

Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE
Chapter 37: FRAUD

§905-A. MISUSE OF IDENTIFICATION

1. A person is guilty of misuse of identification if, in order to obtain confidential information, property or services, the person intentionally or knowingly:

A. Presents or uses a credit or debit card that is stolen, forged, canceled or obtained as a result of fraud or deception; [1999, c. 190, §3 (NEW).]

B. Presents or uses an account, credit or billing number that that person is not authorized to use or that was obtained as a result of fraud or deception; or [1999, c. 190, §3 (NEW).]

C. Presents or uses a form of legal identification that that person is not authorized to use. [1999, c. 190, §3 (NEW).]

[1999, c. 190, §3 (NEW) .]

2. It is an affirmative defense to prosecution under this section that the person believed in good faith that the person was authorized to present or use the card, number or legal identification.

[1999, c. 190, §3 (NEW) .]

3. Proof of actual or constructive notice of cancellation gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person who presented the canceled credit or debit card knew it had been canceled.

[2001, c. 383, §107 (AMD); 2001, c. 383, §156 (AFF) .]

4. As used in this section, "legal identification" includes a social security card, social security number, birth certificate, driver's license, government-issued identification card, oral statement of full name and date of birth or any other means of identifying a person that is generally accepted as accurate and reliable.

[1999, c. 190, §3 (NEW) .]

5. Misuse of identification is a Class D crime.

[1999, c. 190, §3 (NEW) .]

SECTION HISTORY

1999, c. 190, §3 (NEW). 2001, c. 383, §107 (AMD). 2001, c. 383, §156 (AFF).

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