



132nd MAINE LEGISLATURE

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Legislative Document

No. 868

H.P. 554

House of Representatives, March 4, 2025

**An Act to Ensure Equity and Safety in Athletics, Restrooms,
Changing Rooms and Housing at Elementary, Secondary and
Postsecondary Schools**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT

Clerk

Presented by Representative CARUSO of Caratunk.
Cosponsored by Representative SMITH of Palermo, Senator MOORE of Washington and
Representatives: EDER of Waterboro, FRIEDMANN of Bar Harbor, HYMES of Waldo,
POIRIER of Skowhegan, Senators: FARRIN of Somerset, GUERIN of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §14** is enacted to read:

3 **§14. Designation of athletic teams and use of facilities**

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

6 A. "Changing room" means a room or area in which a person may be in a state of
7 undress in the presence of others, including a locker room or shower room.

8 B. "Covered entity" means a public school, public charter school under chapter 112 or
9 public postsecondary education institution.

10 C. "Female" means an individual who has, had or will have, or would have but for a
11 developmental or genetic anomaly or historical accident, the reproductive system that
12 at some point produces, transports and uses eggs for fertilization.

13 D. "Male" means an individual who has, had or will have, or would have but for a
14 developmental or genetic anomaly or historical accident, the reproductive system that
15 at some point produces, transports and uses sperm for fertilization.

16 E. "Multi-occupancy" means that a space is designed for use by multiple persons
17 simultaneously.

18 F. "Restroom" means a room that includes one or more toilets or urinals.

19 G. "Sex" means the biological condition of being either male or female, as observed
20 or clinically verified at birth.

21 H. "Sleeping quarters" means a room with at least one bed and in which more than one
22 individual is housed overnight.

23 **2. Designation of athletic teams.** Interscholastic or intramural athletic teams and
24 sports that are sponsored by a covered entity, or by a private school or private
25 postsecondary education institution whose students or teams compete against a covered
26 entity, must be expressly designated as one of the following based on sex:

27 A. "Males," "men" or "boys";

28 B. "Females," "women" or "girls"; or

29 C. "Coed" or "mixed."

30 Athletic teams or sports designated as "females," "women" or "girls" may not allow
31 participation by students who are males. This section may not be construed to restrict the
32 eligibility of any student to participate in any interscholastic or intramural athletic teams or
33 sports designated as "males," "men" or "boys" or designated as "coed" or "mixed."

34 **3. Protection for schools and postsecondary education institutions.** A government
35 entity, licensing or accrediting organization or athletic association or organization may not
36 entertain a complaint, open an investigation or take any other adverse action against a
37 covered entity, private school or private postsecondary education institution for
38 maintaining separate interscholastic or intramural athletic teams or sports for students who
39 are females.

1 **4. Safety and privacy in covered entities, restrooms, changing rooms and sleeping**
2 **quarters.** A covered entity shall designate restrooms, changing rooms and sleeping
3 quarters in accordance with this subsection.

4 A. A covered entity shall designate each multi-occupancy restroom, changing room
5 and sleeping quarters within the covered entity for the exclusive use of:

6 (1) Females; or

7 (2) Males.

8 B. Any restroom, changing room or sleeping quarters within a covered entity
9 designated for females or males are for use only by members of that sex, and an
10 individual may not enter a restroom, a changing room or sleeping quarters designated
11 for females or males unless that individual is a member of that sex.

12 C. The covered entity shall take reasonable steps to provide individuals with privacy
13 in restrooms, changing rooms and sleeping quarters from members of the opposite sex.

14 D. This subsection does not apply to an individual who enters a restroom, a changing
15 room or sleeping quarters designated for the opposite sex in any of the following
16 circumstances:

17 (1) To perform custodial services or maintenance;

18 (2) To render medical assistance;

19 (3) To render assistance, if the individual is a law enforcement officer; or

20 (4) To provide services or render aid during a natural disaster, during a declared
21 emergency or when necessary to prevent a serious threat to order or safety.

