

TESTIMONY SUBMITTED BY RILEY GAINES

Maine Joint Committee on Judiciary LD 868, An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools

May 8, 2025

Dear Members of the Joint Committee on Judiciary,

Thank you for the opportunity to testify today in support of House Bill 554. I am grateful to Rep. Caruso and the many co-sponsors for introducing this legislation. I am a former student at the University of Kentucky where I was a member of UK's Women's Swim and Dive Team. I finished my career as a 12x NCAA All-American, 5x SEC champion, SEC record holder in the 200 butterfly making me the 10th fastest American of all time in the event, and 2x Olympic trial qualifier.

By now my story is well-known, not because I ever wanted it to be, but because it was necessary to share in order to restore sanity to the protection of women's rights. On March 17th, 2022, my teammates and I, as well as female swimmers from universities around the country, were forced to compete against a male named Lia Thomas. Thomas was allowed to compete in the women's division after competing as a member of the University of Pennsylvania Men's Swim Team for three years. We watched on the side of the pool as Thomas swam to a national title in the 500-yard freestyle, beating out the most impressive and accomplished female swimmers in the country, including Olympians and American record holders. (Previously, Thomas had been ranked in the 400ths—at best—in the men's division.)

When I raced Thomas in the 200-yard freestyle at the NCAA Women's Championships in the Georgia Tech pool, we tied. We ended up with the same time—down to the hundredth of a second. Having only one trophy, the NCAA handed it to Thomas and told me I would go home empty-handed because Thomas needed to hold the trophy for photo purposes. I was shocked. I felt betrayed and belittled, reduced to a photo-op. But my feelings did not matter.

I can attest to the tears that I witnessed from finishers who missed being named an All-American by one place. I can attest to the extreme discomfort

in the locker room from 18-year-old girls exposed to male genitalia and having to undress with a male watching in the same room. I can attest to the anger and frustration expressed by girls who had worked so hard and sacrificed so much to get to this moment, only to have to compete in what felt like a farce. And I can attest to the fact that, around the country, female athletes who protested the inclusion of Lia Thomas in the women's division were threatened, intimidated, and emotionally blackmailed into silence and submission.

By allowing Thomas to join the women's swim team and compete in women's collegiate meets, the University of Pennsylvania, the Ivy League, and the colleges and universities that hosted Thomas at these meets prevented other women from competing at all, subjected female swimmers to a loss of privacy and dignity, inflicted emotional harm on female swimmers, and suppressed the free speech rights of female students to advocate for their rights.

Allowing males to compete in women's sports is unfair to women, who have fought for their spot on their team and for the opportunity to compete on the junior varsity or varsity level. And it is unfair because of the stark, athletic differences between men and women, where the severity of potential injury at the hands of a male athlete is immense, and where opportunities and resources for women are already extremely scarce.

Unfortunately, my story and the experiences of D1 swimmers are not unique. Across the country, and across various sports, female athletes, particularly at the college and high school level, are losing not only awards but opportunities to compete at all. Over 1,900 females have been displaced by males competing in women's sporting events.

Schools must not be allowed to continue discriminating against female athletes. And where they have discriminated, they must be held accountable. Thankfully we are making progress as a country, but Maine still has a responsibility to codify sex-based words and a law that keeps men out of women's sports.

LD 868 achieves both of these objectives.

This bill would codify our common understanding of sex-based words like 'man' and 'woman' already used in 43 state statutes so when it comes to interpreting Maine laws that reference these terms, we are all speaking a common language. It would prevent judicial activism and protect single-sex spaces and opportunities.

I urge you to pass LD 868, stand with the nearly 700,000 women and girls in Maine, and bring Maine in line with federal executive action to define the sexes and join 16 other states who have done the same. It's time Maine defines what a woman is and protects its female athletes.

Sincerely,

Riley Gaines