

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.: CV-25- 188

MAINE HUMAN RIGHTS
COMMISSION

PLAINTIFF,

v.

MAINE SCHOOL ADMINISTRATIVE
DISTRICT 70, REGIONAL SCHOOL
UNIT 24, REGIONAL SCHOOL UNIT
73, BAILEYVILLE SCHOOL
DEPARTMENT, AND RICHMOND
SCHOOL DEPARTMENT

DEFENDANTS.

COMPLAINT (INJUNCTIVE RELIEF REQUESTED)

1. Plaintiff Maine Human Rights Commission (“Commission,” “MHRC,” or “Plaintiff”) brings this action for declaratory and injunctive relief against Defendants Maine School Administrative District 70 (“MSAD 70”), Regional School Unit 24 (“RSU 24”), Regional School Unit 73 (“RSU 73”), Baileyville School Department (“Baileyville”) and Richmond School Department (“Richmond”)(collectively “Defendants”).

PARTIES

2. The Commission is a quasi-independent agency of the State of Maine, located in the City of Augusta, County of Kennebec. The Commission has the authority to appear in court, to file litigation in its name for the use of victims of unlawful discrimination or of a described class, and to do “anything reasonably necessary to perform its duties under the [Maine Human Rights] Act”. 5 M.R.S. §§ 4566(8), (12).

AUGUSTA COURTS
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3. Defendant MSAD 70 is a Maine public school district headquartered in and operating out of Aroostook County, Town of Hodgdon, Maine.

4. Defendant RSU 24 is a Maine public school district headquartered in and operating out of Hancock County, Town of Sullivan, Maine.

5. Defendant RSU 73 is a Maine public school district headquartered in and operating out of Androscoggin County, Town of Livermore Falls, Maine.

6. Defendant Baileyville is a Maine public school district headquartered in and operating out of Washington County, Town of Baileyville, Maine.

7. Defendant Richmond is a Maine public school district headquartered in and operating out of Sagadahoc County, Town of Richmond, Maine.

JURISDICTION

8. This is an action under the Maine Declaratory Judgments Act codified at 14 MRS §§ 5951 – 5963, and the Maine Human Rights Act (“MHRA”), §§ 4551 *et seq.*

9. The events and acts at issue, and the causes that form the basis for this action, occurred in Aroostook County, Town of Hodgdon; Hancock County, Town of Sullivan; Androscoggin County, Town of Livermore Falls, Maine; Washington County, Town of Baileyville, Maine; and Sagadahoc County, Town of Richmond.

10. Venue is proper in Kennebec County pursuant to 14 MRS §§ 501, 505 because Plaintiff is located in Kennebec County.

FACTUAL ALLEGATIONS

11. The MHRA has prohibited discrimination on the basis of sexual orientation, gender identity, and gender expression since 2005.

12. Each of the Defendants is a public school district covered by the MHRA as an “educational institution”, 5 MRS § 4553(2-A), a place of public accommodation, *id.* at §4553(8)(J), and a public entity, *id.* at §4553(8-C).

13. Covered educational institutions are prohibited from discriminating against individuals on the basis of sex and sexual orientation or gender identity in access to academic and extracurricular programming, including athletic programs. 5 M.R.S. §4602(1)(A)&(B).

14. Covered public accommodations and public entities are prohibited from discriminating, excluding, or otherwise denying full and equal access to their services on the basis of sex and sexual orientation or gender identity. *Id.* at §§ 4592(1) (public accommodations), 4630(1) (public entities).

15. In 2014, the Maine Supreme Judicial Court, sitting as the Law Court, affirmed the application of the MHRA to sex-segregated public spaces -- specifically, communal restrooms -- in schools, ruling that a transgender student could not be denied access to the public accommodation of a school restroom corresponding with their gender identity. *Doe v. RSU 26*, 2014 ME 14, ¶ 21. As the Court explained, a school “cannot dictate the use of the bathrooms in a way that discriminates against students in violation of the MHRA.” *Id.* at ¶ 19.

