

LD 1002: An Act to Protect Children's Identification by Requiring Public Schools to Use the Name and Gender Specified on a Child's Birth Certificate

Senator Carney, Representative Kuhn, Members of the Judiciary Committee, I am David Souers, living in Friendship, Maine. I am retired after a long career with my own firm practicing healthcare architecture designing clinics, hospitals, psychiatric facilities and specialty centers for women's health, maternity, surgery, cancer, dialysis and dentistry. My wife, Linda Souers joins me in this testimony. Linda is a retired art teacher, business manager and not-for-profit community board member. Linda and I are parents of three adult women, all of whom played sports from grade school through highschool. All three have careers in health and healthcare.

We are testifying in opposition to LD 1002 for a number of reasons, which I will explain below. We are also in opposition to LD 233, LD 868, LD 1337, LD 1432, LD 380, LD 1134 and LD 1704 for the same reasons and with additional testimony that we will provide under each of these proposed bills. But first, how do these proposed bills comply with the 2005 amendment to the MHRA which expanded the definition of "sexual orientation" to include "gender identity" and expression, which marked a significant step in ensuring equal treatment under the law?

1. This bill would require schools to refer to a student by the name and gender on their birth certificate, unless a parent gives written permission to use a different name and/or gender, or documents detailing a legal change are provided to a school.
2. What is the problem that this bill is trying to address? Is this bill really necessary? And is it overbearing, looking to give parents opportunities for litigation for situations where no harm exists?
3. We have three daughters, all of whom were addressed by their classmates by what we considered to be nick names. As their parents, we continued to call them by their birth names because we liked and preferred those names. Naturally, their teachers also learned to call them by their nick names. In some cases, our daughters adopted their nick names or new names when identifying themselves on name tags, classwork, etc.
4. We did not with gender identify per se. However, our daughters varied their appearances, hair, dress as children have been doing for generations now. They could easily be identified more male and less female and visa versa.
5. Our daughters participated in a lot of coed activities on formal teams in school and informally outside of school. Most of us adults should admit that identifying the gender of a child from infancy through college and adulthood, is not always clear.
6. Reports have been made that doctors occasionally have difficulty identifying gender at birth, or conduct surgery to establish a binary gender, or mistakes are made that lead to birth certificates being incorrect until the child comes to an age where they can self determine with medical help to establish their gender..

7. What good is a birth certificate to address all of this?
- a. Should all children and adults carry visible birth certificate badges identifying their gender?
 - b. I met a 70+ year old woman at the State House recently who was here to support transgender people along with State and Federal workers. She explained that she had spent 30 years in foreign service and that she was transgender. If she had not told me, I would not have known.
 - c. So in our opinion, focusing on birth certificates as gender identification seems useless.

Rather than write bills without any scientific, medical or psychological expertise to support them, we advocate that LD 233, 868, 1002, 1337, 1432, 380, 1134, and 1704 all ought not to pass. And, that the legislature establish a study involving representatives from the state's public education groups including effective legal advice on gender law, administrators, classroom teachers, gym & sports coaches, school nurses along with professionals in the area of gender, adolescent and young adult medicine and psychology with experience in transgender study and care.

Thank you for your attention.

David & Linda Souers
Friendship, ME