



AMERICAN CIVIL LIBERTIES UNION

Maine

**TESTIMONY OF ALICIA REA, ESQ.
LDs 1337 and 1432 – Ought Not to Pass**

Joint Standing Committee on Judiciary
May 8, 2025

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Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to oppose LDs 1337 and 1432.

The Maine Human Rights Act

The Maine Human Rights Act (MHRA) was adopted in 1971.¹ It was then expanded in 2005 to include gender identity and gender expression under the definition of sexual orientation.² That change was the subject of a “people’s veto” campaign. In the November election, Maine voters chose to keep the nondiscrimination law in place by a margin over 40,000 votes, just over 20 points.³ Proposals were again brought before the legislature in 2007 and 2011 to strip protections for gender identity and expression, and legislature wisely and overwhelmingly rejected those proposals.⁴

Most recently, in 2019, the legislature defined “gender identity” on its own, separate from “sexual orientation.” This reinforced the law’s commitment to ensuring equal treatment for transgender people.⁵ Thanks to these laws, and the Maine values that underlie them, all Mainers can participate fully in life – including at work, at school, and in obtaining shelter – without the need to hide their identity or suffer from discrimination. Our shared value that every person should be treated equally under the law has been reaffirmed by Maine lawmakers and Maine voters time and again.

**LD 1337: An Act to Amend the Maine Human Rights Act Regarding
Female Athletes and Safety in Women’s Single-Sex Shelters**

Shelters

Section 1 of this bill would exempt privately owned shelters providing emergency service to women from anti-discrimination requirements as detailed in the MHRA.

¹ 5 M.R.S. §4551 et seq.

² 5 M.R.S. §4553(5-C) (2005), amended by P.L. 2019, ch. 464, § 1 (effective Oct. 15, 2020).

³ Ballotpedia, *Question 1 (2005)*, available at [https://ballotpedia.org/Maine_Reject_Extension_of_Civil_Rights_Protections_Regardless_of_Sexual_Orientation,_Question_1_\(2005\)](https://ballotpedia.org/Maine_Reject_Extension_of_Civil_Rights_Protections_Regardless_of_Sexual_Orientation,_Question_1_(2005)).

⁴ L.D. 1589 (123rd Legis. 2007); L.D. 1046 (125th Legis. 2011).

⁵ 5 M.R.S. §4553(5-C).

Trans women are women. Removing privately run shelters from the Maine Human Rights Act would deprive women of essential services. Shelters can be key to keeping trans women safer. Trans people who are unhoused and unsheltered experience more than twice the number of ambulance rides, nearly twice the number of emergency room visits, and eight times the number of police contacts and jail stays as sheltered unhoused trans people.⁶

According to the National Alliance to End Homelessness, the number of transgender adults experiencing homelessness increased 88 percent between 2016 and 2020, and the number of trans people experiencing unsheltered homelessness increased 113 percent during that time.⁷ Additionally, 70 percent of respondents to the 2015 U.S. Transgender Survey reported mistreatment while staying in a shelter because they were transgender, and nearly one in ten had been thrown out of shelters after staff learned they were trans.⁸

This bill would also leave trans women more vulnerable to sexual assault. “Sexual abuse is both a driver to, and consequence of, homelessness.”⁹ One study found that unhoused LGBTQ youth are sexually assaulted at three times the rate of their non-LGBTQ peers.¹⁰ Moreover, excluding trans people from shelters has been shown to leave trans people vulnerable to “violence, murder, and other safety risks.”¹¹ When transgender people are forced into shelters that do not match their gender identity, they are made especially vulnerable to aggression and sexual assault.¹²

Trying to legislate trans people out of existence will not work. Trans people have always existed, and legislation will not change that. Instead, bills like this will cause more death and suffering. As anti-trans legislation has surged across the country in recent years, the Human Rights Campaign recorded the highest number of trans people killed in the United States since it started

⁶ National Alliance to End Homelessness, *Transgender Homeless Adults & Unsheltered Homelessness: What the Data Tell Us*, Jul. 24, 2020, available at <https://endhomelessness.org/resource/transgender-homeless-adults-unsheltered-homelessness-whatthe-data-tell-us/>.

⁷ *Id.*

⁸ The Report of the 2015 U.S. Transgender Survey at p. 176, available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

⁹ Brodie Fraser et al., *LGBTIQ+ Homelessness: A Review of the Literature*, Int. J. Environ. Res. Public Health 2019, 16, 2677, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6695950/pdf/ijerph-16-02677.pdf>.

