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Via Email Only: heidi@fixmaineschools.com

Heidi H. Sampson, Director
Samuel J. Whiting, Esq, Legal Counsel
Maine Education Initiative

RE: Maine Principals' Association

Dear Attorney Whiting and Director Sampson:

I represent the Maine Principals' Association (MPA), and I am writing in response to your letter dated March 5, 2025.

As you know, the MPA is a private, nonprofit educational organization that oversees interscholastic activities, with membership comprising of all of Maine's public high schools, as well as some private high schools across the state. The MPA's policy and Maine schools' policies on transgender athlete participation are required under Maine state law and are not the independent decisions of these organizations.

As you know, the issue of gender identity in sports has become a legal matter of considerable importance, particularly following the recent February 5th Presidential Executive Order, *Keeping Men Out of Women's Sports*. This Order requires schools and athletic associations to provide both single-sex sports and single-sex locker rooms for its participants and effectively prohibits the participation of transgender girls and women in female sports. The Order also requires enforcement actions to be brought against organizations that do not comply. This Executive Order creates a legal dilemma in light of the Maine Human Rights Act (MHRA) and its provisions on gender identity.

As you are also aware, the MHRA was amended in 2021 to include gender identity as a protected class. Specifically, Maine state law outlines the following provisions: (1) 5 M.R.S.A. § 4591 declares that it is a civil right for "every individual to have equal access to places of public accommodation without discrimination because of race, color, sex, *sexual orientation or gender identity*, age, physical or mental disability, religion, ancestry or national origin," and (2) 5 M.R.S.A. § 4602 stipulates that to deny a person equal opportunity in athletic programs based on sex, sexual orientation or gender identity constitutes unlawful educational discrimination in violation of the MHRA.

Furthermore, on January 21, 2025, the Maine Department of Education (MDOE) issued a proactive statement affirming that Maine school districts must comply with the MHRA regarding transgender athlete participation. The statement explicitly clarified that the Executive Order



applies solely to federal agencies and does not supersede Maine law or locally adopted school policies.

The MPA is committed to ensuring fairness and compliance with the law in all aspects of interscholastic athletics. In light of the recent confrontation between the Governor and the President regarding the participation of transgender athletes, let me clarify that the MPA is adhering to the guidance of legal counsel and MDOE and following Maine state law, as required, and should not be part of the debate. Unfortunately, the MPA, along with Maine schools, finds itself caught in a political struggle between state and federal authorities. Again, the MPA's current policy regarding transgender athletes is dictated by state law and is not a decision independently made by the MPA.

There has been a misunderstanding that the MPA has deliberately chosen not to follow the federal Executive Order. In reality, the MPA has been advised that it must comply with Maine state law. This situation places Maine's student-athletes, schools, and state associations in a difficult and uncertain position through no fault of their own. It is also putting innocent children in the middle of a political debate, which I am sure we can all agree is not acceptable.

The MPA remains dedicated to supporting all student-athletes and ensuring that its policies reflect both legal requirements and its commitment to inclusivity and fairness in school sports. The MPA continuously reviews its policies and procedures and will continue to do so. Should the law or any relevant directives change in the future, the MPA will make the necessary adjustments accordingly. Respectfully, if your organization wants to see changes to the law, it should focus its attention on the Maine Legislature directly.

Sincerely,



James E. Belleau

JEB/mam
Encl.

CC: Maine Principals' Association (via email only)