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COMMITTEE ON JUDICIARY

in opposition to

LD 233: An Act to Prohibit Biological Males from Participating in School Athletic Programs and Activities Designated for Females When State Funding Is Provided to the School; **LD 868:** An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools; **LD 1134:** An Act to Prohibit Males from Participating in Female Sports or Using Female Facilities; **LD 1704:** An Act to Prohibit a School Administrative Unit from Adopting a Policy That Allows a Student to Use a Restroom Designated for Use by the Opposite Sex; and **LD 1102:** An Act to Protect Children's Identification by Requiring Public Schools to Use the Name and Gender Specified on a Child's Birth Certificate

May 8, 2025

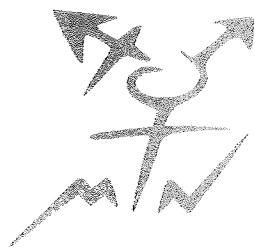
Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee:

Thank you for the opportunity to testify here today. My name is Bre Danvers-Kidman, and I use they/them pronouns. I am a resident of Saco, and I am here as Executive Co-Director of Maine Transgender Network, which has provided support and advocacy to transgender Mainers and those who love us statewide for over twenty years. I am here today to voice our strenuous opposition to LDs 233, 868, 1134, 1704, and 1102.

The common thread between all the bills before the committee today is that each seeks to create a legal right to cause harm to transgender Mainers that does not currently exist in our statutes. This morning's bills are also each, in their own special way, prime examples of what it means to bite off one's nose to spite one's face.

For example: LDs 233 and 1134 both discriminate on the basis of sex in their very titles—clearly stating intent to prohibit “biological males” from activities that people who are not “biologically male” are legally allowed to perform.

Despite this, neither bill provides any clarity on how the condition of being a “biological male” may be properly ascertained by school athletics departments. Given that birth certificates are amended in this state without any mark or indication that the certificate has been amended—and that the standard of care in reputable medical practices is to refer to transgender children in ways that affirm their gender—surely those can't be the avenues the bill intends. It follows, then, that intent is for school athletics personnel to either examine children's genitals prior to allowing them to play on a girls team—which is a genuinely horrifying proposition—or otherwise to complete some kind of genetic testing, which would be horrifically expensive, and which was discontinued as a practice in many sports after competitors learned that their chromosomes were not what they



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had been led to believe their whole lives. Neither seems like an appropriate hurdle to impose on kids who are just trying to play sports with their friends.

LD 868 is similarly unenforceable. The bill uses a definition of “sex” that is legally incompatible with Maine’s current practice of allowing a gender marker X on birth certificates. Further, its definitions of “male” and “female” involve characteristics of reproductive anatomy that many students have never had clinically verified by even their doctors—let alone their tee-ball coach! The fiscal note on establishing the viable sperm and eggs of every K-12 student who wants to play a sport would surely be astronomical.

While no one can certainly say who is or isn’t transgender, I’d like to think we at MaineTransNet try to keep up with how trans folks in the state are doing. I would suggest that perhaps we might be having a lot of different conversations about what trans youth are experiencing if, in fact, there were so many transgender girls dominating in athletics competitions that the state needed to intervene to “protect” cisgender girls from competing with their incomparably successful transgender peers.

We would also be having different conversations if a wave of cisgender children pretending to be transgender for the purposes of misusing a restroom emerged. LD 1704 is a harmful, stigmatizing bathroom ban bill. In addition to rehashing the issue of forcing trans and intersex children to “out” themselves in order to use the toilet—which was litigated up to the highest courts in this state over a decade ago—the specific language of LD 1704 essentially bans anyone whose sex was assigned “X” at birth—as is legally permitted in this state—from using the bathroom at school unless there is a gender neutral bathroom. I will admit: I am pretty curious to see the fiscal note on requiring all Maine school districts to provide students with accessible gender neutral bathrooms.

Lastly this morning, we have LD 1002—which frankly reads like an attack on school administration staff, who have more than enough to manage without adding the need to maintain written documentation for every “Billy,” “Bobby,” “Joe,” “Mike,” “Betsy,” and “Susie” in the school—let alone teachers, who will need to remember who has a note on file and who must only be referred to by their full legal names.

Ultimately, all of this morning’s bills create undue burdens for schools, parents, students, and taxpayers—and speak to an underlying thread in all today’s bills of seeking to subject all Mainers to impermissible harms in the name of policing gender norms. For these reasons—and many more I would be glad to discuss in greater detail—I urge you to vote “ought not to pass” on these bills. I thank you all for your time and consideration, and I am happy to answer any questions you may have.