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Committee On Judiciary  
State House, Room 438  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

May 5, 2021

**Re: Human Rights Campaign's Opposition to L.D. 926 and L.D. 1401**

Chairs Carney and Harnett and Members of the Committee,

The Human Rights Campaign (HRC), on behalf of its more than three million members and supporters nationwide, writes to share our opposition to L.D. 926 and L.D. 1401, both of which would prevent transgender girls from participating in school athletics and communicate to transgender youth that they are perceived as a threat to their peers instead of - as they truly are - simply kids who want to play with their friends. Transgender youth pose no threat to other youth, and bills like this one across the country have been inspired by discrimination, not actual problems - in fact, **sponsors of this legislation in states around the country have failed to provide examples of issues that have arisen in their states<sup>1</sup> because this is an invented problem that relies on misinformation, harmful stereotypes, and prejudice against transgender people.** There simply is no problem here that needs solving, and all legislation like this will do is cause harm to transgender youth who will be maligned, marginalized, and rejected. This bill is discrimination, plain and simple.

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender and queer (LGBTQ) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ people and realize a world that achieves fundamental fairness and equality for all. As an advocate of equal rights for all members of the LGBTQ community, HRC believes that everyone should have the right to go about their daily lives free from discrimination.

Advocates for women's sport such as the National Women's Law Center,<sup>2</sup> the Women's Sports Foundation,<sup>3</sup> and others - support transgender inclusion and reject these types of bills, and

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<sup>1</sup> An AP report investigating the justification for these bills concluded "Lawmakers can't cite local examples of trans girls in sports". Story available at: <https://apnews.com/article/lawmakers-unable-to-cite-local-trans-girls-sports-914a982545e943ecc1e265e8c41042e7>

<sup>2</sup> National Women's Law Center blog about their involvement in *Hecox v. Little*. "Stop Using Girl Athletes to Justify Your Transphobia" available at: <https://nwl.org/blog/stop-using-girl-athletes-to-justify-your-transphobia/>

<sup>3</sup> "Participation of Transgender Athletes in Women's Sports" position statement available at: <https://www.womenssportsfoundation.org/wp-content/uploads/2016/08/participation-of-transgender-athletes-in-womens-sports-the-foundation-position.pdf>



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athletes themselves agree.<sup>4</sup> **There simply is no actual problem posed by inclusive sports programs.** Transgender girls, like all girls, have varying interest in sports; they have varying ability in sports; some girls are tall, some are short; some are fast, some are slow; some have hand-eye coordination, some have two left feet; some have the passion to practice, and others prefer to play in the marching band instead. The argument that transgender girls will take over girls' sports relies on harmful, sexist stereotypes reinforced by misinformation spread by opponents of equality who have no compunction about scoring political points at the expense of innocent transgender kids just trying to navigate their adolescence.

**Additionally, this legislation will invite litigation as it is a direct challenge to federal law, including Title IX and the Equal Protection Clause of the United States Constitution.** There is no legitimate government purpose being served by this piece of legislation. Prior to this year, Idaho was the only state to have passed this bill into law, and it was immediately challenged in federal court, where the District Court issued a preliminary injunction stopping enforcement of the bill (that injunction is currently on appeal to 9<sup>th</sup> Circuit), rejecting the arguments by the state. The Court concluded that “the incredibly small percentage of transgender women athletes in general, coupled with the significant dispute regarding whether such athletes actually have physiological advantages over cisgender women when they have undergone hormone suppression in particular, suggest the Act’s categorical exclusion of transgender women athletes has no relationship to ensuring equality and opportunities for female athletes in Idaho.”<sup>5</sup> Further, this bill would be a direct challenge to Title IX, which tempts administrative investigation and penalties, the consequences of which could be as severe as suspension of all federal education funds.

Maine has real problems that need addressing. Transgender youth participating in school sports alongside their peers is not one of them. This bill will bring litigation and the potential of federal enforcement action, as well as do real harm to transgender youth in Maine. That’s a heavy price to pay to address a non-existent “problem”.

Sincerely,

State Legislative Director and Senior Counsel  
Human Rights Campaign

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<sup>4</sup> Excerpt from the letter: “All athletes deserve to compete. All athletes are worthy of protection. No athlete should feel unsafe being who they are.” Sports Illustrated story on the letter available at: <https://www.si.com/college/2021/03/10/ncaa-petition-anti-trans-legislation>

<sup>5</sup> Hecox, et al. v. Little, et. Al, No. 1:2020cv00184 – Document 63 (D. Idaho 2020).