



Joint Standing Committee on Judiciary  
**LD 279 - An Act to Protect Against Discrimination by Public Entities**

March 28, 2023

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee, my name is Gia Drew. I am the Executive Director of EqualityMaine, which has been representing and advocating for Maine's LGBTQ+ community since 1984, and I am testifying today on behalf of EqualityMaine and American Academy of Pediatrics, Maine Chapter, in support of LD 279, An Act to Protect Against Discrimination by Public Entities.

The Human Rights Act currently defines a "place of public accommodation" as a facility, operated by a public entity or private entity, whose operations fall within at least one of 14 categories. However, some public entities – such as jails, prisons, and detention centers – do not meet the criteria for any of these categories. This means that the safety and rights of LGBTQ+ people, those with disabilities, people of color, and others who are protected from discrimination when outside the carceral system are not ensured as soon as they enter a confinement facility. Moreover, when discrimination does happen, there is no mechanism in place for obtaining complaint review and a determination through the Maine Human Rights Commission.

LGBTQ+ people, particularly LGBTQ+ people of color and low-income LGBTQ+ people, are disproportionately likely to come into contact with the criminal justice system.<sup>1</sup> A history of bias, abuse, and profiling toward LGBTQ+ people by law enforcement, along with high rates of poverty, homelessness, and discrimination in schools and the workplace, has contributed to disproportionate

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<sup>1</sup> Center for American Progress & Movement Advancement Project. (2016). Unjust: How the Broken Criminal Justice System Fails LGBT People of Color. Washington, DC & Denver, CO. Available at: [www.lgbtmap.org/file/lgbt-criminal-justice-poc.pdf](http://www.lgbtmap.org/file/lgbt-criminal-justice-poc.pdf) [hereinafter Unjust].

contacts with the justice system, leading to higher levels of incarceration.<sup>2</sup>

Prisons and jails are inherently harmful for many people, LGBTQ+ or not, but LGBTQ+ people often face unique risks in these settings, especially anyone who doesn't fit gender stereotypes. LGBTQ+ people are overrepresented in prisons, and they are often especially vulnerable to violence and other forms of mistreatment in these settings.

By enhancing the Human Rights Act so that it contains a new section that specifically addresses public entities, prejudicial treatment will be prohibited in all spaces. No one, including those who are incarcerated, should be the victim of discrimination on the basis of race or color, sex, sexual orientation, gender identity, age, physical or mental disability, religion, ancestry, or national origin.

I urge you to support this bill, and to vote ought to pass on LD 279. Discrimination against anyone is discrimination against everyone.

Gia Drew

(she/her)

On behalf of:

EqualityMaine

American Academy of Pediatrics, Maine Chapter

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<sup>2</sup> James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. (pp. 184–190). Washington, DC: National Center for Transgender Equality. Available at: [www.ustranssurvey.org/report](http://www.ustranssurvey.org/report) [hereinafter USTS].