16. The Commission has consistently held that this same duty of nondiscrimination applies in athletics, and that “[s]tudents should be allowed to compete on single-sex/gender teams based upon their gender identity.” *Commission Counsel Memo*, “Interpretation of the Education Provisions of the MHRA,” Jan. 13, 2016.

17. The MSAD 70 School Board met on April 14, 2025, and voted unanimously to recognize “only two sexes – biological male and biological female and that all private spaces be separated by biological sex.”

18. On June 9, 2025, MSAD 70 officially adopted the policy approved by its board on April 14th, requiring that its schools “recognize only two sexes: biological male and biological female”, and that the schools “provide athletic opportunities and private spaces for students separated by biological sex.”

19. On September 16, 2025, Baileyville adopted a policy that “multiple-occupancy bathrooms, locker rooms, and other sensitive areas [shall be separated] by sex,” that “certain athletic teams [shall be separated] by sex” and “[n]o student of one sex shall be allowed to play on a team designated for students of the opposite sex.” The policy defines “sex” to mean “biological sex”.

20. On October 9, 2025, RSU 73 adopted a policy requiring that its schools “recognize only two sexes: biological male and biological female,” and that the schools only “provide athletic opportunities and private spaces for students separated by biological sex.”

21. On October 16, 2025, Richmond adopted a policy requiring that students use of restrooms, locker rooms, and overnight accommodations, as well as their participation in interscholastic athletic activities, be restricted based upon the students’ biological sex.

22. Upon information and belief, other school districts throughout the State of Maine are considering whether to repeal their existing policies protecting transgender students from discrimination. By way of example, at least one other public school district has repealed its transgender student policy, but has not enacted a replacement policy nor taken action to bar

transgender students from participation in school activities in accordance with their gender identity.

23. The policies adopted by Defendants create a hostile educational environment for gender-nonconforming students in each of their respective public school districts and throughout the State of Maine.

24. Gender-nonconforming students in Defendants' districts, and other school districts throughout Maine, are harmed by Defendants' policies because they cannot be assured that they will be protected from unlawful discrimination when they participate in athletic competitions against school districts which have adopted policies requiring students to participate on teams corresponding with their biological sex. On information and belief, adults participating in public meetings held by Defendants (and other school districts) have threatened physical harm, up to and including assault and assault with a deadly weapon, against students participating in girls' sports who do not appear to the adults to be biological females. The Commission is in receipt of at least one email in which an adult expressed their desire that someone "make an example out of" a "piece of shit tranny" in the third grade, or that "he" and "his" parents get "in a car fire".

25. This issue cannot be adequately addressed through the Commission's usual complaint procedure for the following reasons:

- A. Upon information and belief, transgender students are unable or unwilling to bring complaints to the Commission because they fear being "outed" and subjected to dangerous retaliatory actions (*see* ¶ 24, *supra*).
- B. The harm created by these policies begins as soon as they are adopted by intimidating transgender students and making them feel unwelcome and unsafe in their public school, which they are required by law to attend. Waiting for a particular transgender student to suffer particularized harm will not allow the Commission to address the matter promptly and effectively.

C. The discriminatory policies are systemic and far-reaching, impacting students and others throughout the state. Piecemeal resolution would waste Commission and court resources, while a single assessment of the requirements of the MHRA would allow immediate and state-wide resolution of this issue.

26. The Defendants' policies described above violate the Maine Human Rights Act and the Maine Constitution, and should be enjoined.

COUNT I – DECLARATORY JUDGMENT
(5 MRS §§ 4601 - 4602)

27. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 26 as if fully set forth herein.

28. The MHRA provides, in part, that “[t]he opportunity for an individual at an educational institution to participate in all educational . . . and all extracurricular activities without discrimination because of sex, sexual orientation or gender identity . . . is recognized and declared to be a civil right.” 5 M.R.S. § 4601.

29. It is “unlawful educational discrimination . . . on the basis of sex, sexual orientation or gender identity . . . to: [e]xclude a person from participation in, deny a person the benefits of, or subject a person to, discrimination in any academic, extracurricular . . . or other program or activity; [or] [d]eny a person equal opportunity in athletic programs.” 5 M.R.S. § 4602.

