

[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* - Rep. Katrina Smith of Palermo

**Testimony to Maine Legislature Judiciary Committee**  
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**South Portland, Maine 04106**

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 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*.

I am a Mainer, a human rights professional, and the family member and friend of a number of trans individuals, who I love and respect dearly. I am also a cisgender woman who has comfortably used restrooms with trans women present. I have never felt threatened by a trans woman in a bathroom; my sole reaction to the presence of trans women in a restroom has been relief that I'm the person they encounter, someone concerned for their safety and comfort, as opposed to someone bigoted and unkind.

This bill deliberately and cruelly targets the most basic humanity, worth, and dignity of trans individuals and, what's worse, takes aim at children. This is the fifth testimony I have written, and I remain stunned that adults serving in our legislature are targeting children for political gain. This is shameful.

This bill seeks to prohibit transgender students from using restrooms that align with their gender identity, effectively making it more difficult for transgender youth to fully participate in school life. By targeting a small group of already vulnerable students, this bill not only exacerbates their struggles but also contributes to an environment of exclusion and stigma, which can have long-lasting negative consequences.

Research shows that transgender youth, especially those whose gender identity is affirmed by their peers and schools, fare much better both emotionally and academically. According to the 2021 National School Climate Survey by GLSEN, 42% of transgender students reported feeling unsafe at school due to their gender identity. When policies like those proposed in this bill are implemented, this number increases, leading to higher rates of bullying, isolation, and school absenteeism. In fact, 77% of transgender students who had experienced discrimination or harassment avoided certain spaces, including bathrooms and locker rooms, and missed school as a result.

Further, a 2019 study published in the *Journal of Adolescent Health* found that transgender youth who had access to affirming spaces, such as gender-aligned bathrooms, had a

significantly lower likelihood of experiencing depression or engaging in self-harm. The study found that supportive environments, including access to gender-affirming spaces, lead to increased feelings of self-worth and a more positive overall school experience.

On the contrary, when transgender students are denied access to appropriate facilities, the risks of depression, anxiety, and suicidal ideation increase. A study by the Human Rights Campaign found that 62% of transgender students who were forced to use restrooms that did not correspond with their gender identity reported higher levels of emotional distress. This distress is often compounded by the stigma and harassment they face in spaces that do not align with their gender.

This bill also presents legal challenges for Maine schools. The Maine Human Rights Act already provides protections for transgender students, ensuring they are treated with dignity and respect. Denying students access to the restroom that matches their gender identity violates these protections and could expose schools to legal action. The U.S. Department of Education's Office for Civil Rights has made clear that such discriminatory policies could violate Title IX, the federal law prohibiting sex-based discrimination in education.

It's important to note that no state or district that has implemented policies allowing transgender students to use the restroom consistent with their gender identity has seen the widespread problems or disruptions predicted by opponents of such policies. In fact, studies from the American Civil Liberties Union show that supportive policies for transgender students have not led to any increase in safety concerns for other students.

This bill's provisions would impact a very small number of students in Maine, yet the harm caused by its passage would be significant. Forcing transgender students to use facilities that are not aligned with their gender identity creates an atmosphere of exclusion, confusion, and fear. It sends a clear and damaging message that these students are not valued and are undeserving of equal rights.

Rather than targeting a vulnerable minority, Maine should continue to lead by creating safe and inclusive schools for all students. We have the opportunity to set an example by rejecting this bill and supporting policies that affirm the rights and dignity of all students, including transgender youth.

Thank you for your service and consideration of this issue. I respectfully urge the Committee to vote "Ought Not to Pass" on LD 1704, and to affirm Maine's longstanding commitment to fairness, legal integrity, and the basic humanity of all our students.