¹⁰ *Id.* (citing LB Whitbeck et al., *Mental Disorder, Subsistence Strategies and Victimization among Gay, Lesbian, and Bisexual Homeless and Runaway Adolescents*, J. Sex Res. 2004, 41, 329-342).

¹¹ *Id.* (citing S.S. Spicer, *Healthcare Needs of the Transgender Homeless Population*, J. Gay Lesbian Ment. Health 2010, 14, 320-339).

¹² *Id.*

tracking that information in 2013.¹³ 79 percent of them were trans people of color.¹⁴ This unprecedented number of deaths requires a renewed commitment to ending discrimination and its effects, not rolling back hard-fought protections.

Trans people have a right to exist and to live in safety, to thrive, to be treated with dignity, and to be equal under the law. Trans people must have safe conditions in shelters and must be able to utilize facilities and services as their true selves.

Athletics

Removing the protections against unlawful education discrimination in the Maine Human Rights Act will harm all girls and end the decades-old tradition of allowing all students to play. All kids deserve to play, and targeting trans student athletes could subject all girls to invasive scrutiny of their bodies based on a peer, coach, or parent perceiving them as “not female enough.”

Requiring girls to show evidence to prove their eligibility to play could include shockingly invasive “sex verification” measures for all girls, such as genital inspections and blood tests.¹⁵ These measures would be a disturbing violation of the privacy of girls who hope to participate in school sports. In states that have adopted these bans, allegations of being a trans student athlete have created dangerous situations for other children.¹⁶

This will do considerable harm to all student athletes.

¹³ Serena Sonoma, *44 Trans People Killed in 2020, Marking Worst Year on Record for Transphobic Violence*, them, Jan. 7, 2021, available at <https://www.them.us/story/44-trans-people-killed-2020worst-year-for-transphobic-violence>.

¹⁴ *Id.*

¹⁵ See Clay Wirestone, *Kansas anti-trans sports law opens door for genital inspections of kids. That's the simple truth.*, Kansas Reflector, Apr. 9, 2023, available at <https://kansasreflector.com/2023/04/09/kansas-anti-trans-sports-law-opens-door-for-genital-inspections-of-kids-thats-the-simple-truth/>; Ohio H.B. 68, 135th Gen. Assem. (2024) (bill amended to remove genital exams, its implementation is currently blocked by a permanent injunction in *Moe v. Yost*, 2025-Ohio-914, ¶ 125 (Ct. App.)); Human Rights Watch, *They're Chasing Us Away from Sport" - Human Rights Violations in Sex Testing of Elite Women Athletes*, Dec. 4, 2020, available at <https://www.hrw.org/report/2020/12/04/theyre-chasing-us-away-sport/human-rights-violations-sex-testing-elite-women>.

¹⁶ Emma Tucker, *Utah school district takes steps to protect teen after school board member appears to question girl's gender on social media*, CNN, Feb. 8, 2024, available at <https://www.cnn.com/2024/02/08/us/natalie-cline-controversy-student-gender-social-media-posts/index.html> (detailing how a cisgender student athlete needed police protection following a Facebook post by a member of the Utah State Board of Education, implying the student was transgender); Paul Blest, *Parents Demanded School Check the Gender of Girl Who Beat Their Kids in Sports*, Vice, Aug. 18, 2022, available at <https://www.vice.com/en/article/utah-parents-gender-check-anti-trans-sports/> (detailing how a cisgender athlete who won a competition was investigated at the request of parents of children who lost the competition).



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LD 1432: An Act to Remove Consideration of Gender Identity from the Maine Human Rights Act

This bill would remove all references to “gender identity” as a protected class in the Maine Human Rights Act.¹⁷ The legislature has repeatedly considered and roundly rejected similar proposals.

Discriminating against someone because of their gender identity or expression – the way they dress, the length of their hair, the sound of their voice, the shape of their body – is, at its core, a form of stereotyping. We all make assumptions about what a real man or a real woman looks or sounds like. Unfortunately, when someone does not conform to certain standards, some people want to treat them badly. The purpose of the Maine Human Rights Act is to permit people to live their lives – by pursuing an education, getting a job, finding a place to live, obtaining a loan from a bank, existing in public spaces – without needing to hide their identity or pretend to be something they are not.

Conclusion

Trans people live in Maine, belong in Maine, and deserve to live as full citizens under the laws of Maine. This value has repeatedly been affirmed by the legislature and Maine voters since the Maine Human Rights Act became law in 1971.

We urge you to vote ought not to pass on these bills.

¹⁷ Gender identity is codified in the Maine Human Rights Act at 5 M.R.S. §4553(5-C).