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Portland  
LD 2239

Testimony in Opposition to L.D. 2239

An Act to Designate School Sports Participation and Facilities by Sex

My name is Joseph Zamboni, and I submit this testimony in my personal capacity in opposition to L.D. 2239.

At its core, this bill would mandate that public schools define and segregate students based strictly on sex assigned at birth, including in athletics and access to facilities. While framed as a measure concerning fairness in sports, the bill extends far beyond athletics and into broader questions of student dignity, safety, and equal access to education.

From a legal standpoint, the bill raises serious concerns. It attempts to preemptively declare that the exclusion of students based on gender identity does not constitute unlawful discrimination under the Maine Human Rights Act. This is not a simple clarification, it is an attempt to carve out a categorical exception to longstanding civil rights protections. Such an approach risks placing Maine law in tension with federal interpretations of sex discrimination under Title IX and evolving constitutional jurisprudence, exposing schools to legal uncertainty and litigation.

The bill also creates a private right of action for students, inviting lawsuits against schools for perceived violations. In practice, this is likely to have a chilling effect: school administrators will be forced to make complex, sensitive decisions under threat of litigation, rather than guided by educational best practices, student well-being, and inclusive policies.

Beyond the legal concerns, there are meaningful public policy implications. Maine schools already operate under frameworks that balance fairness in athletics with inclusion, often guided by athletic associations, medical expertise, and evolving standards. This bill replaces those nuanced approaches with rigid statutory mandates that do not account for the realities faced by students, educators, or administrators.

Perhaps most importantly, the bill risks harm to a small but particularly vulnerable group of students. Policies that single out transgender students for exclusion from participation or facilities do not occur in a vacuum, they shape school climate, affect mental health, and influence whether students feel safe and able to fully participate in their education. Public schools serve all students, and policies should reflect that responsibility.

There are legitimate conversations to be had about fairness in athletics, competitive balance, and student privacy. But this bill does not engage those questions with the level of care or precision they require. Instead, it imposes a broad, inflexible rule that creates legal risk, undermines local decision-making, and may cause real harm to students.

For these reasons, I respectfully urge the Legislature, and the people of Maine, to oppose this harmful effort to further marginalize some of our most vulnerable neighbors.