



State of Maine Judicial Branch  
Administrative Office of the Courts  
1 Court Street, Suite 301, Augusta, Maine 04330

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**Judicial Branch testimony of Barbara Cardone neither for nor against LD 2235, Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator, and the Executive Director of the Legislative Council to Add a Third Option for Gender on State Forms**

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary, my name is Barbara Cardone and I represent the Judicial Branch. I would like to provide testimony and information neither for nor against this bill.

Last year, LD 942, An Act to Ensure the Collection of Complete Information by Adding a Third Option for Gender on State Forms, was enacted as a resolve requiring the three branches of government to compile a list of forms indicating whether each form includes a third option for gender and estimating the time and cost of amending the nonconforming forms. The Judicial Branch engaged in this analysis and determined that there are 14 forms generated by the courts that would require revisions to allow a non-binary gender designation. This count does not include forms for internal Judicial Branch use, such as personnel forms.

It is likely that the Judicial Branch would be able to make changes on the forms by the end of the calendar year 2024. We would likely change the forms by removing the specific list of choices under the gender designation and putting in a blank after the word "gender" so that the court can adopt the description given by the individual and record it on the form.

Programming the changes into our case management systems, MEJIS and Odyssey, is more difficult. These systems can accommodate only three gender designations: M for "male," F for "female" and U for "unknown." Our case management systems are so limited because they are the only designations that can be accepted by our criminal justice integration partners, State Police METRO switch and SBI's Criminal History Record Information system. Our partners' systems cannot accommodate a different gender designation because they interface with federal systems maintained by the FBI, which have data governance rules restricting the gender types to M, F and U.

To bypass the federal system restrictions, we could program MEJIS and Odyssey to accept an “X” gender designation, rather than an “unknown”, as the third option designation, but that has some drawbacks. First, this reprogramming would eliminate the ability to specify that the gender is not known, which is not the same as a third gender option. Second, the reprogramming would require that we update all our criminal justice integrations, including warrants, bail, protection orders, and criminal records, to map an “X” designation to a “U” designation. The programming required would take considerable effort in terms of both time and cost. It could not be completed by the end of 2024.

If we were to revise our forms by the end of 2024, we could fashion a short-term workaround and instruct the clerks to docket a gender code of “U” when the form indicates anything other than male or female. The programming would follow at a later date.

Thank you for your consideration. I would be happy to answer any questions. We will also try to have the costs associated with these suggestions for you by the work session.

Barbara A. Cardone  
Director of Legal Affairs and Public Relations  
Maine Judicial Branch  
207-213-2803  
[barbara.cardone@courts.maine.gov](mailto:barbara.cardone@courts.maine.gov)