

LD 1704: An Act to Prohibit a School Administrative Unit from Adopting a Policy That Allows a Student to Use a Restroom Designated for Use by the Opposite Sex

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 1704 for the reasons, which we explain below. We also are in opposition to LD 233, LD 868, LD 1002, LD 1337, LD 1432, LD 380, and LD 1134 for all the reasons here and our other testimonies on these 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 is a "bathroom ban" that would prohibit schools from creating policies allowing students to use a bathroom, if that bathroom does not correspond to the student's sex assigned at birth.
2. This seems like a clear and intentional violation of the existing 2005 amendment to the MHRA which expanded the definition of "sexual orientation" to include "gender identity".
3. This bill, as with others in this group of "anti-transgender" bills offers no solution for appropriate bathrooms for transgender people.
4. As with other bills in this group, that we have reviewed and commented on, there is no intention but to accept only two groups of people "male" and "female", as we have seen with skin color and racial discrimination in the past based on "white" and "black".
5. As we have mentioned, there are transgender people of all ages in our society. Surely transgender "females" are not going into "male" only facilities, and transgender "males" are not going into "female" only facilities. Interestingly, female bathrooms are either single use, or with toilet compartments, both providing individual privacy. In male bathrooms, they also provide single use and also have compartments, which provide individual privacy. This probably explains why for many generations transgender people could exist without most people knowing or finding objectionable. This seems to be purely a political issue, not a practical one.
6. Those writing these bills seem to be unaware of transgender people in our society, and without appropriate expertise including, professional medical or psychological expertise. As an architect trained in the practice of designing medical facilities that serve specific populations and particular needs in compliance with all kinds of applicable codes, both

for building safety and healthcare functions, those without professional expertise in the populations and needs being dealt with are not qualified to define and direct the programming and design of such facilities. We cannot leave any population out. For example, we no longer design facilities that people with physical limitations cannot access, nor be properly served. Accommodating people with disabilities was not always the case, though people with physical limitations have always existed. We have learned as we go along that there are populations who have not been recognized, and they need the same facilities as everyone else. They must be accommodated.

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