

Testimony in opposition to LD 233, LD 868, LD 1002, LD 1134, LD 1704

May 8, 2025

Good morning, Senator Carney, Representative Kuhn, and members of the Judiciary Committee. My name is Kathy Kilrain del Rio, I use she/her pronouns, I'm a resident of Portland and a parent of an second grader. I'm speaking against LDs 233, 868, 1002, 1134, and 1704 today.

I'm extremely proud to live in a state where our laws recognize the importance of respecting and protecting the right of every person in our state to live their lives as the gender identity that they hold. I'm grateful that my child will always be able to be the person he is meant to be. And as a woman who's been dedicated to women's rights throughout my life, I believe that recognizing the existence of people who are trans and protecting their rights is fundamental to advancing human rights for all of us. We cannot have an equitable society if some people's very existence is being demonized and protections are taken out of law in response to inaccurate and harmful ideological rhetoric.

As you've heard from others today, our gender identity is not the same thing as our biological sex. Sometimes those align, but sometimes they do not. When they do not align, it is imperative that people be able to safely live their lives as the gender they are. This is especially true for children and adolescents. Bans like those proposed by these bills today, tell our young people who are trans or nonbinary that their existence is not valued. Trans youth are more likely to experience violence, sexual violence, harassment, bullying, and discrimination. They are also more likely to consider and try to commit suicide. Trans youth are some of the most vulnerable people in our schools and communities. Undoing our existing protections for trans students will only worsen those statistics. We will be telling our youth that we are willing to sacrifice them when bullies and politicians who "other" those to score political points make too much noise about their existence. To make the choice to undo our existing protections would be reprehensible.

Bans on trans people participating in sports or using a certain bathroom will not make girls or young women safer. I grew up in the 80's when trans people had to be in the shadows. But there were often significant physical differences between girls of the same age – and also for boys of the same age. Often when we played co-ed sports, there were girls who easily beat boys just as almost every boy and girl on the field or court could beat me. Students who play sports get hurt sometimes. That's a risk of being an athlete. The argument that we can't allow trans girls to play with other girls is simply not rooted in the reality that every child/teen is different, every child/teen has different skills and talents, and every child/teen can get hurt or might lose when they play sports. We don't tell the cisgender girl or boy that excels in a sport that they can't play because they are better than others. We shouldn't tell trans girls or boys that they can't play because they might win.

If you are concerned that physical differences make sports unfair, then you should group teams or competitions by size, weight, and skill level instead of by gender, age, or grade. Even then, people will get hurt. People will lose. But we won't be grouping students in a discriminatory way that rejects students who are trans or nonbinary.

The idea that Title IX is intended to discriminate against trans students is ridiculous. The idea that protecting trans students means cisgender students are experiencing discrimination is also ridiculous. That would be like white people saying that when we end a discriminatory practice against a Black or Brown person that it is discrimination against the white person. Or a person without any disabilities saying that when we end a discriminatory practice against a person with a disability that we are discriminating against those of us who are not disabled. That's not how ending discrimination works and we shouldn't fall for that argument now.

We shouldn't give in to fear that if we do not undo protections for trans students, we may lose federal funding. And I say that as a parent of a child in a school that receives federal funds – though not Title IX funds. As an advocate in my job, I know how much risk all states are when it comes to potential decision around funding being considered by Congress and I understand that the Trump Administration enjoys trying to wield power by threatening other funding. Despite those risks, we cannot capitulate to hate and bias. We cannot cooperate with those who want to discriminate against trans and nonbinary people in our families, schools, workplaces, communities, state, and nation. We must stand firm in our support for trans people.

I also want to make clear that the biggest danger to the safety of girls and women – whether they are cisgender or trans – are cisgender boys and men. I know that there are probably people in this room or hearing this testimony who are upset with me saying that, but it is the simple truth. The other truth is that cisgender boys and men are the biggest danger to other cisgender boys and men as well as to trans boys and men and nonbinary people. If you want to protect the safety of girls and women, you should continue to look for policies that address rape culture, domestic violence, and sexual violence. You should look at ways to educate all our cisgender boys and men about not being violent, not raping, and not harassing those who are different from themselves.

We've also seen recently that in many locations across our country, cisgender girls and women are having their gender identify questioned by people who think they don't look female enough. It's madness. There is no set way to look female. There is no set way to look male. But that's another harm caused by bills like these. They make people think that each gender has very limited ways of being and they put people at risk of harassment and discrimination whether they are cisgender, transgender, or nonbinary.

I want my child to grow up in a state where he and all his classmates can be who they really are. Where they can be joyful in expressing themselves and in their everyday interactions with teachers, staff, and other students. Where they can participate in activities like sports no matter what their gender is. Where they can feel safe. Where they do not face bullying, harassment, and discrimination. None of those can happen if any of these bills pass.

For all these reasons and the many others you've heard from opponents today, my family urges you to vote Ought Not to Pass on LDs 233, 868, 1002, 1134, and 1704. Please do the right thing for all of us in Maine. We can't have equality through discrimination. We can't strive for human rights through discrimination. Protecting our existing laws is the right thing to do. Thank you.