

TESTIMONY IN OPPOSITION TO

L.D. 2239

AN ACT TO DESIGNATE SCHOOL SPORTS PARTICIPATION AND FACILITIES BY SEX

April 14, 2026

OFFICERS

PRESIDENT

Joseph Long
MSAD 35/RSU 35

Senator Carney, Representative Kuhn, and members of the Judiciary Committee, I am Eric Waddell, executive director of the Maine School Boards Association, testifying on behalf of the MSBA Legislative Committee in opposition to L.D. 2239.

PRESIDENT-ELECT

Lucy Richard
MSAD 01

Our Association acknowledges that this is a politically-charged and emotionally-charged issue that has divided the opinions of lawmakers and local school board members alike. However, we are opposed to this specific legislation because we believe this approach would place a difficult burden on Maine public schools. It opens up new avenues for litigation against school entities and provides no clear guidance on how to enforce this law. We expect this will ultimately result in increased costs that will inevitably fall on local taxpayers.

VICE PRESIDENT

Kim Bedard
Kittery

Our Association believes three provisions of L.D. 2239 are most concerning:

IMMEDIATE PAST
PRESIDENT

Faye Anderson
RSU 22

1. Original Birth Certificate: The bill defines “sex” as “a person’s biological status as male or female recorded at birth on the person’s original birth certificate.” To enforce this sex-specific designation in school facilities, schools would be required to obtain the original birth certificate of every person who seeks to use these facilities: students, staff, volunteers, and visitors. Because of any number of life circumstances, many students and staff do not have an original birth certificate. In addition, we expect it would require substantial administrative capacity to collect and inspect every birth certificate, likely requiring additional staff members.

EXECUTIVE DIRECTOR

Eric F. Waddell

2. Enforcement: The other challenge posed by this bill would be determining how a school could enforce these new sex-specific designations. Would schools need staff to monitor students’ original birth certificates and which bathrooms they enter? Would there be “ID checks” in bathrooms? Would schools need to invest in new electronic technology allowing a student to enter only certain facilities? After passing a similar bill to L.D. 2239 last year, Texas is currently wrestling with these same enforcement questions¹, with no clear answers or guidance. We imagine the implementation of this law would likely create a climate of confusion and fear at school – the opposite of the warm, welcoming climate that schools strive for.

3. Civil Litigation: Section 8 of this bill would also create a new civil enforcement mechanism. Any student who is “deprived of an athletic opportunity or suffers direct injury because of a violation of this section may bring a civil action for injunctive relief, damages and attorney’s fees against a school or entity.”

This new avenue opens substantial new legal liability against local school districts. We expect this would lead to additional lawsuits against school districts, as well as increased legal and insurance fees.

Ultimately, our Association believes that L.D. 2239 would create a substantial burden on schools, adding costs and responsibilities that will add to the mounting costs of education. School board members believe this approach would create confusion and harm the school climate for many Maine students.

Instead of moving forward with this current proposal, we would urge the legislature to proceed with caution. The U.S. Supreme Court is currently weighing multiple cases around this very issue, and we expect that their decisions will likely provide a clearer legal framework for our state and our local schools moving forward.

1. <https://www.texastribune.org/2025/12/17/texas-bathroom-bill-transgender-tip-line-ken-paxton/>