

Testimony of Alice A. Neal, Whitefield, Maine in Opposition to LD 1337, An Act to Amend the Maine Human Rights Act Regarding Female Athletes and Safety in Women's Single-sex Shelters and LD 1432, An Act to Remove Consideration of Gender Identity from the Maine Human Rights Act.

May 8, 2025

Good afternoon Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on the Judiciary. Thank you for the opportunity to address you today. My name is Alice Neal and I am a resident of Whitefield, Maine and a civil rights attorney. I have worked in the area of civil rights for over 15 years in the State of Maine.

I oppose both LD 1337 and LD 1432 because the bills, if enacted, would repeal twenty years of protection based on gender identity from the Maine Human Rights Act. The bills, if enacted, would also be in direct opposition to the Maine Constitution. Article I, Section 6-A states, in part, that "no person shall . . . be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof."

As a civil rights attorney, the ability for people to be free from discrimination is paramount to me. I have advised people and represented people in private actions. I worked as an investigator at the Maine Human Rights Commission for over seven and a half years. I currently do housing discrimination work. I have seen and heard stories of people who have been directly impacted by the ability to bring claims under the Maine Human Rights Act. People who have directly benefited from these protections. The world has not ended. No floodgates have come crashing down. Instead Maine has become a safer place for transgender and gender non-conforming people and their loved ones.

In these last few months I have watched rights stripped away from transgender and gender non-conforming people across the country and here in Maine. I am a part of a professional network that has shared almost daily concerns about the degradation of decades of civil rights laws. I read stories of people who have had housing discrimination cases pending for years at the United States Department of Housing and Urban Development ("HUD") based on gender identity dismissed summarily after executive orders were issued earlier this year. I have heard of HUD rejecting cases because cases allege gender identity discrimination. The foundational laws of this state and this country have not changed, instead federal agencies have ignored the law after executive orders were signed. I have seen direct attacks on paths to end systemic discrimination undercut by executive order threatening to set our country back in time. Specifically, an executive order declaring that disparate impact claims - a method of analyzing discrimination - are no longer recognized under the federal Fair Housing Act. Is that what we want Maine to be?

As people we are all members of protected classes, those intrinsic traits that we cannot change about ourselves. They are part of our being. This slate of bills before you today asks you to begin to carve out and strip away the rights and dignities for one group of people based solely on their gender identity or the perception of their gender identity. We are poised at a particular point in

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time where the civil rights of many people in our state and country are at risk. These protections were codified twenty years ago after approval of an anti-discrimination bill by Maine lawmakers that was upheld by a vote of Mainers after a people's veto attempt.

Discrimination based on gender identity is real. People are denied jobs, discharged from their employment, denied housing, harassed by housing professionals and neighbors, denied educational opportunities, harassed by peers in school and out of school, and denied services or access in places of public accommodation. It is often hard to prove discrimination based on gender identity because of the intricacies of the law; however, discrimination based on gender identity happens. One area you can see this in particular is where transgender and gender non-conforming people are denied access to and services in public places for the sole reason that they are perceived as transgender or gender non-conforming. Organizations like MaineTransNet have people reach out about this kind of discrimination and there are very few resources in the state for people who experience this kind of discrimination. Having access to the protections and process that the Maine Human Rights Act provides gives people a chance to have the discrimination they experience investigated without going through the daunting process of going directly to court.

This is particularly the case when thinking about the safety of transgender and gender non-conforming people who are in a vulnerable space of needing access to shelters. Many transgender and gender non-conforming people feel safer, more protected in female spaces – if they have to choose between gendered spaces at all. The concerns of predators exists for all transgender and gender non-conforming people. Shelters can be both places of public accommodation and housing under the Maine Human Rights Act.

The legacy of this Legislature should not be setting a precedent for allowing different treatment of people based on the traits that they cannot change about themselves. This Committee should not start the slippery slope that removes and restricts protections for people. Mainers have a long tradition of not getting involved in our neighbor's business. Why change that now? Because some people are uncomfortable? Should we make carve outs for every person that makes us uncomfortable? Do we want to return to a time when people were targeted because they made others uncomfortable – Catholics, Muslims, anyone different from us? Do we want to create an atmosphere where people do not feel welcome? The strong state protections for gender identity have created a safer space for Mainers, potential Mainers, and visitors. Do we want to make Maine a less desirable place to visit by outright endorsing discrimination based on gender identity? Do we want to make people unhoused, unemployed, refused educational opportunities, and endorse refusal of services because of perceptions of that person's gender identity? Do we want to stop the revenue stream that comes to Maine through work, housing, or tourists that add to Maine's economy because Maine is no longer considered a safe space? Do we want to lose

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allies who will boycott Maine because of the laws that you allow to be enacted? What do you want to be part of your legacy?

My goal as a civil rights attorney is to be worked out of my job because we have made the world a better place, not have my job made obsolete by hatred and fear of the unknown.

There are no alternative measures or modifications that would make LDs 1337 or 1432 workable.

Thank you for the opportunity to testify today. I urge the Committee to vote "ought not to pass" on LD 1337 and LD 1432.