

126 Sewall Street
Augusta, Maine 04330-6822
TTY/Voice: (207) 626-7058
www.mainequaljustice.org



Kathy Kilrain del Rio
Advocacy & Programs Director
(207) 626-7058, ext. 210
kathy@mejp.org

MEJ Testimony *in opposition to* LD 1337, An Act to Amend the Maine Human Rights Act Regarding Female Athletes and Safety in Women's Single-sex Shelters, and LD 1432, An Act to Remove Consideration of Gender Identity from the Maine Human Rights Act

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Good afternoon, Senator Carney, Representative Kuhn, and members of the Judiciary Committee. My name is Kathy Kilrain del Rio, I use she/her pronouns, and I'm the Advocacy and Programs Director for Maine Equal Justice, a nonprofit legal aid provider working to increase economic security, opportunity, and equity for people in Maine. Our organization has decades of experience working with people with low incomes to support access to health care, food security, housing security, education and training programs, and other programs that support individuals and families in moving toward financial security so they can thrive. I'm testifying in opposition to LDs 1337 and 1432.

Maine Equal Justice is deeply committed to addressing systemic inequities in our state laws and agencies. We recognize that we cannot have true equity for all Mainers as long as some Mainers continue to experience discrimination and different treatment because of their identity. That's why we are testifying today. Gender identity, as you've heard from many others, is not the same as our biological sex. Sometimes these are the same and sometimes they are different. And that's why it is so important that gender identity is included in the Maine Human Rights Act. Trans people are extremely vulnerable to discrimination and that has become more pronounced as politicians have sought to reject the reality of their existence or make them out to be a threat to others.

Let's be clear: trans people exist, have always existed, and will always exist. And trans people are one of the most vulnerable populations when it comes to violence, sexual assault, bullying, harassment, and discrimination. Undoing protections in the Maine Human Right Act that have been in place for two decades would be a giant step backward for our state and for trans Mainers. In the decades these protections have existed, some trans people have been helped and no cisgender people have been harmed by these protections being in place. If you believe in equal justice for all, you must reject the proposal in LD 1432.

I'll now turn to the problems with removing public accommodation protections for trans Mainers. Removing these shelters from the scope of Maine's anti-discrimination law undermines decades of work to ensure that all people—especially marginalized groups—have equal access to safe, life-saving services. Trans women face even higher levels of violence, discrimination, and

housing instability than cisgender women. Excluding them from women's shelters would exacerbate their vulnerability and increase their risk of assault, exploitation, and homelessness.

The rationale often cited for this exclusion is a misplaced belief that trans women make cisgender women unsafe. **It is crucial to differentiate between perceived discomfort and actual risk. Discomfort may arise from unfamiliarity or societal prejudice, but it is not equivalent to a legitimate safety threat.** Discomfort alone should not justify policies that exclude an entire group. Instead, shelters can address concerns through trauma-informed care, staff training, and inclusive policies, as demonstrated by many shelters successfully serving all women – both cisgender and trans.

Studies, including those by the Canadian Human Rights Commission (2016), have found no empirical data indicating that trans women pose an increased safety risk in women-only spaces, such as shelters. Similarly, the Williams Institute at UCLA School of Law (2013) found that transgender people face significantly higher rates of discrimination and violence in homeless shelters, **not because they perpetrate harm, but because they are often targeted** when excluded or forced into inappropriate housing situations.

Numerous organizations, including the National Network to End Domestic Violence (NNEDV), endorse inclusive shelter practices that respect the gender identity of all individuals seeking safety. The NNEDV emphasizes that inclusive policies improve overall safety and reduce retraumatization for both cisgender and trans survivors.

LD 1337 and LD 1432 would undermine the core principles of the Maine Human Rights Act: equality, safety, and dignity for all. It legalizes discrimination under the guise of safety, despite evidence that inclusive, gender-affirming practices better serve all women, including trans women. For these reasons, we urge you to vote Ought Not to Pass on these bills. Thank you.