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LD 868

I am a transgender woman writing to express opposition to LD 868, "An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools".

LD 868 is a direct and blatant attack against the rights of transgender people living in Maine. The legislature needs to stop these bills in their tracks.

The Definitions section gives definitions for 'Male', 'Female' and 'Sex'. These are all reasonable definitions at face value, but lack important nuance. Sex is a biological condition dictating bodily characteristics that we typically identify as either male or female. I don't think anyone will contest this. However it is not that simple either. Intersex people exist. People who have both sets of bodily characteristics and do not fit cleanly into either the male or female category at birth. Beyond sex itself are the terms 'Gender', 'cis', 'trans(gender)' and 'nonbinary', all mysteriously missing from the definitions provided. Gender is a social and cultural construct that expects men and women to appear and act in specific and different ways. A cis person is someone whose sex and gender align. A trans person is someone whose sex and gender do not align. A nonbinary person doesn't neatly fit into cis or trans categories. Trans people are born trans, just as cis people are born cis.

Students under 18 have limited options for transition, usually puberty blockers and social transition. Being excluded from areas that are exclusive to your preferred gender can feel alienating. Trans people just want to live their lives as they are inside. They shouldn't have to worry about being forced into the wrong bathroom(trans girls in the boys room, and vice versa), locker room, or sleeping quarters just to check some checkbox dictating over a poor understanding of biology.

Statistically speaking, trans people are attacked in bathrooms far more than there are trans people doing the attacking. Is there even any example of a trans person attacking someone in a bathroom, when it wasn't self-defense? LD 868 puts all trans students in a dangerous position, simply for needing or wanting to use facilities reflecting their preferred gender.

Students 18 and over have more options for transition in the form of HRT (Hormone Replacement Therapy). HRT allows the body to better reflect the gender a trans person identifies with. This too is a biological process! With the combined effects of puberty blockers and an HRT regime, a trans woman is functionally identical to a cis woman in terms of physical ability to perform at sports. A trans woman who did not get puberty blockers may find themselves taller and bulkier than your average cis woman. After 3 years on HRT, even a trans woman who experienced male puberty will have roughly the same strength as a cis woman. It all comes down to how the hormones balance.

A common argument against trans participation in sports is that trans women would have an advantage over the cis women, as they are often taller and/or bulkier than their cis counterparts. By that logic, you would also be targeting cis women who don't fall within the average. Would a 6 foot tall cis woman be denied from sports where being tall is an advantage? She would stand at least a head taller than average, but no one complains because she is a cis woman. Yet somehow an equally tall trans woman is a problem worth legislating against?

In the summary, LD 868 explicitly mentions keeping "students who are male from participating in an athletic team or sport designated as a female team or sport". Isn't it odd how trans men and intersex people are always overlooked by legislation like this?

A 2022 study by the Williams Institute at UCLA estimated there were 5,900 adults and 1,200 children aged 13-17 who identified as transgender in Maine at the time. Maine state's total population in 2022 was roughly 1,385,340 people. Combining the

children and adult counts together, transgender people in Maine account for 0.51% of the population. Half a percent. This legislation targets half a percent of the Maine state population. Due to the fact this legislation is more aimed at children and young adults in higher education, arguably this legislation is aimed at roughly 0.087% of the population. Further limiting that count down to the two trans women actually competing in girls sports, the sports part of LD 868 is aimed at 0.00014% of the Maine state population. Have you realized yet how absurd this is? This is about punishing trans-women for being born transgender and expressing their true selves. It was never actually about sports.

I urge the committee to vote Ought Not to Pass on LD 868.