

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

'Disingenuous' is the first word that comes to mind with any argument that seeks to exclude trans people from public spaces— the sports field, the bathroom: these places are the easily crystallized arenas in which to Other a people under the guise of the protection of a demographic that otherwise doesn't seem to reap the benefits of this protection.

The phrase 'biological male' [or 'female,' of less seeming concern] is outmoded, and immediately conjures when reading this bill the image of someone who doesn't belong where they propose to be; they are set up with the language of it, of course, to be an obvious aberration. 'Assigned male [or female] at birth' would be a more respectful way to even title the bill if its authors feared that "Trans Girls Don't Belong In Girls' Sports" lacked enough dissonance, but that of course is not the aim. We are immediately poised to view trans girls and women as 'males,' unable to count themselves present in their own gender identity upon engagement with the argument.

I, a cis male who have engaged with my trans family chosen and otherwise in endeavors from the arts to sport, can attest that there is nothing reliably predictable or chronically resolute from birth about our bodies and the way we are able to harness their abilities. Before we even mention where an athlete progresses toward their goals on the spectrum of HRT, before we look at how socioeconomic status may affect access to nutrition on an unlevel playing field, there are multiple other factors to legitimize the discussion: If it's not easy to find someone who doesn't believe in training, genetics, and individual physiology, you wouldn't necessarily know it from their omission in spurious arguments made about intractable biological advantage. Projecting an assignation at birth as a handshake with permanence is a dishonest foundation that exposes bills such as LD 233 as reductive and therefore unprepared to meet the complexities of the issue. A bill unschooled in its own subject matter has little to do with the protection of the cisgendered community.

The bill's language suggests that the "biological sex assigned at birth" is immutably present in the case of the trans athlete, which is another erroneously unscientific and prejudicial foot to start on. The biased terms of the "trans argument"— a man on a women's team, a male in an activity designated for females — are those of a stance that cannot break beyond bad faith into the legitimate discussion of gender, inclusion, and the impact that denying the nuance of these can have on the health of a society.

The arguments that would inform a prejudice against trans athletes are fallacious, lacking in worthy evidence. They are often as in this case and in the case of the struck-down bill S.9 tied to the fear of financial leverage. They are made on behalf of those who would stand to be offended or affected largely by those who are always clamoring to hold back civil and human rights with any convenient branding. If the disingenuity fell, and we were left with the heart of the matter, perhaps it would resemble the fear of the 'other' and a lack of understanding that unfair advantage is a myth, that hormones are not strictly slavish to a binary, and that it is not worth debilitating the compassion of a society to police something which could only be scarcer as an issue by disappearing. The small percentage of out trans members of

our society translating into an even smaller percentage of trans athletes who don't even come close to indiscriminately dominating their competitions? Reason enough to target this 'other.' What galls me the most about proposals like this is the prioritization of belief in that comfort-food, facile binary over the real complexities of caring for the members of our much less theoretical community.

In 2024, the Maine Principals' Association updated its policy to align with the Maine Human Rights Act to reduce barriers for transgender athletes, eliminating unnecessary hearings and aligning with state law to ensure fair participation. To continue to call these human rights into question with proposals such as this goes against already established progress and our state's commitment to fairness, inclusion, community, and respect. These qualities are not malleable, as the authors of this bill would suppose.

Not one among my trans family or friends leveraged their gender identity for a trophy, or for any reason that came from 'without.' To acknowledge that humanity doesn't fit within a binary is simply that, humane. The trans community faces higher risks of mental health issues, of course including risks of suicide. Trans-inclusive sports policies can lead to improved mental health, better engagement with school overall, and increased safety for trans youth. Excluding trans women and girls from student athletics does not rectify existing gender-based disparities in sports but rather exacerbates them.

Policing the femininity of the cisgendered alike seems antithetical to protecting them; It invites gender scrutiny that could subject any student to invasive interrogation or accusations of being "too masculine" or "too good" at their sport to be a "real" woman— at worst violating and at best reinforcing stereotypes of women and girls in need of protection. Including trans athletes promotes values of non-discrimination and inclusion among all student athletes.

I hope Maine will take each opportunity such as this to embrace the complexity and humanity of its youth, and to commit fiercely through education and legislation to creating a safe and prosperous space for its trans community, youth and adult. We have the opportunity to continue leading and advocating for sense and compassion in this wonderfully nonbinary facet of what makes us human.

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