



132nd MAINE LEGISLATURE

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Legislative Document

No. 868

H.P. 554

House of Representatives, March 4, 2025

An Act to Ensure Equity and Safety in Athletics, Restrooms, Changing Rooms and Housing at Elementary, Secondary and Postsecondary Schools

Reference to the Committee on Judiciary suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative CARUSO of Caratunk.

Cosponsored by Representative SMITH of Palermo, Senator MOORE of Washington and Representatives: EDER of Waterboro, FRIEDMANN of Bar Harbor, HYMES of Waldo, POIRIER of Skowhegan, Senators: FARRIN of Somerset, GUERIN of Penobscot.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 20-A MRSA §14 is enacted to read:
3	§14. Designation of athletic teams and use of facilities
4 5	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
6 7	A. "Changing room" means a room or area in which a person may be in a state of undress in the presence of others, including a locker room or shower room.
8 9	B. "Covered entity" means a public school, public charter school under chapter 112 or public postsecondary education institution.
10 11 12	C. "Female" means an individual who has, had or will have, or would have but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports and uses eggs for fertilization.
13 14 15	D. "Male" means an individual who has, had or will have, or would have but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports and uses sperm for fertilization.
16 17	E. "Multi-occupancy" means that a space is designed for use by multiple persons simultaneously.
18	F. "Restroom" means a room that includes one or more toilets or urinals.
19 20	<u>G.</u> "Sex" means the biological condition of being either male or female, as observed or clinically verified at birth.
21 22	H. "Sleeping quarters" means a room with at least one bed and in which more than one individual is housed overnight.
23 24 25 26	2. Designation of athletic teams. Interscholastic or intramural athletic teams and sports that are sponsored by a covered entity, or by a private school or private postsecondary education institution whose students or teams compete against a covered entity, must be expressly designated as one of the following based on sex:
27	A. "Males," "men" or "boys";
28	B. "Females," "women" or "girls"; or
29	C. "Coed" or "mixed."
30 31 32 33	Athletic teams or sports designated as "females," "women" or "girls" may not allow participation by students who are males. This section may not be construed to restrict the eligibility of any student to participate in any interscholastic or intramural athletic teams or sports designated as "males," "men" or "boys" or designated as "coed" or "mixed."
34 35 36 37 38 39	3. Protection for schools and postsecondary education institutions. A government entity, licensing or accrediting organization or athletic association or organization may not entertain a complaint, open an investigation or take any other adverse action against a covered entity, private school or private postsecondary education institution for maintaining separate interscholastic or intramural athletic teams or sports for students who are females.

1 2 3	4. Safety and privacy in covered entities, restrooms, changing rooms and sleeping quarters. A covered entity shall designate restrooms, changing rooms and sleeping quarters in accordance with this subsection.
4 5	A. A covered entity shall designate each multi-occupancy restroom, changing room and sleeping quarters within the covered entity for the exclusive use of:
6	(1) Females; or
7	(2) Males.
8	B. Any restroom, changing room or sleeping quarters within a covered entity
9 10 11	designated for females or males are for use only by members of that sex, and an individual may not enter a restroom, a changing room or sleeping quarters designated for females or males unless that individual is a member of that sex.
12 13	C. The covered entity shall take reasonable steps to provide individuals with privacy in restrooms, changing rooms and sleeping quarters from members of the opposite sex.
14 15 16	D. This subsection does not apply to an individual who enters a restroom, a changing room or sleeping quarters designated for the opposite sex in any of the following circumstances:
17	(1) To perform custodial services or maintenance;
18	(2) To render medical assistance;
19	(3) To render assistance, if the individual is a law enforcement officer; or
20 21	(4) To provide services or render aid during a natural disaster, during a declared emergency or when necessary to prevent a serious threat to order or safety.
22 23 24 25	E. During any activity or event authorized by a covered entity in which students share sleeping quarters, a student may not share sleeping quarters with a member of the opposite sex unless the individuals are members of the same family, such as a parent, guardian, sibling or grandparent.
26 27 28 29 30	F. In any other facility or setting in a covered entity not described in paragraph A or B where an individual may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by individuals based on their sex, and an individual may not enter these private areas unless that individual is a member of the designated sex.
31 32 33	G. A public postsecondary education institution that offers housing for students shall provide students the option to be housed only in a single-sex educational housing space with individuals of the same sex.
34	H. This subsection may not be construed to prohibit a covered entity from:
35 36 37	(1) Adopting policies necessary to accommodate persons protected under the federal Americans with Disabilities Act of 1990, young children in need of assistance or elderly individuals requiring aid;
38 39	(2) Establishing single-occupancy restrooms, changing rooms or sleeping quarters or family restrooms, changing rooms or sleeping quarters; or

1 2 3	 (3) Redesignating a multi-occupancy restroom, changing room or sleeping quarters designated for exclusive use by one sex to a designation for exclusive use by the opposite sex. 5 Legal remodul private right of action. A private sixil action may be filed in
4 5	5. Legal remedy; private right of action. A private civil action may be filed in accordance with this subsection.
6 7 8 9	A. An individual who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a knowing violation of subsection 2 has a private cause of action against the covered entity, private school or private postsecondary education institution.
10 11 12 13	B. An individual who, while accessing a restroom or changing room designated for use by the individual's sex, encounters another individual of the opposite sex in that restroom or changing room has a private cause of action against the covered entity if the covered entity:
14 15	(1) Provided the other individual permission to use a restroom or changing room of the opposite sex; or
16 17	(2) Failed to take reasonable steps to prohibit the other individual from using the restroom or changing room of the opposite sex.
18 19 20	C. An individual who is required by the covered entity to share sleeping quarters with another individual of the opposite sex has a private cause of action against the covered entity.
21 22 23 24 25 26	D. An individual who is subject to retaliation or other adverse action by a covered entity, private school, private postsecondary education institution or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school or athletic association or organization, or to any state or federal agency having oversight of schools in the State, has a private cause of action against the school or athletic association or organization.
27 28 29 30 31	E. A covered entity, private school or private postsecondary education institution that suffers any direct or indirect adverse action by a government entity, licensing or accrediting organization or athletic association or organization as a result of complying with this section has a private cause of action against the government entity, licensing or accrediting organization or athletic association or organization.
32 33 34 35 36	F. All civil actions brought pursuant to this subsection must be initiated within 2 years after the violation occurred. Individuals or organizations that prevail on a claim brought pursuant to this subsection are entitled to declaratory and injunctive relief; compensatory damages, including for any psychological, emotional or physical harm suffered; reasonable attorney's fees and costs; and any other appropriate relief.
37	SUMMARY
38 39 40 41 42 43	This bill requires that interscholastic and intramural athletic teams or sports that are sponsored by public schools, public charter schools, public postsecondary education institutions or schools they compete against be designated as male, female or coed. The bill also prohibits students who are male from participating in an athletic team or sport designated as a female team or sport. The bill requires public schools, public charter schools and public postsecondary education institutions to designate restrooms, changing

- 1 rooms and sleeping quarters as for use by either only females or only males with limited
- 2 exceptions. The bill provides that an individual may have a private cause of action against
- a public school, public charter school, public postsecondary education institution, private
 school, private postsecondary education institution or athletic association or organization
- school, private postsecondary education institution of athletic association of orga
 under certain circumstances as a result of a knowing violation of these provisions.