

CHAPTER 29

FORGERY AND RELATED OFFENSES

§701. Definitions

As used in sections 702 and 703: [PL 1975, c. 499, §1 (NEW).]

1. A person "falsely alters" a written instrument when, without the authority of anyone entitled to grant it, he changes a written instrument, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that such instrument in its thus altered form appears or purports to be in all respects an authentic creation of, or fully authorized by, its ostensible holder, author, maker or drawer; [PL 1975, c. 740, §75 (AMD).]

2. A person "falsely completes" a written instrument when, by adding, inserting or changing matter, he transforms an incomplete written instrument into a complete one, without the authority of anyone entitled to grant it, so that such complete instrument appears or purports to be in all respects an authentic creation of, or fully authorized by, its ostensible author, maker or drawer; [PL 1975, c. 499, §1 (NEW).]

3. A person "falsely makes" a written instrument when he makes or draws a complete written instrument in its entirety, or an incomplete written instrument, which purports to be an authentic creation of its ostensible author, maker or drawer, but which is not such, either because the ostensible maker or drawer is fictitious or because, if real, he did not authorize the making or drawing thereof; [PL 1975, c. 499, §1 (NEW).]

4. "Written instrument" includes any token, coin, stamp, seal, badge, trademark, credit card, absentee ballot application, absentee ballot envelope, medical drug prescription form, other evidence or symbol of value, right, privilege or identification, and any paper, document or other written instrument containing written or printed matter or its equivalent; [PL 2001, c. 419, §1 (AMD).]

5. "Complete written instrument" means a written instrument which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof; and [PL 1975, c. 499, §1 (NEW).]

6. "Incomplete written instrument" means a written instrument which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument. [PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §75 (AMD). PL 1981, c. 436, §1 (AMD). PL 2001, c. 419, §1 (AMD).

§702. Aggravated forgery

1. A person is guilty of aggravated forgery if, with intent to defraud or deceive another person or government, he falsely makes, completes, endorses or alters a written instrument, or knowingly utters or possesses such an instrument, and the instrument is:

A. Part of an issue of money, stamps, securities or other valuable instruments issued by a government or governmental instrumentality; [PL 1975, c. 499, §1 (NEW).]

B. Part of an issue of stocks, bonds or other instruments representing interests in or claims against an organization or its property; [PL 1975, c. 499, §1 (NEW).]

C. A will, codicil or other instrument providing for the disposition of property after death; [PL 1975, c. 499, §1 (NEW).]

D. A public record or an instrument filed or required or authorized by law to be filed in or with a public office or public employee; or [PL 1975, c. 499, §1 (NEW).]

E. [PL 1989, c. 187, §1 (RP).]

[PL 1989, c. 187, §1 (AMD).]

2. Aggravated forgery is a Class B crime.

[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §76 (AMD). PL 1989, c. 187, §1 (AMD).

§703. Forgery

1. A person is guilty of forgery if, with the intent to defraud or deceive another person or government:

A. The person falsely makes, completes, endorses or alters a written instrument, or knowingly utters or possesses such an instrument. Violation of this paragraph is a Class D crime; [PL 2001, c. 383, §75 (AMD); PL 2001, c. 383, §156 (AFF).]

A-1. The person violates paragraph A and:

(1) The face value of the written instrument or the aggregate value of the instruments is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The face value of the written instrument or the aggregate value of the instruments is more than \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime; or

(3) At the time of the forgery, 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 this section; 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 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, §26 (AMD).]

B. The person causes another, by deception, to sign or execute a written instrument, or utters such an instrument. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §75 (AMD); PL 2001, c. 383, §156 (AFF).]

B-1. The person violates paragraph B and:

(1) The face value of the written instrument or the aggregate value of the instruments is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The face value of the written instrument or the aggregate value of the instruments is more than \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime; or

(3) At the time of the forgery, 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 this section; 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 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, §27 (AMD).]

[PL 2007, c. 476, §§26, 27 (AMD).]

2.

[PL 2001, c. 667, Pt. D, §13 (RP); PL 2001, c. 667, Pt. D, §36 (AFF).]

3. Amounts of value involved in forgeries may be aggregated in the same manner as provided in section 352, subsection 5, paragraph E. Prosecution of an aggregated forgery may be brought in any venue in which one of the aggregated forgeries was committed.

