



# HOUSE OF REPRESENTATIVES

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### **Joint Standing Committee on Judiciary on**

### **LD 1337, An Act to Amend the Maine Human Rights Act Regarding Female Athletes and Safety in Women's Shelters**

May 8, 2025

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Senator Carney, Representative Kuhn, and my esteemed colleagues of the Joint Standing Committee on Judiciary: I am Elizabeth Caruso and I have the honor of representing the people of House District 72, which includes 33 municipalities in Somerset County. I am pleased to present to you LD 1337, "An Act to Amend the Maine Human Rights Act Regarding Female Athletes and Safety in Women's Shelters."

Let me begin with a little bit of history. Before Title IX even existed, a young woman who was a volunteer attorney for the American Civil Liberties Union was a staunch advocate for women's rights and defended the 14<sup>th</sup> Amendment's equal protection clause. A feminist, this woman was the architect of the legal fight for women's rights in the 1970s.

She defined what it was to be woman and fought for the rights that women and girls enjoy today. When she began her legal crusade, women by law were treated differently from men. Hundreds of state and federal laws restricted what women could do, barring them from jobs, rights and even from jury service.

She would see the landmark federal Education Amendments of 1972, what we call Title IX, and would defend those rights until her death. And she once said, "I pray that I may be all that [my mother] would have been had she lived in an age when women could aspire and achieve and daughters are cherished as much as sons."

Her name was Ruth Bader Ginsberg.

Her efforts, among the efforts of countless women, are why I am here today to present this bill to you. The landmark legislation was meant to protect women and children by guaranteeing them – and, as a woman, guaranteeing me – the same protections and opportunities as males. It is based on biological sex, which is what separates males from females.

When gender identity was added to the Maine Human Rights Act, it was never discussed by the Legislature or intended by the Legislature to apply gender identity to school athletics. We have to

remember that the Maine Human Rights Act as originally enacted was meant to protect the categories long-established in constitutional caselaw – race, color, sex, age, religion, ancestry or national origin. That is what we call demographics, which by definition are immutable characteristics that cannot be altered or changed.

And that is why we are here. Sex did not mean gender identity under Title IX.

According to the Skrmetti case of the 6<sup>th</sup> Circuit 2023, and now being heard at the Supreme Court, “transgender persons do not constitute a quasi-suspect class. Indeed, in stark contrast to recognized suspect classifications, transgender individuals do not share an immutable characteristic, do not constitute a discreet group, and unlike groups suffering long discrimination are far from politically powerless.”

Title IX protects women and girls against a history of discrimination. It is a matter of fairness. It’s a matter of science. The bill before you protects the rights of women and girls who are born the sex they are.

Just one week ago, Maine’s Secretary of State told the Veterans and Legal Affairs Committee that federal election law supersedes state law. She also told a reporter the same thing outside this very room. So, which is it here? We say federal law trumps state law when it comes to the National Voter Registration Act, but Title IX doesn’t supersede the Maine Human Rights Act? That is the problem before this committee and before this Legislature to solve.

The purpose of LD 1337 with regards to school athletics is to restore the educational portion of the Human Rights Act to reflect Title IX. LD 1337 does two things very specifically. It technically aligns the applicability of Maine’s Human Rights Act to defer to Title IX where the two conflict.

This legislation also offers women who have suffered a domestic assault the protection of a women’s only shelter without the loss of public funding. Any domestic assault or rape survivor can tell you the importance of seeking safety from males after such an assault. This sought relief was a constituent request for our local shelter.

We want to ensure that all students have equal opportunities in education, specifically athletics, and this will bring both men and women opportunities to play. Girls deserve an equal and level playing field, as was the purpose of Title IX. It was to advance opportunities for women where there were no opportunities for them before, Title IX created space for them. We have seen the great benefits of that.

I urge you to vote “ought to pass” on LD 1337. It is the easiest way to get Maine out of trouble with the federal government.