



Joint Standing Committee on Judiciary

LD 2235 - Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms

March 4, 2024

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee, I am Gia Drew, the Executive Director of EqualityMaine, which has been representing and advocating for Maine's LGBTQIA+ community since 1984. I am testifying today on behalf of EqualityMaine, Maine Women's Lobby, GLBTQ Legal Advocates and Defenders (GLAD), ACLU Maine, OUT Maine, Maine Chapter American Academy of Pediatrics, and MaineTransNet, in support of **LD 2235, A Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms**. A year ago, we testified in support of **LD 942**, which would establish a plan for adding a 3rd option for gender on state forms. We thank Representative Sheehan for their leadership and for bringing that bill to this committee, which was signed into law in June of 2023.

In our testimony in support of LD 942, we raised awareness about the importance of making these changes happen so more Mainers feel that the choices they are making when completing state forms are best aligned with their gender identities, and are not compelled to choose an option that doesn't match who they are. When completing a form and asked to check a box indicating their sex or gender, many people select one of the binary options, like female or male, without giving it a second thought. But for those who exist outside the binary, this is a fraught, stressful, embarrassing, and even harmful choice, and one that ultimately may force someone to misrepresent themselves.

There are people whose sex is not simply female or male, some people are both female and male, neither female nor male, or have a variety of sex traits, and/or chromosomes, including people who are intersex. Intersex, the I in LGBTQIA, is an umbrella term for differences in sex traits or reproductive anatomy. Intersex people are born with these differences or develop them in childhood.¹ Additionally, a person's gender may not align with their sex. Gender identity, as defined by the Maine Human Rights Act, "means the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."² Likewise, some people use terms like nonbinary, gender queer, agender, or genderfluid, rather than the binary options of man/woman or boy/girl to describe themselves. According to the Williams Institute at UCLA, 1.2 million adults identify as nonbinary in the United States.³ Additionally, 1 in 4 LGBTQIA+ youth identify as nonbinary.⁴

Yet when filling out most forms, applications, and other state agency documents, many in the LGBTQIA+ community, particularly transgender, nonbinary, and intersex people, must fit themselves into the current constraints of government databases at the expense of being truthful and feeling respected. Maine, along with 16 other states and DC, already allows

¹ <https://interactadvocates.org/faq/#definition>

² <https://www.mainelegislature.org/legis/statutes/5/title5sec4553.html>

³ <https://williamsinstitute.law.ucla.edu/publications/nonbinary-lgbtq-adults-us/>

⁴ <https://www.thetrevorproject.org/survey-2021/>

residents to mark M, F, or X on their birth certificates. Adding a gender marker option of X throughout state agency forms would acknowledge and honor diverse gender identities, allowing Mainers to be seen for who they are by their government.

The benefits of adding a third option for gender go beyond treating people with dignity. Nonbinary and intersex people experience increased discrimination and invasive questioning when the perception of their gender is in conflict with their gender marker. On an administrative level, adding a third gender marker to state agency forms would ensure that there are no inconsistencies among various agencies' documents, which lead to bureaucratic delays, inefficiencies, and frustration. Furthermore, the addition of a third gender marker would greatly improve the collection of accurate demographic data throughout the state.

We urge you to support this bill, and vote ought to pass on LD 2235. Let's respect all Mainers by extending the right to accurately self-represent to everyone.

Gia Drew (she/her)

Executive Director, EqualityMaine

On behalf of:

Maine Women's Lobby

ACLU Maine

GLBTQ Legal Advocates and Defenders (GLAD)

ACLU Maine

OUT Maine

MaineTransNet

Maine Chapter, American Academy of Pediatrics