[PL 1989, c. 187, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §§77,78 (AMD). PL 1977, c. 510, §58 (AMD). PL 1981, c. 317, §21 (AMD). PL 1989, c. 187, §§2,3 (AMD). PL 1995, c. 224, §6 (AMD). PL 2001, c. 383, §§75,76 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 389, §6 (AMD). PL 2001, c. 667, §§D13,14 (AMD). PL 2001, c. 667, §D36 (AFF). PL 2007, c. 476, §§26, 27 (AMD).

§704. Possession of forgery devices

1. A person is guilty of possession of forgery devices if:

A. He makes or possesses with knowledge of its character, any plate, die or other device, apparatus, equipment or article specifically designed or adapted for use in committing aggravated forgery or forgery; or [PL 1975, c. 499, §1 (NEW).]

B. He makes or possesses any device, apparatus, equipment, or article capable of or adaptable to use in committing an aggravated forgery or forgery, with the intent to use it himself, or to aid or permit another to use it for purposes of committing aggravated forgery or forgery. [PL 1975, c. 499, §1 (NEW).]

[PL 1975, c. 499, §1 (NEW).]

2. Possession of forgery devices is a Class E crime.

[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW).

§705. Criminal simulation

1. A person is guilty of criminal simulation if:

A. With intent to defraud, the person makes or alters any property so that it appears to have an age, rarity, quality, composition, source or authorship that it does not in fact possess or, with knowledge of its true character and with intent to defraud, the person transfers or possesses property so simulated. A violation of this paragraph is a Class E crime; [PL 2015, c. 364, §1 (AMD).]

B. In return for a pecuniary benefit:

(1) The person authors, prepares, writes, sells, transfers or possesses with intent to sell or transfer, an essay, term paper or other manuscript knowing that it will be, or believing that it probably will be, submitted by another person in satisfaction of a course, credit or degree requirement at a university or other degree, diploma or certificate-granting educational institution. A violation of this subparagraph is a Class E crime; or

- (2) The person takes an examination for another person in satisfaction of a course, credit or degree requirement at a university or other degree, diploma or certificate-granting educational institution. A violation of this subparagraph is a Class E crime; [PL 2015, c. 364, §1 (AMD).]
- C. The person knowingly makes, gives or exhibits a false pedigree in writing of any animal. A violation of this paragraph is a Class E crime; [PL 2015, c. 364, §1 (AMD).]
- D. With intent to defraud and to prevent identification:
- (1) The person alters, removes or obscures the manufacturer's serial number or any other distinguishing identification number, mark or symbol upon any automobile, snowmobile, outboard motor, motorboat, aircraft or any other vehicle or upon any machine or other object, other than a firearm. A violation of this subparagraph is a Class E crime; or
- (2) The person possesses any such object or any such item after that number has been altered, removed or obscured. A violation of this subparagraph is a Class E crime; or [PL 2015, c. 364, §1 (AMD).]
- E. With intent to defraud or to prevent identification:
- (1) The person alters, removes or obscures the manufacturer's make, model or serial number on any firearm. A violation of this subparagraph is a Class C crime; or
- (2) The person possesses a firearm altered as set out in subparagraph (1) or intentionally or knowingly transports any such firearm. A violation of this subparagraph is a Class C crime. [PL 2015, c. 364, §1 (NEW).]
- [PL 2015, c. 364, §1 (AMD).]

2.

[PL 2015, c. 364, §1 (RP).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1979, c. 129 (AMD). PL 2015, c. 364, §1 (AMD).

§706. Suppressing recordable instrument

1. A person is guilty of suppressing a recordable instrument if, with intent to defraud anyone, he falsifies, destroys, removes or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording, whether or not it is in fact recorded. [PL 1975, c. 499, §1 (NEW).]

2. Suppressing a recordable instrument is a Class E crime. [PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW).

§706-A. Falsely filing a recordable instrument

1. A person is guilty of falsely filing a recordable instrument if, with intent to defraud, harass or intimidate, the person files or causes to be filed a will, deed, mortgage, security instrument or other writing for which the law provides public recording, knowing or believing the writing to be false or without legal authority. [PL 2007, c. 228, §2 (NEW).]

2. Falsely filing a recordable instrument is a Class D crime. [PL 2007, c. 228, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 228, §2 (NEW).

§707. Falsifying private records

1. A person is guilty of falsifying private records if, with intent to defraud any person, he:

A. Makes a false entry in the records of an organization, or [PL 1975, c. 499, §1 (NEW).]

B. Alters, erases, obliterates, deletes, removes or destroys a true entry in the records of an organization; or [PL 1975, c. 499, §1 (NEW).]

