



131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2259

S.P. 976

In Senate, March 7, 2024

**An Act to Prohibit Receiving Compensation for Assisting a Person
to Obtain Veterans' Benefits Except as Permitted Under Federal
Law**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FARRIN of Somerset.

Cosponsored by Representative FAULKINGHAM of Winter Harbor and

Senators: DAUGHTRY of Cumberland, HICKMAN of Kennebec, President JACKSON of Aroostook, KEIM of Oxford, STEWART of Aroostook, TIMBERLAKE of Androscoggin, Representatives: ARATA of New Gloucester, Speaker TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 37-B MRSA §12** is enacted to read:

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

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

6 A. "Compensation" means payment of money, a thing of value or a financial benefit.

7 B. "Person" means an individual, corporation, business trust, estate, trust, partnership,
8 limited liability company, association, joint venture, public corporation, government
9 or governmental subdivision, agency or instrumentality or any other legal or
10 commercial entity.

11 C. "Veterans' benefits matter" means the preparation, presentation or prosecution of a
12 claim affecting an individual who has filed or expressed an intent to file a claim for a
13 benefit, program, service, commodity, function or status, entitlement to which is
14 determined under the laws and regulations administered by the United States
15 Department of Veterans Affairs or the United States Department of Defense pertaining
16 to veterans, their dependents, their survivors and any other individual eligible for such
17 benefits.

18 **2. Prohibitions.** A person may not:

19 A. Receive compensation for preparation, presentation or prosecution of, or advising,
20 consulting or assisting an individual with, a veterans' benefits matter, except as
21 permitted under federal law;

22 B. Receive compensation for referring an individual to another person to prepare,
23 present or prosecute, or advise, consult or assist the individual with, a veterans' benefits
24 matter;

25 C. Receive, with respect to an individual's veterans' benefits matter, compensation for
26 services rendered before the date on which a notice of disagreement, decision review
27 or appeal is filed, whichever occurs first;

28 D. Guarantee, either directly or by implication, that any individual is certain to receive
29 specific veterans' benefits or that any individual is certain to receive a specific level,
30 percentage or amount of veterans' benefits; and

31 E. Receive excessive or unreasonable fees as compensation for preparation,
32 presentation or prosecution of, or advising, consulting or assisting an individual with,
33 a veterans' benefits matter. The factors articulated in 38 Code of Federal Regulations,
34 Section 14.636 (2024) govern determinations of whether a fee is excessive or
35 unreasonable.

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

