

**Aaron Rose**

Harpowell, Maine

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**LD 868: An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms  
and Housing at Elementary, Secondary, and Postsecondary Schools**

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary. Thank you for the opportunity to address the Committee. My name is Aaron Rose, I am a resident of Harpswell, a freshman in the honors college at UMO, and a recent graduate of the Maine School of Science and Mathematics. I am here today in opposition of the bills before the committee. While at MSSM many of my friends were gender queer, they used the restrooms and lived in the dormitory they preferred, this was never a source of conflict. I was unable to locate statistics to back up the claim that the inclusion of the gender queer community increases assault rates, in fact I found plenty of evidence to the contrary. A study in 2018 comparing cities with bans similar to LD 868 to those without found “the passage of such laws is not related to the number or frequency of criminal incidents in these spaces (Hasenbush, Flores, Herman)”. In fact, the opposite was found to be true. According to a 2022 study,

After adjusting for potential confounders, compared to non-restricted youth of the same gender identity and sex assigned at birth, school restrooms/locker room restrictions were associated with 1.26 times the risk of sexual assault for transgender boys, 1.42 times the risk for non-binary youth assigned female at birth, and 2.49 times the risk for transgender girls; we found no association between restroom/locker room restrictions and sexual assault risk in non-binary youth assigned male at birth (Murchison, Agénor, Reisner, Watson).

Even ignoring the inefficacy of this law, there are glaring issues with it. There are many “multi-occupancy restrooms” that are designed to be used by any gender, with floor-to-ceiling stalls and deadbolts on the doors. This bill would require buildings built in this style to designate these bathrooms as single-gendered. In the case of Neville Hall at UMO, this would leave the building without bathrooms for one gender.

Beyond this, due to **Sec. 1. 20-A MRSA §14 sub-§2** only restricting “sports designated as "females," "women" or "girls"” and not “sports designated as "males," "men" or "boys”” it discriminates based on sex, rendering it unconstitutional on both the state and federal level. Furthermore, **Sec. 1. 20-A MRSA §14 sub-§4-H** states that this bill can not be used to violate the ADA. The definition statements were written in a way that excludes people with gender dysphoria from access to their preferred amenities, as gender dysphoria was determined to be federally protected by the ADA in 2022 under Williams vs Kincaid; this is a clear contradiction. I ask that you vote ought not to pass on LD 868. Thank you for your time and careful consideration.

Hasenbush, A., Flores, A.R. & Herman, J.L. Gender Identity Nondiscrimination Laws in Public Accommodations: a Review of Evidence Regarding Safety and Privacy in Public Restrooms, Locker Rooms, and Changing Rooms. Sex Res Soc Policy 16, 70–83 (2019). <https://doi.org/10.1007/s13178-018-0335-z>

Murchison GR, Agénor M, Reisner SL, Watson RJ. School Restroom and Locker Room Restrictions and Sexual Assault Risk Among Transgender Youth. Pediatrics. 2019 Jun;143(6):e20182902. doi: 10.1542/peds.2018-2902. Epub 2019 May 6. PMID: 31061223; PMCID: PMC8849575.