



Maine School Superintendents Association



TESTIMONY NEITHER FOR NOR AGAINST

OFFICERS—2025-26

L.D. 2239

PRESIDENT  
DR. ANDREW DOLLOFF  
YARMOUTH SCHOOL DEPARTMENT  
YARMOUTH, 04096

AN ACT TO DESIGNATE SCHOOL SPORTS PARTICIPATION  
AND FACILITIES BY SEX

April 14, 2026

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Senator Carney, Representative Kuhn, and members of the Judiciary Committee, I am Eileen King, executive director of the Maine School Superintendents Association, testifying on behalf of the MSSA Legislative Committee, neither for nor against L.D. 2239. While we recognize the ongoing policy debate at the center of this bill, we believe there are several serious significant administrative, financial, privacy and logistical questions that the Committee must carefully consider before moving forward. The practical implementation of L.D. 2239 presents several challenges for our schools, staff, and communities.

**Administrative Burden and Privacy Concerns:** Enforcing the provisions of L.D. 2239 would place a significant administrative burden on school staff. The bill defines “sex” based on a person’s biological status as recorded at birth on their original birth certificate. This implies that schools would be required to collect and verify the original birth certificates of all students.

The most immediate and severe legal conflict involves adopted children. When an adoption is finalized, the state typically seals the child’s original birth certificate and issues a new, amended birth certificate listing the adoptive parents. In Maine, while adult adoptees (age 18 and older) have the right to request their original birth certificates, minors do not have this right. The original birth certificate of a minor adoptee remains legally sealed by the state. Requiring a minor student to produce a sealed original birth certificate would force families to seek a court order to unseal the document—a process that is legally burdensome, costly, and not guaranteed to succeed. If the school strictly enforces the “original” birth certificate requirement, adopted students could be effectively barred from participating in sports or using facilities, raising serious equal protection and discrimination concerns.

*Leading for equity, excellence and opportunity for all Maine Students*

**Financial Impacts and Facility Retrofitting:** If passed, this bill would impose costly regulations on schools. The legislation mandates that public schools maintain separate restrooms, locker rooms, shower rooms, and other private spaces for each sex, and prohibits members of one sex from using a facility designated for the opposite sex.

Many schools would need to remodel or build additions to their current facilities to align with these requirements. For example, when teams compete at another school, they often use the facility designated for the opposite sex to change in, due to space limitations. This bill would prohibit this practice, forcing schools to construct additional locker rooms to accommodate visiting teams. The financial impact of these renovations and expansions would be substantial, and it is unclear how school districts would fund this.

**Scope of Enforcement:** Finally, the language of the bill raises questions about who exactly must abide by these facility restrictions. The bill states that “A member of one sex may not be permitted to use a facility designated for members of the opposite sex.”

Does this restriction apply only to students, or does it extend to everyone who enters a school building? Will every person visiting a school to attend a family member’s school event need to present school staff with their original birth certificate to use the restrooms? Will staff members, teachers, and volunteers also need to provide their original birth certificates to verify their biological sex before using staff facilities? The logistical reality of enforcing this provision across all individuals who interact with a school environment is literally impossible.

We urge the Committee to provide answers to these practical, financial, and administrative concerns as you deliberate on L.D. 2239.