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Opposition to LD 233, LD 868, LD 1002, LD 1134, LD 1704, LD 1337, LD 1432, LD 380

Dear Senator Carney, Representative Kuhn, and members of the Judiciary Committee;

Thank you for reading my testimony and sharing my views with the Committee. My name is Amy Davidoff, PhD, from Vassalboro, and I am a retired Professor from the University of New England. I am submitting testimony today to express strong opposition to each of the anti-trans gender bills before the committee today.

My opposition to LD 233, LD 868, LD 1002, LD 1134, LD 1704 and provisions in LD 1337, is based on the fundamental principles that everyone should be treated with dignity and respect, and we should promote and nurture our children to be themselves (especially in school), as well as teach them to respect others. These bills would deny transgendered girls and young women the right to play school sports, use school locker rooms/bathrooms of the gender to which they identify, and deny all students their choice of how they wish to be addressed (without parental permission).

For clarity of this testimony, I would like to give a cursory distinction among the terms sex, gender and transgender. As reviewed by [Oberlin 2023](#), sex and gender are related but separate concepts. Biological sex is usually based on chromosomal, anatomical, and/or hormonal criteria, however, often these do not lead to clear, rigid categories. For example, there is a wide variety of chromosomal distribution of the sex genes, such that the combination may be far more complicated than XX and XY (e.g., sex chromosome aneuploidy leading to variations such as XXX, XXY, XYY, XXXX, XXYY, XXXY, and others). Gender is a social construct. As described by the World Health Organization ([Gender and Health, WHO](#)). "Gender refers to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time". These and a number of other factors can lead to a discrepancy between sex and gender identities. Trans-gender can be distinguished from cis-gender when sex and gender are not aligned.

LD 233, LD 868, LD 1134, and LD 1337 would strip away a student's right of self-determination based on the fear of a few who think that these individuals represent a potential threat to their cis-gendered peers (biological females). There really is no reason to spend so much attention on school age trans-individuals who want to play a sport with their peers. The argument based on fairness in athletics (under Title IX) - that it isn't fair to girls and young women in school or college sports if there are trans-athletes competing - is an overreach. It is estimated that trans-individuals make up only 0.5% of the general population in the US, and it is likely they are an even smaller percentage of student athletes. As has been widely reported, there are so few trans-gendered girls playing in girls' sports in Maine, the State should allow the schools to make decisions about the best practices for their students' mental and physical health, well-being and education. If there are trans-girls and -women who might enjoy a slight advantage compared to their cis-group in certain sports (briefly reviewed by [Oberlin 2023](#)), shouldn't we also consider the benefit to their wellness of being able to play a sport with their friends? Our school kids

should be allowed to thrive in an accepting and nurturing environment, and be given the respect to present themselves as the gender to which they identify.

LD 1002 and LD 1704 would affect every student, independent of gender identity (i.e., cis-, trans-, nonbinary). These bills would require that every student submit parental permissions in order for them to be called by their preferred nickname (e.g., Sue, Susie, Jim, Jimmy). Prohibiting schools from adopting bathroom policies that are appropriate for their student body increases the risk of harassment of the trans-individuals, and as was found in 2014 it violates the Maine Human Rights Act (MHRA; please see discussion of other bills below).

My opposition to LD 1337, LD 1432, and LD 380 (as well as provisions in LD 1704) is based on wanting to protect the fundamental rights of all people in Maine against discrimination (in law and in practice). By removing 'gender identity' from MHRA and restricting access of trans-individuals in other Maine laws, these bills will put a number of groups at risk of discrimination and reduce their options to remedy discriminatory practices. Trans-gender individuals have a higher risk of being subject to violence, both in public and private settings (including their domestic surroundings). Trans-gender individuals are more likely to be homeless and seek help at shelters and other organizations, and should not fear discrimination (especially when they are experiencing such trauma).

The argument put forth in each of these bills is an attempt to instill fear in Maine citizens about what is a non-issue, really a solution in search of a problem. The idea that boys/men are choosing to transition to girls/women in order to succeed in sports, or in order to sexually harass or assault girls/women is not only ridiculous, it shows a complete lack of understanding of transgender individuals and their challenges in society. Transgendered Mainers continue to be subjected to harassment and discrimination, and are much more likely to suffer from depression and commit suicide than their cis-gender peer group.

Thank you for the opportunity to express my opinion and share some data in support of that opinion (please see references below)

Please vote "Ought not to pass" on all of these bills.

Respectfully submitted,

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References cited:

Gender and Health website for the World Health Organization (referenced on May 7, 2023)
https://www.who.int/health-topics/gender#tab=tab_1

Oberlin DJ Sex differences and athletic performance. Where do trans individuals fit into sports and athletics based on current research? Front Sports Act Living. 2023 Oct 27;5:1224476. (doi: 10.3389/fspor.2023.1224476) PMCID: PMC10641525 PMID: 37964771