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THE MAINE SENATE
132nd Legislature

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LD 1134, "An Act to Prohibit Males from Participating in Female Sports or Using Female Facilities"

Joint Standing Committee on Judiciary

Public Hearing

May 8, 2025

10am

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

My name is Senator Sue Bernard of Aroostook County. I am pleased to sponsor LD 1134, "An Act to Prohibit Males from Participating in Female Sports or Using Female Facilities."

To be more precise, the bill would prohibit Maine schools that receive state funding from allowing a person born a biological male to participate in competitive sports designated for females or to use a facility (like a bathroom or locker room) designed for use solely by females.

Coming from a family of four daughters, no sons, our parents wanted us to know that we were capable; and with hard work, serious study, and dedication, we could accomplish our dreams. But in no way were we under the illusion that we could fairly or safely compete with boys in one arena where biological differences matter. When it comes to sports, being the strongest or fastest alone determines success, not necessarily great teamwork or training or strategy. The terms of competition have changed when nature alone decides the outcome. We knew, even back then, that biological boys had the clear advantage over girls physiologically. Today we have the studies that prove once puberty is underway, lung and heart capacity, muscle mass and bone density in males are approximately 10-30% more than in females.

The debate on biological boys in girls' sports boils down to one question: should a person be allowed to self-identify with a gender that would allow them to compete with an automatic advantage?

As you will hear in today's testimony, clearly boys and men do have physical advantages in terms of strength and endurance. The advantages are illustrated with a quick look at the Maine track and field records: the fastest boy in the 800 meter ran 1 minute, 52 point 96 seconds, while the fastest-ever girl's record is 2 minutes, 10 point 66 seconds – nearly 20 seconds slower. To put this in perspective, with this time, this record-setting female athlete would have placed last (or 33rd) in this years' high school boys Class A championship. In the long jump, the record by a high school boy is 23 feet, 5 inches, while the record held by a girl is 20 feet, 4 and three-quarter inches. Let's move to a team event: boys 1600-meter relay record is 3 minutes 25 point 4 seconds. Girls is 4 minutes, point 4 seconds.

Up until recently, women enjoyed safe spaces to compete and guaranteed privacy when they are most vulnerable – showering, changing, using the bathroom...basically, during stages of undress. So this complication is being considered just when they're developing self-esteem. Middle school and high school girls are most self-conscious and confidence around body image is precarious. If any of you were like me, I was so shy that even though it was just me and my female classmates, as often as I could, I'd take my clothes and change in a stall. Today, unfortunately, entire girls' team's rights to these spaces are being threatened in order to accommodate a select few trans students.

We keep hearing there are only two transgender boys competing in girls' sports in Maine. If that's the case, they are two for two in terms of their success, proving the point again that biological boys do have an advantage over girls. And I have to ask the question, what number is the correct number before we say "unfair, unsafe?"

All this bill would do is ensure that girls and women have a safe and fair space in the sports realm to compete in. There's nothing new about "leveling the playing field" in sports. It's why people have to compete in various weight classes (boxers, weightlifters) or age classes. High school students can't compete at the middle-school level. We're not discriminating against high school kids. Rather, if we allowed them to compete, we would be discriminating against middle schoolers.

As I watched with great pride the Girls Class B State Champion Caribou Vikings scrap and shoot their way to victory this year, I couldn't help but wonder if there had been a transgender player on the court, the outcome of the game would have been completely altered.

We know that females have been injured during play, that they've lost positions on the podium, that potential scholarships have been or will be lost. Many girls will just walk away and not compete in an impossible situation. And if this issue persists, coaches could have an actual incentive to actively recruit trans athletes on girls' teams.

I urge you to read the pulse of the vast majority of Mainers who say the rights of biological girls and women must be upheld, that competition in sports must remain fair and safe, and that privacy must be maintained for everyone involved.

Thank you for your consideration of my bill; and so that you know, I am also in support of the other bills today that protect females in sports and certain designated spaces.