohibitions. A person may not:

A. Receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter, except as permitted under federal law; [PL 2023, c. 617, §1 (NEW).]

B. Receive compensation for referring an individual to another person to prepare, present or prosecute, or advise, consult or assist the individual with, a veterans' benefits matter; [PL 2023, c. 617, §1 (NEW).]

C. Receive, with respect to an individual's veterans' benefits matter, compensation for services rendered before the date on which a notice of disagreement, decision review or appeal is filed, whichever occurs first; [PL 2023, c. 617, §1 (NEW).]

D. Guarantee, either directly or by implication, that any individual is certain to receive specific veterans' benefits or that any individual is certain to receive a specific level, percentage or amount of veterans' benefits; and [PL 2023, c. 617, §1 (NEW).]

E. Receive excessive or unreasonable fees as compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter. The factors articulated in 38 Code of Federal Regulations, Section 14.636 (2024) govern determinations of whether a fee is excessive or unreasonable. [PL 2023, c. 617, §1 (NEW).]

[PL 2023, c. 617, §1 (NEW).]

3. Memorialization of terms. A person seeking to receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter shall, before rendering any services, memorialize in a written agreement signed by both parties that adheres to all criteria specified in 38 Code of Federal Regulations, Section 14.636 (2024) all terms regarding the individual's payment of fees for services rendered.

[PL 2023, c. 617, §1 (NEW).]

4. Penalty. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

[PL 2023, c. 617, §1 (NEW).]

5. Exceptions. This section does not apply to:

A. An accredited representative of a recognized organization or an accredited agent or attorney under 38 Code of Federal Regulations, Section 14.629 (2024); or [PL 2023, c. 617, §1 (NEW).]

B. An employee of the Maine Veterans' Homes established under chapter 11 who is operating within that employee's capacity as an employee of the Maine Veterans' Homes. [PL 2023, c. 617, §1 (NEW).]

[PL 2023, c. 617, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 617, §1 (NEW).

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