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THE MAINE SENATE
132nd Legislature

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**Joint Standing Committee on Judiciary on LD 2239, An Act to Designate School Sports
Participation and Facilities by Sex**

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Senator Carney, Representative Kuhn, and esteemed colleagues of the Joint Standing Committee on Judiciary: I am Joe Martin and I proudly represent the citizens of Senate District 19, which includes much of Northern Oxford County and communities in Franklin County. I offer this written testimony in favor of LD 2239 (IB 3), "An Act to Designate School Sports Participation and Facilities by Sex."

Despite the proposed referendum wording from the Secretary of State, the legislation before you today should not be controversial. According to the bill summary, "This initiated bill requires public schools and entities that govern interscholastic or competitive sports by public schools to designate athletic teams as for males, for females or coeducational. Athletic teams designated for females must be restricted to students whose sex is female and athletic teams designated for males must be restricted to students whose sex is male."

The existence of sex-segregated sports is to ensure that female athletes are given an adequate opportunity. In fact, the passage of the federal Title IX legislation in 1972 drastically increased the rate of female participation in sports. Data from 2010-11 highlights that 41 percent of high school athletes in the United States were female as compared to only seven percent before Title IX's passage.

In allowing biological males to participate in female athletics, we are ignoring the fundamental principles of competitiveness and fairness in our sports that Title IX helped enshrine. If we continue down this path, we will erase the gains highlighted by the increase in female sports participation I just referred to.

Furthermore, the legislation requires public schools to maintain separate restrooms, locker rooms, shower rooms or other private spaces for each sex. Like with competitive sports, these spaces were created intentionally with the goal of protecting females.

I sympathize with members of our state's transgender community. I believe they should be able to participate and compete with their classmates. This legislation addresses that concern by allowing for co-ed sports and participation on teams that recognize the biological reality of sex.

I want to address one more point that is getting traction since the Secretary of State released her proposed ballot question. The enforcement mechanism of this legislation is not just to "allow students to sue the schools." Yes, the proposal allows for a civil action if a student's sex-based rights are violated. This is far more nuanced than the idea that students can sue schools. In my opinion, without an enforcement mechanism, young women and girls in our state will continue to lose opportunities and face the circumstance of sharing their most private spaces with biological men.

Thank you for consideration of this testimony.