§354-A. Insurance deception

1. A person is guilty of theft if:

A. The person obtains or exercises control over property of another as a result of insurance deception and with an intent to deprive the other person of the property. Violation of this paragraph is a Class E crime; or [PL 2001, c. 383, §35 (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, §12 (AMD).]

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2. For purposes of this section, insurance deception occurs when a person intentionally makes a misrepresentation or written false statement that the person does not believe to be true relating to a material fact to any person engaged in the business of insurance concerning any of the following:

A. An application for the issuance or renewal of an insurance policy; [PL 1997, c. 779, §1 (NEW).]

B. The rating of an insurance policy; [PL 1997, c. 779, §1 (NEW).]

C. Payment made in accordance with an insurance policy; [PL 1997, c. 779, §1 (NEW).]

D. A claim for payment or benefit pursuant to an insurance policy; or [PL 1997, c. 779, §1 (NEW).]

E. Premiums paid on an insurance policy. [PL 1997, c. 779, §1 (NEW).]

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

SECTION HISTORY

PL 1997, c. 779, §1 (NEW). PL 2001, c. 383, §§35,36 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 667, §D5 (AMD). PL 2001, c. 667, §D36 (AFF). PL 2007, c. 476, §12 (AMD).

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