C. Omits to make a true entry in the records of an organization in violation of a duty to do so which he knows to be imposed on him by statute; or [PL 1975, c. 499, §1 (NEW).]

D. Prevents the making of a true entry or causes the omission thereof in the records of an organization. [PL 1975, c. 499, §1 (NEW).]

[PL 1975, c. 499, §1 (NEW).]

2. Falsifying private records is a Class E crime.

[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW).

§707-A. Falsifying health care records

1. A person is guilty of falsifying health care records if, with intent to deceive any person or governmental entity, the person:

A. Makes, or causes to be made, a false material entry in the health care records maintained by a health care provider; [PL 2017, c. 410, §1 (NEW).]

B. Alters, erases, obliterates, deletes, removes or destroys a true material entry in the health care records maintained by a health care provider; [PL 2017, c. 410, §1 (NEW).]

C. Knowingly omits to make a true material entry in the health care records maintained by a health care provider in violation of a duty to do so that is imposed by statute, standard of care or regulatory provision; or [PL 2017, c. 410, §1 (NEW).]

D. Prevents the making of a true material entry or causes the omission of a true material entry in the health care records maintained by a health care provider. [PL 2017, c. 410, §1 (NEW).]

[PL 2017, c. 410, §1 (NEW).]

2. Supplementation of information or correction of an error in health care records in a manner that reasonably discloses that the supplementation or correction was performed and that does not conceal or alter prior entries is not a violation of this section.

[PL 2017, c. 410, §1 (NEW).]

3. Falsifying health care records is a Class D crime, except as provided in subsection 4.

[PL 2017, c. 410, §1 (NEW).]

4. Falsifying health care records is a Class C crime if any reliance on a violation of this section causes serious bodily injury or impairment of the mental or behavioral condition of any person.

[PL 2017, c. 410, §1 (NEW).]

5. As used in this section, the following definitions apply.

A. "Health care provider" means a hospital, clinic, nursing home or other facility in which skilled nursing care or medical services are prescribed by or performed under the general direction of persons licensed to practice medicine, dentistry, podiatry or surgery in this State and that is licensed or otherwise authorized by the laws of this State. [PL 2017, c. 410, §1 (NEW).]

B. "Health care record" means a record that relates to an individual's physical, mental or behavioral condition, personal or family medical history or medical treatment or the health care provided to that individual. [PL 2017, c. 410, §1 (NEW).]

C. "Material" means capable of altering the course or outcome of any subsequent reliance on the health care record. [PL 2017, c. 410, §1 (NEW).]
[PL 2017, c. 410, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 410, §1 (NEW).

§708. Negotiating a worthless instrument

1. A person is guilty of negotiating a worthless instrument if:

A. The person intentionally issues or negotiates a negotiable instrument knowing that it will not be honored by the maker or drawee. Violation of this paragraph is a Class E crime; or [PL 2001, c. 383, §77 (NEW); PL 2001, c. 383, §156 (AFF).]

B. The person violates paragraph A and:

(1) The face value of the written instrument or the aggregate value of the instruments is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The face value of the written instrument or the aggregate value of the instruments is more than \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

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

(4) At the time of negotiating a worthless instrument, 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 this section; 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 or 703; 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, §28 (AMD).]

[PL 2007, c. 476, §28 (AMD).]

2. Proof of the following gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person issuing or negotiating the instrument knew that it would not be honored:

A. The drawer had no account with the drawee at the time the instrument was negotiated; [PL 2011, c. 504, §1 (AMD).]

B. Payment was refused by the drawee for lack of funds upon presentment made within the time frame specified in Title 11, section 3-1304, and the drawer failed to honor the drawer's contract within 5 days after actual receipt of a notice of dishonor, as defined in Title 11, section 3-1503, except that this time limit is tolled during one subsequent representment of the negotiable instrument; or [PL 2011, c. 504, §1 (AMD).]

