

Spoken testimony 5/8/2025 re: LD233, LD868, LD1002, LD1134, and LD1704:

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee. I thank you for the opportunity to address you today. My name is **Sarah James**. I live in **Bath**, home of the Morse High Shipbuilders. I am a parent, and I am non-binary. I am here in opposition to the bills before you.

I oppose because fitness tests, kickball, soccer, swimming, and track and field saved my life. Without them, I could have been a suicide statistic. I don't want to see us lose children in needless ways, and I don't want to see us overburden staff, coaches and administrators, and the Maine legal system with policies that create local conflict and barriers and fears more than they help girls, or any children, grow into great adults.

Suicide is the third leading cause of death for adolescents (1). A 2005 national study concluded that "high school athletic participation was significantly associated with reduced odds of considering suicide" (2).

We know that, in Maine, LGBTQ+ students are more than three times as likely as their peers to consider suicide. In 2021 2,600 such students had seriously considered suicide in the past year. (3) That's a *lot* more than 2-3 trans girls competing.

In school I was taught that sports and athletics were about

- Learning physical discipline
- Building healthy bodies and lifelong healthy habits
- Building social skills like respect for opponents, teamwork, supporting others, and accepting coaching and feedback

None of these things are about sex characteristics or biological differences between sexes - differences which are far more narrow than these bills imply (4). None of these are about who wins. All of these save lives.

I hope you will consider dismissing these bills and moving on to the more pressing things Mainers need this body to focus on.

Personal survival stories:

When I took a national fitness test in 4th grade and outlasted every girl AND boy in the class at the bent arm hang, I felt strong and capable in ways that definitively mitigated the damage of sexual abuse I was experiencing outside of school.

When my family moved to my sixth school, in the seventh town, for my sixth grade year, mixed gender kickball made me friends who would carry me through high school (5). Later, soccer taught me that being the total underdog wasn't so bad when coaches still insisted the girls on the winning team shake our hands and say "good game", and it was a good game when we gave it our all.

Track and field taught me endurance (running that 2.8 mile run in unseasonable heat on blacktop will do that for you). It taught me pride in my work, and that people could respect and care for me even

when I failed immensely (crashed a hurdle, scraped my face on the track and got up to finish the race dead last in one spectacular example).

Those things, among others, allowed me to see past my distress at feeling out of step with everyone around me and to choose a different path than suicide the one year in high school when I felt so badly that I considered it.

Response to specific bills:

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

- Precisely how are we going to determine biological sex (see the reference regarding the various indicators)? What body or organizational unit will set and maintain these standards? Who will be designated to verify in each child's case? If a girl looks somewhat masculine (I was a real tomboy back in the day and can imagine I would have caught some paranoid parents' eyes) are we going to check her genitals, who's going to be doing that? Is the school or district going to be responsible for chromosomal tests, hormone level tests, or will it be the parents of any child so "accused"? How does it impact a girl's social status and development to be accused of being a boy? Also of note, 1 in 2,000-5,000 children born in the US exhibit intersex characteristics of one kind or another. Who is responsible for informing the child and parents if anomalies show up? How will the records be kept private for any testing? This is needless expense, time, effort, and risk to cisgender girls (in a culture where sexual abuse most often happens to girls perpetrated by a trusted adult). *And for what, to prevent 2-5 girls from competing?*
- In my experience speaking with large numbers of people in the LGBTQ+ community (since 1992), the vast majority of trans girls either live as boys attempting to be hyper masculine or self-select out of sports altogether. It's ridiculous to risk girls' development for a very few trans girls.
- This bill also contains sex discrimination by not addressing trans boys, who exist at an equal rate as trans girls. If you're going to pursue this wasteful path, then the bill needs to address both kinds of trans students, as well as intersex students.

LD 868: An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools

- See comments about LD233.
- Trans girls are not perpetrators and predators, they are children; there are ample statistics out there on this. I won't reference them. Non-binary children understand very clearly the binary system they live in and what this means for their participation and available options for changing and bathrooms.
- Again, in my experience speaking with large numbers of people in the LGBTQ+ community (since 1992), trans and non-binary youth either have significant body dysphoria, or they, like adolescents of all stripes, just want to fit in to their social group and don't want anyone focusing on how their bodies differ from others. They're not flashing people; they're not forcing people to look; they're not confusing people intentionally. They're trying to use the facilities and get to playing their sport or going to gym class.

