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LD 868

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 868.

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. This bill bases its benefit on the pretext that it will provide equity and safety in athletics, restrooms, changing rooms and housing at elementary, secondary and postsecondary schools. We see that the document proposes segregation of multi-occupancy spaces, but no threats or inequities are outlined in the proposal that are in need of the corrections proposed. What is this bill trying to provide equity for? What is this bill trying to provide safety from? There is no mandate that if a space exists for one gender that it must also provide spaces for other genders, and so there is no equity. There is no description of the threats faced by persons in those spaces, and thus has no basis to claim that it provides "safety" in any measure.

However, there is an *implicit* subtext in the document that appears to argue that the threat in these settings is sexual in nature, and I would like to point out that despite the word choice, phrasing, and framing of the document, the "negative space" therein leaves a trans-shaped outline. I would like to remind the persons here present that 7.6% of the population actively identifies as other than heterosexual, which is a percentage far higher than the 0.52% of the population that is trans. Furthermore the overwhelming majority of sexual assaults, which are already illegal, are committed by cis males, and NOT under the guise of being trans. No pretext is needed by these individuals to commit these heinous acts, and we should NOT be applying restrictions and exclusionary practices to trans and intersex individuals for crimes that are overwhelmingly committed by a wholly unrelated cohort of the population. Meanwhile, trans individuals forced to use bathrooms and changing rooms matching their assigned gender at birth are likely to cause much more discomfort than using the spaces matching their self-ascribed gender.

As the bill fails to address its most fundamental premise in any meaningful way, nor even establish that it is needed at all, while restricting the rights of an already disaffected minority, I maintain that this ridiculous measure be soundly rejected.