C. The drawer refuses to tender payment in the amount of the instrument within 5 days of receipt of a notice under this paragraph mailed by certified or registered mail evidenced by return receipt at the address printed on the instrument or given at the time of issuance. The notice must be substantially as follows:

"You are hereby notified that the following instrument(s):

Number: Date: Amount: Name of Bank: drawn upon and payable to, (has)(have) been dishonored. Pursuant to Maine law, the Maine Revised Statutes, Title 17-A, section 708, subsection 2, you have 5 days from receipt of this notice to tender payment of the total amount of the instrument(s) plus the applicable service charge(s) of \$.....(.....dollars andcents) and any fee charged to the holder of the instrument(s) by a bank or financial institution as a result of the instrument(s) not being honored, the total amount due being \$.....(.....dollars and.....cents). Pursuant to Title 17-A, section 708, subsection 2, unless this amount is paid in full towithin 5 days after the actual receipt of this notice of dishonor, your failure to pay the amount owed gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that you knew that your instrument(s) would not be honored. Your failure to pay the amount owed could result in a report to a law enforcement agency for investigation and possible criminal prosecution for negotiating a worthless instrument in violation of Title 17-A, section 708, subsection 1." [RR 2011, c. 2, §15 (COR).]

[RR 2011, c. 2, §15 (COR).]

2-A. The following evidentiary provisions apply.

A. Proof that there is a purported stamp or writing of the drawee, payor bank or presenting bank on or accompanying the instrument that states "no account," "account closed" or some other terminology indicating that the instrument was not honored because no account existed gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person who issued or negotiated the instrument has no account with the drawee at the time the instrument was issued or negotiated. [PL 2001, c. 383, §79 (AMD); PL 2001, c. 383, §156 (AFF).]

B. Proof that there is a purported stamp or writing of the drawee, payor bank or presenting bank on or accompanying the instrument that states "insufficient funds," "NSF" or some other terminology indicating that the instrument was not honored due to lack of funds gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person who issued or negotiated the instrument had insufficient funds with the drawee at the time the instrument was issued or negotiated. [PL 2001, c. 383, §79 (AMD); PL 2001, c. 383, §156 (AFF).]

C. The purported stamp or writing of the drawee, payor bank or presenting bank on or accompanying a negotiable instrument is admissible in evidence in any court of the State, unless the defendant requests in writing at least 10 days before trial that the prosecution provide a qualified witness to testify as to why the instrument was not honored. [PL 1997, c. 253, §1 (NEW).]

[PL 2001, c. 383, §79 (AMD); PL 2001, c. 383, §156 (AFF).]

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

A. "Issue" has the meaning provided in Title 11, section 3-1105, subsection (1). [PL 1995, c. 38, §2 (AMD).]

A-1. "Drawee" has the meaning provided in Title 11, section 3-1103, subsection (1), paragraph (b). [PL 1995, c. 38, §2 (NEW).]

A-2. "Drawer" has the meaning provided in Title 11, section 3-1103, subsection (1), paragraph (c). [PL 1995, c. 38, §2 (NEW).]

B. "Negotiable instrument" has the meaning provided in Title 11, section 3-1104. [PL 1995, c. 38, §2 (AMD).]

C. "Negotiation" and its variants have the meaning provided in Title 11, section 3-1201. [PL 1995, c. 38, §2 (AMD).]

[PL 1995, c. 38, §2 (AMD).]

3-A. Amounts of face value of negotiable instruments involved in violations of this section committed pursuant to one scheme or course of conduct, whether the instruments were issued or negotiated to the same person or several persons, may be aggregated to charge a single violation of this section of appropriate class. Subject to the requirement that the conduct of the defense may not be prejudiced by lack of fair notice or by surprise, the court may at any time order that a single aggregated count be considered as separate violations of this section. An aggregated count of violations of this section may not be deemed duplicitous because of such an order and no election may be required. Prosecution may be brought in any venue in which one of the violations of this section that have been aggregated was committed.

[PL 2001, c. 383, §80 (AMD); PL 2001, c. 383, §156 (AFF).]

4.

[PL 2001, c. 383, §81 (RP); PL 2001, c. 383, §156 (AFF); PL 2003, c. 1, §6 (AMD).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §79 (AMD). PL 1977, c. 510, §59 (AMD). PL 1981, c. 317, §22 (AMD). PL 1983, c. 198, §§1,2 (AMD). PL 1989, c. 186 (AMD). PL 1995, c. 38, §§1,2 (AMD). PL 1995, c. 224, §7 (AMD). PL 1997, c. 253, §1 (AMD). PL 2001, c. 383, §§77-81 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 389, §7 (AMD). PL 2001, c. 667, §D15 (AMD). PL 2001, c. 667, §D36 (AFF). PL 2003, c. 1, §6 (AMD). PL 2007, c. 476, §28 (AMD). PL 2011, c. 504, §1 (AMD). RR 2011, c. 2, §15 (COR).

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