- By sexualizing trans girls, this bill also completely ignores the fact that some 10% of girls in locker rooms are probably attracted to other girls, and maybe want to be sexual with them. No matter what our values or beliefs, these same sex attractions do not go away, and trans girls don't change the percentage, in fact, they may themselves be attracted to boys for all we know.

LD 1002: An Act to Protect Children's Identification by Requiring Public Schools to Use the Name and Gender Specified on a Child's Birth Certificate

- I find this bill to be the most spurious one of the lot. Are we really going to address every child as the full name on their birth certificate?
Jennifer vs. Jen, Michael vs. Mike. What about the nicknames that kids get and carry throughout their lives? For several years I was Sonny (as in Sonny and Cher), not Sarah, despite being identified as a girl. I knew a football player nicknamed Butch. Heck, my brother was Killer Keller for 3 years of junior high. My best friend's sister insisted for one whole summer as Burt, and she ended up being the most feminine girl adult with 2 children. Who decides why a kid is using a name, who gets to accuse or designate a name as being trans vs. a nickname? Who arbitrates this? Again, what a waste of administrative time and teacher effort.

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

- What is a "female facility"? A sign on a door, a history of at least a year as a girl designated space? What happens when the male facility is closed for repairs or out of order?
- See feedback on LD233 regarding definition of "Males" and sex discrimination regarding trans boys.
- What happens to a disabled child that has an opposite gender support staff, how do they get the physical support they need? What about a poor boy that can't make it all the way to their toilet in an emergency.
- These are long decided and affirmed decisions, there is no reason to revisit and add labor for already burdened schools and staff.

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

- See feedback on LD233 regarding determination of sex as well as intersex children.

There is so much overlap with all of these bills, and so much vague language. I believe they represent undue burden on school staff, other children, parents, and trans and non-binary children themselves, and open up significant risk for harassment, confusion, and harm to cisgender girls in addition to trans girls. Please reject these bills from moving forward.

References:

(1) CDC Underlying Cause of Death, 2018-2023

<https://wonder.cdc.gov/controller/datarequest/D158;jsessionid=A11D7C671061DB5164C39293C1F3#Query%20Criteria>

- (2) HIGH SCHOOL ATHLETIC PARTICIPATION AND ADOLESCENT SUICIDE: A Nationwide US Study Don Sabo ¹, Kathleen E Miller, Merrill J Melnick, Michael P Farrell, Grace M Barnes
<https://pubmed.ncbi.nlm.nih.gov/18846245/> ("This study used hierarchical logistic regression analysis to test whether athletic participation was associated with lower rates of suicidal ideation and behavior among a nationally representative sample of over 16,000 US public and private high school students. Net of the effects of age, race/ethnicity, parental educational attainment, and urbanicity, high school athletic participation was significantly associated with reduced odds of considering suicide among both females and males, and reduced odds of planning a suicide attempt among females only.")
- (3) Maine Integrated Youth Health Survey LGBTQ+ Student Health Factsheet
[https://www.maine.gov/miyhs/sites/default/files/2024-01/MIYHS%20LGBTQ%2B%20Factsheet FINAL_Approved_28Sep23.pdf](https://www.maine.gov/miyhs/sites/default/files/2024-01/MIYHS%20LGBTQ%2B%20Factsheet%20FINAL_Approved_28Sep23.pdf) (Percent seriously considered suicide 2024 LGBTQ+: 38% vs non-LGBTQ+: 12%)
- (4) How would we define biological sex? A CURRENT MODEL OF SEX INCLUDING ALL BIOLOGICAL COMPONENTS OF SEXUAL REPRODUCTION, JOSHUA D. SAFER
<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5030&context=lcp> ("Thus, if the word sex references biology related to sexual reproduction, it includes gender identity, sexual orientation, sexual interest, internal reproductive organs, visible sexual anatomy, gametes, and sex hormones." Children and youth are a veritable soup of changing biology as they grow.)



(5)