



Susan Bernard
Senator, District 1

THE MAINE SENATE
132nd Legislature

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Augusta, Maine 04333

**LD 2239, "An Act to Designate School Sports
Participation and Facilities by Sex"**

**Joint Standing Committee on Judiciary
April 14, 2026**

Senator Carney, Representative Kuhn and esteemed members of the Joint Standing Committee on Judiciary:

My name is Senator Sue Bernard, and I represent the people of 37 communities in Northern Aroostook County which comprise Senate District 1. Thank you for the opportunity to submit 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. It is not meant to be exclusionary or to target a group of people. The purpose of this citizen-initiated legislation is to stand up for the young women in Maine who have lost opportunities despite all of their hard work because in sports, biological differences matter.

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.

Let's just look at how these differences apply to the Class A Track and Field Championships held earlier this year. The winning time in this year's boys' 800-meter run was 1 minute 55.50 seconds. In the same race on the girls' side, the winning time was 2 minutes 17.65 seconds. If the female winner was running in the boys' race this in this year's finals, she would have placed last.

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.

Acknowledging a biological advantage is not disrespecting the transgender community. In fact, I agree with the slogan "let our kids play." Nobody is trying to tell the transgender community they cannot play. All biological boys can and should play and compete with each other or on co-ed teams, but let's make sure biological girls are guaranteed a space to play safely and fairly.

Thank you, again, for the opportunity to submit testimony in support of this legislation.