

Testimony of Max Bachvarova
May 8, 2025

To:

Senator Anne Carney
Senator Rachel Talbot Ross
Senator David G. Haggan

*LD 233: An Act to Prohibit Biological Males from Participating in School
Athletic Programs and Activities Designated for Females When
State Funding Is Provided to the School*

Good morning Senators, Representatives, and Honorable Members of the Judiciary Committee. My name is Max Bachvarova, I am a resident of Portland, an alum of the Portland Public School District, and a former student-athlete.

At birth, infants are assigned sex designation almost exclusively by identification of visual external genitalia. However, complex biological, anatomical, and chromosomal variations exist. Intersex people (those whose genitals and/or internal organs fall outside the binary categories of male and female) make up 1-2% of the population, a similar percentage as those in Maine who identify as more than one race: it's not uncommon. Biological sex does not conform to a binary and is not simply identifiable by external observation.

Gender is grammatical categorization based on social and cultural constructs. Given the language of gender, we can distinguish between "boy" and "man" in ways that biological sex does not clearly distinguish. The context of the individual, the culture, the environment, and social dynamics inform our choice to use one gendered identity versus another.

In a similar way that being called "boy" might make a young adult feel incorrectly, unfairly, and maybe even condescendingly labeled, incongruent with their internal experience, a transgender child might identify as a girl simply because they know who they are, and to call them "boy" would be an ill-fitting label.

For the historical duration of school athletics, sports (if not co-ed) have been categorized by gender, not sex. Girls' and boys' basketball, women's and men's soccer. Never have we separated students into teams according to their genitals and it should be alarming to everyone that anyone suggest we do.

While it is overtly clear that the language in LD 233 is discriminatory to intersex and transgender athletes, it's not immediately obvious what the true reason behind this bill is.

Given that this restriction to prohibit students assigned male at birth from participating in girls' and women's sports but *not* to prevent students assigned female at birth from participating in boys' and men's sports, we can conclude that this bill is not simply about adherence to a categorization of sex rather than gender.

Elementary, middle, and high school sports are primarily about achieving exercise and social integration in a joyful way; about bonding with peers and learning skills of teamwork; and about gaining self-confidence and skill. Given this common knowledge, we can conclude that this bill is not about “fairness” or any leveling of skill such that we might see in professional sports arguments targeting even cisgender athletes for biological advantages such as height or pain tolerance.

No, it seems that bills like these are popping up across the country in response to fear: that the safety of girls and women are threatened by boys and men. And prejudiced individuals believe that transgender girls and women — individuals assigned male at birth — are really boys and men.

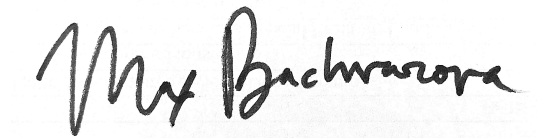
Let us be clear: men *are* a threat to girls and women. We agree with you. And men are *also* a threat to trans people across the board.

Misdirecting the well-grounded fear of violence against girls and women by men and projecting it onto transgender individuals is a fearmongering tactic that puts trans people further at risk. And when trans people are at risk, everyone is at risk.

The reality is that transgender and nonbinary youth are twice as likely to experience sexual violence as their cisgendered peers, but are less likely to attempt or commit sexual assault (M. Ybarra, PhD; K. Goodman, PhD; et al. 2022).

Recognize that these bills obfuscate our common goal: **keeping kids safe** and misdirect our energy and attention away from real solutions.

We can do better,

A handwritten signature in black ink that reads "Max Bachvarova". The signature is written in a cursive, flowing style.

Max Bachvarova