

Benjamin Bouchard
BAR HARBOR
LD 233

Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee, thank you for the opportunity to speak on this matter. I am testifying in opposition to LD 233.

A fundamental concept of good governance is that for any bill to pass or new law to be made, it must demonstrate a clear need or a benefit to society. For LD 233 to provide any need or benefit to society we must presume one or more of the following to be true:

- That trans girls have an inherent and unfair biological advantage over cis girls in sports activities
- That cis boys have an inherent and unfair biological advantage over cis girls in sports activities
- That cis girls with inherent biological advantages over other cis girls are inherently fair, in contrast to any such advantages across biological sex in any and all sports activities
- That doctors are infallible in their record entry
- That biological sex is always unambiguous and binary
- That cis boys will use the guise of trans identity to infiltrate girls sports or activities
- That the number and frequency of trans girls competing in publicly funded schools is so prevalent and problematic as to mandate state-level legal intervention as opposed to permitting the schools to establish their own solutions tailored to their individual needs.

Science shows us that in the widely varied field of sports that the use of gender as a mechanism of separating leagues for competitive purposes is largely not founded in a meaningful reason, especially as the traits most advantageous in sports can vary wildly, from track and field, to chess, to sports like archery, billiards, equestrian sports, wrestling, boxing, and so on. The proposed legislation makes no distinction between these varied sports/activities.

Research on trans athletic performance has shown that, if anything, trans athletes who undergo hormone therapy or other forms of trans healthcare often suffer slight physiological DIS-advantages in competitive sports, while those who have not do not necessarily have any form of inherent advantage in their given sport of choice that can be attributed solely to their assigned gender at birth. Athletes in top-level competitive activities of all kinds often feature uniquely advantageous physiological traits that make them especially good at their chosen pursuit, and this is the case in literally every single form of competition that exists, including those that are purely psychological in nature, and there are competitive athletes capable of easily trouncing other competitive participants in that sport, regardless of gender assigned at birth. An Olympic level power-lifter, for instance, regardless of if they are a man, a woman, or other gender, would easily outperform any of us testifying here regarding this policy, and will have a biological advantage over us in addition to the hard work they put in over the course of their training, but this is not due to their gender so much as genetic lottery.

Sex is not the binary that we were commonly told as children, and there are likely others here who are speaking on that issue. Suffice to say, however, that intersex people exist as well as trans people, and have always existed. They should not be prevented from participating in the activities they choose by legislation such as this, and clerical errors exist that result in some individuals having an assigned gender at birth that is accidental, which this legislation also makes no provision for.

Lastly, I would ask you to consider exactly how many trans athletes compete in our state at any level whatsoever. Do any of us truly believe that these individuals have deliberately chosen to be viewed as part of a disaffected and routinely discriminated against minority just so they can compete in a league other than the one they

otherwise would have participated in? The mere implication that such would ever be the case is beyond belief, and the total number of trans competitive athletes in our state is so small as to be a point of no concern EVEN IF all of the other points put forward were actually true rather than patently false. This bill will help exactly no one, and will only harm a small handful of Mainers already facing discrimination on other fronts in their daily lives.

On the basis that this proposal provides no tangible benefit while actively harming some citizens, it should be soundly rejected.