

April 12, 2026

Greetings, Senator Carney, Representative Kuhn and Honorable Members of the Joint Standing Committee on Judiciary.

My name is Nell Tharpe, I am a Certified Nurse-Midwife from Boothbay, ME. I am writing as a concerned citizen, parent and grandparent, and a health professional with extensive expertise in reproductive health issues, education, and clinical care.

I am strongly opposed to the proposed ballot measure, LD 2239, due to the specific and serious harms it will cause to Maine youth and those who care for an about them.

The proposed ballot measure is extreme, unreasonable, and has no basis in science or advocacy for the health of children and youth. The proposal's language is a vague, criteria are poorly defined and would be difficult and expensive for schools to implement, while actively traumatizing the very students that the state is charged to protect from sexual harassment and inappropriate behaviors from adults.

Our energy and resources should be spent on reducing inequalities in sports, including improving funding and ensuring equal access to facilities. This measure would make schools use scarce resources on unattainable requirements such as staff checking ALL student's birth certificates against their genitals to use the bathroom or participate in sports. This is entirely inappropriate; it is wrong to enact laws that require policing or controlling of our childrens' or adults' bodies.

As a health professional who has provided care to thousands of youth and adults, and a student of reproductive science, it is evident that genitals may or may not match a person's gender assigned at birth and noted on their birth certificate.

This type of policing would traumatize a generation of children and youth, of all genders. Who is the final arbiter of what gender a child is, what are the criteria? What is there lived experience of this judgement? The focus of the state should be on helping our children thrive by creating environments where they not only *feel* safe, they actually are safe and have the support and resources they need to reach their full social, emotional, and intellectual potential. There is nothing in this bill that would achieve these goals. If passed, this ballot measure will result in chaos and distraction for students with potential for associated litigation risks for schools and the individuals asked to police student gender.

As a person with gender diverse and transgender family members, friends, patients and colleagues, I can tell you with confidence that gender diverse and transgender people are just people, with the same hopes, dreams, and need for acceptance as anyone else. Denying their reality, their ability to be who they are, in no way protects them or anyone else; instead it actively results in harms, directly to the persons targeted *and* to those who are taught to hate and fear people who are different from them.

We are all different in some way, and those differences are what make us unique and valuable as we each have different abilities and ideas to contribute. This proposal is counter to the Maine Human Rights Act and would leave ALL Mainers with fewer civil rights protections. I hope that you will consider your role in protecting all of our youth against discrimination, targeting, and abuse by adults charged to care for and guide them in our schools.

Thank you for the opportunity to share my experiences with the Committee.