

[LD 868](#) *An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools* - Rep. Elizabeth Caruso of Caratunk

**Testimony to Maine Legislature Judiciary Committee**

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Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on the Judiciary,

Thank you for the opportunity to submit testimony to express my strong opposition to LD 868, *An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools*.

This bill would prohibit transgender girls from participating in school sports and ban transgender and non-binary students from using restrooms, locker rooms, and school housing facilities that align with their gender identity. Despite its title, this bill is not about equity or safety. It targets and isolates transgender and non-binary students in ways that are discriminatory, deeply harmful, and inconsistent with Maine's commitment to civil rights and educational inclusion.

In practical terms, this legislation singles out a very small number of students in Maine—fewer than a handful—who are already navigating school life under scrutiny and stress. Reports indicate that only two transgender girls are currently participating in school sports in the state. To legislate against such a small and marginalized group not only lacks proportionality but also underscores the political motivations driving this bill.

We know from extensive research that exclusionary policies like those proposed in LD 868 contribute directly to worse outcomes for LGBTQ+ youth. According to The Trevor Project's 2023 U.S. National Survey on LGBTQ Youth Mental Health, 45% of transgender and non-binary youth seriously considered suicide in the past year. Those who had access to gender-affirming environments—including restrooms and sports—reported significantly lower rates of depression and suicidality.

Similarly, the 2021 GLSEN School Climate Survey found that transgender students who were denied access to facilities aligned with their gender identity were significantly more likely to miss school due to feeling unsafe. These students are not seeking special treatment; they are asking for the same dignity, safety, and belonging that all young people deserve.

LD 868 also exposes Maine schools to serious legal risk. The Maine Human Rights Act prohibits discrimination based on gender identity, and the Maine Supreme Judicial Court, in *Doe v. Regional School Unit 26* (2014), affirmed a transgender student's right to use the bathroom consistent with her gender identity. This bill would place schools in direct violation of settled state law and subject them to potential legal action.

Rather than protect students, LD 868 would create a climate of fear, shame, and exclusion. It would disrupt educational environments and stigmatize some of Maine's most vulnerable youth. And for what? To solve a problem that does not exist in any meaningful or widespread way in our state.

Thank you for your service and consideration of this issue. I respectfully urge the Committee to vote "Ought Not to Pass" on LD 868, and to affirm Maine's longstanding commitment to fairness, legal integrity, and the basic humanity of all our students.