



# HOUSE OF REPRESENTATIVES

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Senator Carney, Representative Kuhn, and esteemed members of the Judiciary Committee, I am Representative Mike Soboleski and I am here today to present LD 1432 *"An Act to Remove Consideration of Gender Identity from the Maine Human Rights Act."*

LD 1432 is a necessary step in ensuring Maine's anti-discrimination statutes remain consistent with federal law, rooted in biological distinctions, and aligned with the original intent of Title IX of the Education Amendments of 1972. This legislation is not about discrimination or exclusion—it is about maintaining fairness, safety, and common sense protections for all Maine citizens.

Title IX was established to provide equal opportunities for women and girls, ensuring they could compete fairly in athletics and access educational programs free from discrimination. Over the years, federal interpretations of Title IX have expanded beyond its original framework, introducing concepts that create conflicts in the law, particularly in areas of athletic competition and public accommodations. Such interpretations risk undermining hard-won rights for female athletes by allowing males to compete in female sports, creating unfair advantages that contradict the spirit of the law.

There is clear scientific evidence that biological males maintain distinct physical advantages over females, even after undergoing medical interventions such as hormone therapy to suppress testosterone levels. Studies have demonstrated that males have larger lung capacity, higher bone density, greater muscle mass, and stronger tendons and ligaments compared to females. These physiological differences contribute to significant performance disparities, particularly in speed, strength, and endurance-based athletics. The advantage persists even in cases where testosterone levels are medically reduced, as structural and developmental differences remain intact. The result is an inherently unequal and potentially unsafe playing field, particularly in contact sports where differences in strength and impact force can pose increased risks to female athletes.

On January 20, 2021, then-President Joe Biden signed Executive Order 13988, which expanded the interpretation of Title IX to include protections based on Gender Identity and Sexual Orientation. In response, the Maine Human Rights Commission swiftly moved to align state law with this federal directive with the introduction of LD 1688, ensuring Maine's compliance with the updated Title IX standards.

Four years later, on the day he assumed office—President Donald J. Trump signed an Executive Order rescinding Biden's Executive Order 13988, restoring Title IX to its original intent by reaffirming its focus on biological sex. This bill LD 1432, follows the

same intent as the Commissions bill which was to bring the Maine Human Rights Act into compliance and alignment with Title IX. Recognizing the significance of these protections, LD 1432 reinforces the principles outlined in Trump's executive order, safeguarding women's and girls' spaces, ensuring fairness in athletic competition, and maintaining clarity in legal definitions within Maine's anti-discrimination laws.

Importantly, Governor Janet Mills has acknowledged that addressing gender identity and the Maine Human Rights Act falls under the responsibility of the legislature—not the executive branch. Lawmakers must act to ensure Maine's statutes comply with federal law, preventing inconsistencies that could lead to legal challenges and funding losses.

Failure to bring Maine's laws into alignment with federal Title IX regulations puts the state at risk of forfeiting essential federal funding for education, athletic programs, and other services tied to Title IX compliance. Under the Supremacy Clause of the U.S. Constitution (Article VI, Clause 2), when state law conflicts with federal law, federal law prevails. If Maine's policies contradict federal mandates, the state could face significant legal and financial consequences that negatively impact schools, female athletes, and public programs.

Let me be clear—LD 1432 is not about discrimination, exclusion, or hate. It is about ensuring fairness, safety, protecting opportunities for women and girls, and maintaining a legal framework that reflects reality and common sense. Maine must uphold principles that safeguard equal protection, clear legal definitions, and the integrity of our laws. LD 1432 is a necessary measure to bring state law into compliance Title IX and ensure that all Mainers are protected under a consistent and legally sound framework.

Thank you for your attention to this matter.