

Erica Rand
Portland, ME
Testimony against LD 2239
Submitted April 14, 2026

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

Thank you for the opportunity to address you. My name is Erica Rand and I live in Portland. I am an educator, an athlete, and someone who studies, teaches, and writes about gender issues in sports. I am opposed to the proposed ballot measure, LD 2239.

As an educator, I witness every day the harm caused to young trans people when they face bias and stigma based on their identities. Over the past several years, as this bias has escalated nationally, so has the evidence of harm. I have witnessed: fear of coming to class, trouble concentrating, trouble getting schoolwork done, and more. This bias creates a broad educational and mental-health issue, not only a bathroom issue or a sports issue.

At the same time, this bill *does* target facilities and sports—two huge features in the lives of young people—and since I am an expert on gender issues in sports, I will share some facts with you on that topic.

- Trans people—just like non-trans people—come in many shapes and sizes. As with non-trans people, those shapes and sizes might help or might not them in particular sports. This simple fact often gets forgotten when people worry about trans girls in sports.
- Success in sport is not determined by bodies alone. We have a famous example in the Patriots draft bio for Tom Brady, a 6th-round draft pick in the 2000 NFL draft, which said that he “looks a little frail and lacks great physical stature and strength.” He obviously surpassed expectations based on physical assessment.

- Success in sports depends on a lot more than gender. It depends on **physical characteristics that aren't related to gender**, like eyesight. It also depends on **innumerable advantages that cost money**, advantages that not everyone can afford to pay for. Kids with access to sports camps or extra coaching, to medical care or nutrition, to fancier equipment—or sometimes to equipment at all: all *those* kids have competitive advantages.
- Even if you are willing to sacrifice a few trans students—which I do not think anyone should be willing to do—the fact is that **banning trans girls from sports harms all girls** in two ways:
 - **It puts at risk *any* girl who doesn't look like a proper girl.** Those young people now will face scrutiny and harassment. Or, to be honest, even more scrutiny and harassment, since accusations about being on the wrong team or in the wrong bathroom are already common, painful, and sometimes dangerous features in the lives of girls and women who don't look traditionally feminine. Importantly, those accusations have been on the rise over the past year as the federal government has promoted anti-trans policies. They will rise even more.
 - As the history of sports regulation has shown time after time, banning trans girls and women from sports **opens the door to invasive, expensive, and often inaccurate testing of *all* girls and women**. We have just seen this pattern at work in a new Olympic rule requiring chromosome testing to participate in women's categories going forward—using a test that was abandoned in 1999 for scientific as well as ethical reasons.

In sum, this bill to ban trans girls from sports, and to ban all trans people from the facilities that align with their gender identity, does not only work against the ideals of inclusion that, I believe, should govern education and civic life. It is also based on incorrect understandings of competitive advantage.

Thank you for the opportunity to share my perspective and I hope you will join me in opposing this referendum.