22 E. During any activity or event authorized by a covered entity in which students share
23 sleeping quarters, a student may not share sleeping quarters with a member of the
24 opposite sex unless the individuals are members of the same family, such as a parent,
25 guardian, sibling or grandparent.

26 F. In any other facility or setting in a covered entity not described in paragraph A or B
27 where an individual may be in a state of undress in the presence of others, school
28 personnel shall provide separate, private areas designated for use by individuals based
29 on their sex, and an individual may not enter these private areas unless that individual
30 is a member of the designated sex.

31 G. A public postsecondary education institution that offers housing for students shall
32 provide students the option to be housed only in a single-sex educational housing space
33 with individuals of the same sex.

34 H. This subsection may not be construed to prohibit a covered entity from:

35 (1) Adopting policies necessary to accommodate persons protected under the
36 federal Americans with Disabilities Act of 1990, young children in need of
37 assistance or elderly individuals requiring aid;

38 (2) Establishing single-occupancy restrooms, changing rooms or sleeping quarters
39 or family restrooms, changing rooms or sleeping quarters; or

1 (3) Redesignating a multi-occupancy restroom, changing room or sleeping
2 quarters designated for exclusive use by one sex to a designation for exclusive use
3 by the opposite sex.

4 **5. Legal remedy; private right of action.** A private civil action may be filed in
5 accordance with this subsection.

6 A. An individual who is deprived of an athletic opportunity or suffers any direct or
7 indirect harm as a result of a knowing violation of subsection 2 has a private cause of
8 action against the covered entity, private school or private postsecondary education
9 institution.

10 B. An individual who, while accessing a restroom or changing room designated for
11 use by the individual's sex, encounters another individual of the opposite sex in that
12 restroom or changing room has a private cause of action against the covered entity if
13 the covered entity:

14 (1) Provided the other individual permission to use a restroom or changing room
15 of the opposite sex; or

16 (2) Failed to take reasonable steps to prohibit the other individual from using the
17 restroom or changing room of the opposite sex.

18 C. An individual who is required by the covered entity to share sleeping quarters with
19 another individual of the opposite sex has a private cause of action against the covered
20 entity.

21 D. An individual who is subject to retaliation or other adverse action by a covered
22 entity, private school, private postsecondary education institution or athletic
23 association or organization as a result of reporting a violation of this section to an
24 employee or representative of the school or athletic association or organization, or to
25 any state or federal agency having oversight of schools in the State, has a private cause
26 of action against the school or athletic association or organization.

27 E. A covered entity, private school or private postsecondary education institution that
28 suffers any direct or indirect adverse action by a government entity, licensing or
29 accrediting organization or athletic association or organization as a result of complying
30 with this section has a private cause of action against the government entity, licensing
31 or accrediting organization or athletic association or organization.

32 F. All civil actions brought pursuant to this subsection must be initiated within 2 years
33 after the violation occurred. Individuals or organizations that prevail on a claim brought
34 pursuant to this subsection are entitled to declaratory and injunctive relief;
35 compensatory damages, including for any psychological, emotional or physical harm
36 suffered; reasonable attorney's fees and costs; and any other appropriate relief.

37 SUMMARY

38 This bill requires that interscholastic and intramural athletic teams or sports that are
39 sponsored by public schools, public charter schools, public postsecondary education
40 institutions or schools they compete against be designated as male, female or coed. The
41 bill also prohibits students who are male from participating in an athletic team or sport
42 designated as a female team or sport. The bill requires public schools, public charter
43 schools and public postsecondary education institutions to designate restrooms, changing

1 rooms and sleeping quarters as for use by either only females or only males with limited
2 exceptions. The bill provides that an individual may have a private cause of action against
3 a public school, public charter school, public postsecondary education institution, private
4 school, private postsecondary education institution or athletic association or organization
5 under certain circumstances as a result of a knowing violation of these provisions.