30. Defendants, by adopting policies which prohibit students from participating in extracurricular activities and athletic programs corresponding with their sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

31. Defendants, by adopting policies which prohibit students from accessing locker rooms and restrooms corresponding with their sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

COUNT II – DECLARATORY JUDGMENT
(5 MRS §§ 4591 – 4592)

32. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 31 as if fully set forth herein.

33. The MHRA provides, in part, that “[t]he opportunity for every individual to have equal access to places of public accommodation without discrimination because of . . . sex, sexual orientation or gender identity . . . is recognized as and declared to be a civil right. 5 M.R.S. § 4591.

34. A public school or “other place of education” is a place of public accommodation under the MHRA. 5 M.R.S. § 4553(8)(J).

35. It is unlawful public accommodations discrimination for any public school “to directly or indirectly refuse, discriminate against or in any manner withhold from or deny the full and equal enjoyment to any person, on account of . . . sex, sexual orientation or gender identity . . . any of the accommodations . . . facilities . . . or privileges of public accommodation, or in any manner discriminate against any person in the . . . terms or conditions upon which access to accommodations . . . facilities . . . and privileges may depend.”

36. Defendants, by adopting policies which prohibit students from accessing public school facilities like bathrooms and locker rooms corresponding with their sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

37. Defendants, by adopting policies which prohibit students from participating in extracurricular activities and athletic programs corresponding with their sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

COUNT III- DECLARATORY JUDGMENT
(5 MRS § 4630)

38. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 37 as if fully set forth herein.

39. The MHRA provides, in part, that “[a] public entity may not discriminate against an individual, exclude an individual from participation in a service, program or activity of that public entity or otherwise deny to an individual the benefits of a service, program or activity of that public entity by reason of the individual's . . . sex, sexual orientation or gender identity”. 5 M.R.S. § 4630.

40. A public school is a “public entity” within the meaning of the MHRA. 5 M.R.S. § 4553(8-C).

41. Defendants, by adopting policies which prohibit students from accessing athletic programs, extracurricular activities, and public school facilities like bathrooms and locker rooms corresponding to their sex and sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

COUNT IV – DECLARATORY JUDGMENT
(MAINE CONSTITUTION, § 6-A)

42. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 41 as if fully set forth herein.

43. The Maine Constitution declares that “[n]o person shall be . . . denied the equal protection of the laws, nor be denied the enjoyment of that person’s civil rights or be discriminated against in the exercise thereof.” Me. Const. art. I, § 6-A.

44. Defendants’ policies, by discriminating against students based on their sex and sexual orientation or gender identity, prohibit students from enjoyment of their civil rights and prevent

them from maintaining equal protection under the law and, therefore, violate the Maine Constitution.

COUNT V – INJUNCTIVE RELIEF

45. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 44 as if fully set forth herein.

46. Defendants' policies are currently in effect and prevent Maine students with nonconforming gender identities from participating in athletic activities and from using public school facilities that correspond with their sexual orientation or gender identity, depriving them of their civil rights and causing irreparable injury to their protected class.

47. An injunction is necessary to protect those students from further harm, and to safeguard the public interest by ensuring that all Maine public school students are able to enjoy their civil rights free from discrimination in education, public accommodations, and public entities.

48. Defendants will experience no harm if enjoined from enforcing their discriminatory policies, and bear no administrative burden in revoking those policies.

49. The Commission is substantially likely to succeed on the merits of its claims because Defendants' policies are discriminatory on their face, and the MHRA prohibits discrimination based on sex, sexual orientation, and gender identity in covered educational institutions, public accommodations, and public entities.

**COUNT VI: DISCRIMINATION ON THE BASIS OF SEX AND SEXUAL
ORIENTATION OR GENDER IDENTITY IN VIOLATION OF THE MHRA
(EDUCATION)**

50. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 49 as if fully set forth herein.

51. Defendants' policies create a hostile educational environment for all gender-nonconforming students in their respective public school districts and throughout the State of Maine.

