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THE MAINE SENATE
132nd Legislature

Testimony in Support of LD 2239, “An Act to Designate School Sports
Participation and Facilities by Sex”
Before the Joint Standing Committee on Judiciary
4/14/2026

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

I am Senator Stacey Guerin; and I represent District 4, which includes all of Piscataquis County and 11 communities in Penobscot County. Please accept my testimony in support 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. According to the bill summary, “This initiated bill requires public schools and entities that govern interscholastic or competitive sports by public schools to designate athletic teams as for males, for females or coeducational. Athletic teams designated for females must be restricted to students whose sex is female and athletic teams designated for males must be restricted to students whose sex is male.”

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 athletics, biological differences between males and females can create significant disparities in strength, speed and endurance. Allowing biological males to compete in women's sports undermines the opportunities for female athletes to achieve their full potential and have a fair playing field.

I have five sons. When my five sons were little boys, we were equals when it came to keeping to hiking or biking or even carrying our backpacks. As they grew up, their junior high male hormones kicked in and my boys’ physical advantages couldn’t be more evident in everything we did.

And although there were no podiums in my family’s countless outdoor adventures, their genetic physical advantage compared with mine was very clear. If these outings had been competitions, I would have lost every time — and being the competitive person I am, I would have stopped going. I fear that without action, many young women in Maine will feel this way when it comes to participation in competitive sports.

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. LD 2239 is a common-sense measure that balances inclusivity with the need to protect fairness in women's sports and the safety of women in facilities intended to be sex segregated. It is not discriminatory. Rather, it acknowledges biological realities and the specific needs of women. Thank you for your time and consideration.