

§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; [PL 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 [PL 1999, c. 190, §3 (NEW).]

C. Presents or uses a form of legal identification that that person is not authorized to use. [PL 1999, c. 190, §3 (NEW).]
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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.
[PL 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.
[PL 2001, c. 383, §107 (AMD); PL 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.
[PL 1999, c. 190, §3 (NEW).]

5. Misuse of identification is a Class D crime.
[PL 1999, c. 190, §3 (NEW).]

SECTION HISTORY

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

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