

## CHAPTER 750

### CIVIL RECOVERY FOR NONCONSENSUAL REMOVAL OF OR TAMPERING WITH A CONDOM

#### §8305. Civil recovery for nonconsensual removal of or tampering with a condom

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensatory damages" includes, but is not limited to, past and future medical expenses, lost earnings, pain, suffering, mental anguish, emotional distress and loss of enjoyment of life. [PL 2023, c. 298, §1 (NEW).]

B. "Sexual act" has the same meaning as in Title 17-A, section 251, subsection 1, paragraph C. [PL 2023, c. 298, §1 (NEW).]

C. "Tamper" means to alter or use an item in a way that renders the item ineffective. [PL 2023, c. 298, §1 (NEW).]  
[PL 2023, c. 298, §1 (NEW).]

**2. Civil action; relief.** A person who engages in a consensual sexual act with another person with the understanding that a condom would be used during the sexual act may bring a civil action against the other person for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief based on the nonconsensual removal of or tampering with a condom if the other person:

A. Knowingly removes or tampers with the condom; [PL 2023, c. 298, §1 (NEW).]

B. Knowingly uses a damaged condom; or [PL 2023, c. 298, §1 (NEW).]

C. Misrepresents the person's intentions to use a condom. [PL 2023, c. 298, §1 (NEW).]

A prevailing plaintiff is entitled to an award of attorney's fees and costs.  
[PL 2023, c. 298, §1 (NEW).]

**3. Previous consent.** Evidence of consent to engage in a previous sexual act without a condom does not by itself demonstrate consent for engaging in a subsequent sexual act without a condom.  
[PL 2023, c. 298, §1 (NEW).]

**4. No limitation.** The provisions of this chapter may not be construed to prohibit or limit any other cause of action that a person may have against another person who performs an action described by subsection 2.  
[PL 2023, c. 298, §1 (NEW).]

#### SECTION HISTORY

PL 2023, c. 298, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.