

132nd Legislature
Senate of
Maine
Senate District 6

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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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Good morning, Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, my name is Marianne Moore. I proudly represent Senate District 6, which includes all of Washington County along with 16 Communities in Eastern Hancock County. I am writing in support of LD 2239 (IB 3), "An Act to Designate School Sports Participation and Facilities by Sex."

I would like to focus on one specific aspect of this referendum: the protection of female-only spaces.

Consider a scenario in which one transgender girl is in a locker room with 99 biological girls. In this situation, whose rights are being violated? Is it the one transgender girl, or the 99 biological girls? Which outcome represents the greater harm?

This question highlights the core issue. We are placing a fixed, biological characteristic – sex – into direct conflict with gender identity, which is often understood as a psychological or social construct. For the 99 biological females in the locker room, their sex is not something which can be changed.

In such cases, it becomes difficult to accommodate both groups fairly. In my view, gender identity should not have been included in the Maine Human Rights Act in the first place.

We cannot effectively legislate a belief or identity in a way which overrides a fixed demographic reality. When two protected classes come into conflict, there must be a clear framework for determining which takes precedence. This is the situation we are facing here.

For the 99 girls in the locker room, being required to share a private space with a biological male is not something they chose; and it is unfair for us to put them in such a situation. Thank you for your consideration of this testimony.