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**To:** Senator Anne Carney, Representative Amy Kuhn and Honorable Members of the Judiciary Committee,

**Re:** Bills affecting transgender people, specifically LD 233, LD 868, LD 1002, LD 1134, LD 1704, LD 1337, LD 1432, LD 380

Senator Carney, Representative Kuhn and honorable members of the Committee, I appreciate this opportunity to testify **against** bills affecting transgender people in our state. These bills fall into five categories: sports, spaces, identification, gender affirming care and the Maine Human Rights Act. I'm against **all** of the bills before you today, which will harm transgender people in Maine. However, in the interest of brevity, I will confine my comments to the two areas in which I have the most personal experience, namely: sports and spaces.

My name is Sally Wagley. I am retired attorney living in Brunswick. More important, I am a mother, with two daughters and two stepdaughters, and an aunt to nine nieces. I am well acquainted with the dangers affecting girls and young women, chiefly: bullying, sexual assault, sexual harassment, social media, unwanted pregnancy, sexually transmitted infection, mental health problems, eating disorders, self-harm and lack of opportunity. Note that the presence of transgender people, in our schools and spaces, is *not* on this list.

### **Transgender Girls and Women in Sports**

All of my daughters, stepdaughters and nieces participated in school sports at one time or another. This experience provided an array of benefits which helped them become the people they are today. Those benefits included: a way to work off adolescent angst, a way to make friends and learn teamwork, a way to deal with defeat as well as success, a way to organize time, and the life-long habit of exercise. I have met some really wonderful young trans girls; they, like other girls, deserve the opportunity to reap these benefits.

One of the arguments against trans girls' participation in sports is that trans girls will injure other girls. This argument is based on fear, not fact. It assumes that every trans girl is larger and stronger than other girls, which is simply not true. **Trans girls come in all shapes and sizes, with varying degrees of strength and athletic ability, just like other girls.** Some, in fact, are quite petite. Anyone who has ever attended a school

sports event will observe the significant differences between team members in size and strength. This is especially true in middle school, where some students still look like children and others tower over them, looking like almost fully grown adults. **While school sports pose a very real risk of injury, this derives not from the presence of trans girls but from the natural variation in strength and size between players that occurs on any school team. The risk of injury needs to be addressed through the rules of participation, not the exclusion of trans girls.**

Another argument against trans girls' in girls' sports is that trans girls have superior athletic ability, enabling them to always outrank other girls in competition. Again, an argument based on anecdote and not on fact. The stories that make the news are the ones where trans girls win. **Because trans girls vary, just like other girls, in size, strength and athletic ability, there are many times when trans girls do *not* win and do not have an unfair advantage.** Those stories don't get reported in the news media, on social media or by proponents of these bills.

**If passed, how will these bills be enforced?** These bills raise the frightening specter of female athletes having to undergo invasive physical examinations or submit blood samples – yet another example of the policing of girls' and women's bodies, with the pretense of protecting them.

Current laws governing girls' participation in school sports are based on careful consideration of the facts by the Maine Principals' Association, a group of knowledgeable professionals which is broadly representative of schools all over the state. Let's leave the law where it is. Thus, I urge the Committee to vote **ought not to pass** on LD's 233, 868, 1002, 1134 and 1337.

### **Trans Girls' and Women's Access to Women's Spaces**

Several of the bills would prohibit trans girls' and women's use of women's bathrooms, changing rooms, shelters and other facilities. These bills assume that trans girls and women pose a physical danger to other girls and women. There is little if any evidence that this has been true in Maine or elsewhere. **On the other hand, there is much evidence of trans girls and women being victims of violence and harassment when they are forced to use male spaces.** Trans girls and women deserve to live in safety. Thus I urge the Committee to vote **ought not to pass** on LD's 868, 1134, 1704 and 1337.

Again, thank you for the opportunity to testify.