

Testimony of Max Bachvarova
May 8, 2025

To:

Senator Anne Carney, Senator Rachel Talbot Ross, Senator David G. Haggan

*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*

Good morning Senators, Representatives, and Honorable Members of the Judiciary Committee. My name is Max Bachvarova, I am a resident of Portland and an alum of the Portland Public School District. Thank you for hearing my voice. I stand here today to oppose LD 1002.

While I was still in my mother's womb, my older brothers asked my parents if they could hold the responsibility of naming me. Believing that I would be born male, they chose to endow me with a traditionally masculine name: Max. However, when I was assigned female at birth my family panicked and gave me a legal name they believed would give me better gender protections. They never used that name to identify me. In all meaningful contexts, it was never *my* name, but rather a legal marker that haunted me and ultimately threatened my wellbeing.

As a child and young adult, I navigated an educational system that inflicted an inordinate amount of pain on me. I was marked for harassment because my teachers would call me by my legal name before they knew me; but I knew myself and my classmates knew me. My legal name was wielded to inflict pain from the mouths of my peers. To make me feel less than, to make me small, to strip me of my autonomy and self-hood. My legal name was used to other me. The repercussions of a decision made in a single moment, to write a name with the intention of giving me options, on a day before anyone in the world knew who I was or who I might become, resulted in a series of experiences that made me wish I had never been born at all.

Distinctly, the fact that adults in the world were asked to refer to me by my official birth name — even without legal force to demand that they must — threatened my wellbeing. The teachers that became my favorites, whom I felt safest around, and who I gained the most knowledge and wisdom from were the ones who handed us the autonomy to identify ourselves and asked us who we were before forcing identities upon us that we had no voice in crafting.

Ask yourself this: who does this bill truly protect and who does it harm?

I ask of you: recognize the veiled nature in which scapegoating transgender children threatens the safety and wellbeing of all children.

Thank you for your time,

Max Bachvarova

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*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*

Good morning Senators, Representatives, and Honorable Members of the Judiciary Committee. My name is Max Bachvarova, I am a resident of Portland, an alum of the Portland Public School District, and a former student-athlete.

At birth, infants are assigned sex designation almost exclusively by identification of visual external genitalia. However, complex biological, anatomical, and chromosomal variations exist. Intersex people (those whose genitals and/or internal organs fall outside the binary categories of male and female) make up 1-2% of the population, a similar percentage as those in Maine who identify as more than one race: it's not uncommon. Biological sex does not conform to a binary and is not simply identifiable by external observation.

Gender is grammatical categorization based on social and cultural constructs. Given the language of gender, we can distinguish between "boy" and "man" in ways that biological sex does not clearly distinguish. The context of the individual, the culture, the environment, and social dynamics inform our choice to use one gendered identity versus another.

In a similar way that being called "boy" might make a young adult feel incorrectly, unfairly, and maybe even condescendingly labeled, incongruent with their internal experience, a transgender child might identify as a girl simply because they know who they are, and to call them "boy" would be an ill-fitting label.

For the historical duration of school athletics, sports (if not co-ed) have been categorized by gender, not sex. Girls' and boys' basketball, women's and men's soccer. Never have we separated students into teams according to their genitals and it should be alarming to everyone that anyone suggest we do.

While it is overtly clear that the language in LD 233 is discriminatory to intersex and transgender athletes, it's not immediately obvious what the true reason behind this bill is.

Given that this restriction to prohibit students assigned male at birth from participating in girls' and women's sports but *not* to prevent students assigned female at birth from participating in boys' and men's sports, we can conclude that this bill is not simply about adherence to a categorization of sex rather than gender.

Elementary, middle, and high school sports are primarily about achieving exercise and social integration in a joyful way; about bonding with peers and learning skills of teamwork; and about gaining self-confidence and skill. Given this common knowledge, we can conclude that this bill is not about “fairness” or any leveling of skill such that we might see in professional sports arguments targeting even cisgender athletes for biological advantages such as height or pain tolerance.

No, it seems that bills like these are popping up across the country in response to fear: that the safety of girls and women are threatened by boys and men. And prejudiced individuals believe that transgender girls and women — individuals assigned male at birth — are really boys and men.

Let us be clear: men *are* a threat to girls and women. We agree with you. And men are *also* a threat to trans people across the board.

Misdirecting the well-grounded fear of violence against girls and women by men and projecting it onto transgender individuals is a fearmongering tactic that puts trans people further at risk. And when trans people are at risk, everyone is at risk.

The reality is that transgender and nonbinary youth are twice as likely to experience sexual violence as their cisgendered peers, but are less likely to attempt or commit sexual assault (M. Ybarra, PhD; K. Goodman, PhD; et al. 2022).

Recognize that these bills obfuscate our common goal: **keeping kids safe**
and misdirect our energy and attention away from real solutions.

We can do better,

A handwritten signature in black ink, reading "Max Bachvarova". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Max Bachvarova