

**§354. Theft by deception****1. A person is guilty of theft if:**

A. The person obtains or exercises control over property of another as a result of deception and with intent to deprive the other person of the property. Violation of this paragraph is a Class E crime; or [PL 2001, c. 383, §34 (NEW); PL 2001, c. 383, §156 (AFF).]

**B. The person violates paragraph A and:**

(1) The value of the property is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The property stolen is a firearm or an explosive device. Violation of this subparagraph is a Class B crime;

(3) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(4) The value of the property is more than \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(5) The value of the property is more than \$500 but not more than \$1,000. Violation of this subparagraph is a Class D crime; or

(6) The person has 2 or more prior convictions for any combination of the Maine offenses listed in this subparagraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this subparagraph in another jurisdiction. The Maine offenses are: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime. [PL 2007, c. 476, §11 (AMD).]

[PL 2007, c. 476, §11 (AMD).]

**2. For purposes of this section, deception occurs when a person intentionally:**

A. Creates or reinforces an impression that is false and that the person does not believe to be true, including false impressions that the person is a veteran or a member of the Armed Forces of the United States or a state military force and false impressions as to identity, law, value, knowledge, opinion, intention or other state of mind; except that an intention not to perform a promise, or knowledge that a promise will not be performed, may not be inferred from the fact alone that the promise was not performed; [PL 2015, c. 437, §1 (AMD).]

B. Fails to correct an impression that is false and that the person does not believe to be true and that:

(1) The person had previously created or reinforced; or

(2) The person knows to be influencing another whose property is involved and to whom the person stands in a fiduciary or confidential relationship; [PL 2001, c. 383, §34 (RPR); PL 2001, c. 383, §156 (AFF).]

C. Prevents another from acquiring information that is relevant to the disposition of the property involved; or [PL 2001, c. 383, §34 (RPR); PL 2001, c. 383, §156 (AFF).]

D. Fails to disclose a known lien, adverse claim or other legal impediment to the enjoyment of property that the person transfers or encumbers in consideration for the property obtained, whether

such impediment is or is not valid, or is or is not a matter of official record. [PL 2001, c. 383, §34 (RPR); PL 2001, c. 383, §156 (AFF).]  
[PL 2015, c. 437, §1 (AMD).]

3. It is not a defense to a prosecution under this section that the deception related to a matter that was of no pecuniary significance or that the person deceived acted unreasonably in relying on the deception.

[PL 2001, c. 383, §34 (RPR); PL 2001, c. 383, §156 (AFF).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 510, §47 (AMD). PL 1999, c. 455, §1 (AMD). PL 2001, c. 383, §34 (RPR). PL 2001, c. 383, §156 (AFF). PL 2001, c. 667, §D4 (AMD). PL 2001, c. 667, §D36 (AFF). PL 2007, c. 476, §11 (AMD). PL 2015, c. 21, §1 (AMD). PL 2015, c. 437, §1 (AMD).

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