52. Defendants' policies treat gender-nonconforming students differently in the terms and conditions of their educational and extracurricular programs based on their sex and their sexual orientation or gender identity.

53. Defendants, by adopting policies which prohibit students from accessing athletic programs, extracurricular activities, and school facilities like bathrooms and locker rooms corresponding with and sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

**COUNT VII: DISCRIMINATION ON THE BASIS OF SEX AND SEXUAL
ORIENTATION OR GENDER IDENTITY IN VIOLATION OF THE MHRA (PUBLIC
ACCOMMODATIONS)**

54. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 53 as if fully set forth herein.

55. Defendants' policies create a hostile environment in places of public accommodation for all gender-nonconforming students in their respective public school districts and throughout the State of Maine.

56. Defendants' policies treat gender-nonconforming students differently in the terms and conditions of their public services and programs based on their sex and sexual orientation or gender identity.

57. Defendants, by adopting policies which prohibit students from accessing athletic programs, extracurricular activities, and public school facilities like bathrooms and locker rooms corresponding with their sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

**COUNT VIII: DISCRIMINATION ON THE BASIS OF SEX AND SEXUAL
ORIENTATION OR GENDER IDENTITY IN VIOLATION OF THE MHRA (PUBLIC
ENTITIES)**

58. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 57 as if fully set forth herein.

59. Defendants are public entities whose policies create a hostile environment for all gender-nonconforming students in their respective public school districts and throughout the State of Maine.

60. Defendants' policies treat gender-nonconforming students differently in the terms and conditions of their educational and extracurricular programs based on their sex and sexual orientation or gender identity.

61. Defendants, by adopting policies which prohibit students from accessing athletic programs, extracurricular activities, and public school facilities like bathrooms and locker rooms corresponding with their sexual orientation or gender identity, violated the MHRA by discriminating on the basis of sex and sexual orientation or gender identity.

COUNT IX: INTIMIDATION AND INTERFERENCE IN VIOLATION OF THE MHRA

62. Plaintiff realleges the facts and allegations set forth in Paragraphs 1 through 61 as if fully set forth herein.

63. The MHRA provides that “[i]t is unlawful for a person to coerce, intimidate, threaten or interfere with any individual in the exercise or enjoyment of the rights granted or protected by this Act or because that individual has exercised or enjoyed, or has aided or encouraged another individual in the exercise or enjoyment of, those rights.” 5 M.R.S. § 4633(2).

64. Defendants’ policies interfere with the rights of gender-nonconforming students to access covered educational institutions, places of public accommodation, and public entities without discrimination in violation of the MHRA.

65. Defendants’ policies intimidate gender-nonconforming students from asserting their rights under the MHRA to participate in programs and services provided by covered educational institutions, places of public accommodation, and public entities.

66. Defendants’ actions violate the MHRA.

PRAYER FOR RELIEF

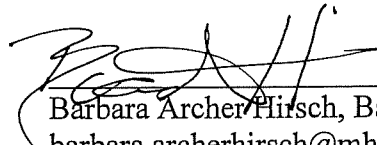
WHEREFORE, Plaintiffs’ respectfully request the Court to:

1. Declare that Defendants’ policies described herein violate 5 MRS §§ 4601 – 4602;
2. Declare that Defendants’ policies described herein violate 5 MRS §§ 4591 – 4592;
3. Declare that Defendants’ policies described herein violate 5 M.R.S. § 4630;
4. Declare that Defendants’ policies described herein violate Article I, § 6-A of the Maine Constitution;
5. Find that Defendants’ policies described herein violate the MHRA by treating gender-nonconforming students differently in the terms and conditions of education, public accommodations, and/or public entities, including by creating a hostile environment;

6. Find that Defendants' policies described herein interfere with and intimidate gender-nonconforming students asserting their MHRA-protected rights;
7. Enjoin Defendants from enforcing the policies described herein;
8. Order Defendants to repeal the policies described herein and to adopt new policies compliant with the Maine Human Rights Act; and
9. Grant any further relief that the court deems necessary, just, or appropriate.

Respectfully submitted,

Dated: November 17, 2025



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