

Summary of 2011 Maine effort to protect transgender-inclusive non-discrimination laws

The Bill and Bill Sponsor

Rep. Ken Fredette of Newport introduced LD 1046, a bill that would exempt public accommodations from Maine's non-discrimination laws for the purpose of restricting them based on "biological sex." Fredette had served on the Maine Human Rights Commission when they decided on two cases where transgender Mainers' bathroom use was challenged. Fredette was dissatisfied with the Commission's non-binding rulings in favor of the transgender Mainers. Both cases also resulted in lawsuits. He claimed throughout the legislative session that his goal in introducing LD 1046 was to protect Maine businesses from lawsuits. Bill text and other info: <http://www.mainelegislature.org/LawMakerWeb/summary.asp?ID=280040547>

The Coalition

A coalition of advocacy and trans community groups formed in late February to prepare for the legislative campaign. The coalition included: the Center for Preventing Hate, GLSEN of Southern Maine, Gay & Lesbian Advocates & Defenders (GLAD), EqualityMaine, the Maine Civil Liberties Union, Maine Gender Resource and Support Service, Maine Transgender Network, the Maine Women's Lobby and the Trans Youth Equality Foundation.

The Community

At the beginning of March, the coalition organized a meeting of trans community members. Subsequently, two more community meetings were held in Portland, as well as several others around the state. The meetings were small, between 18 and 35 people, included coalition partners, and centered around group decision-making.

Legislative Outcomes

The public hearing on the bill was attended by sixty opponents, and over thirty people testified against the bill, from a wide range of constituencies including business owners, women's groups, students, trans community members, faith leaders, and organizational representatives. Only six proponents of the bill testified. After an intensive lobbying effort, the House voted to defeat the bill 81 to 61, with sixteen Republican members voting against the bill. The Senate voted to defeat the bill 23 to 11, with eight Republican members voting against the bill. In a very challenging and partisan legislative session, these were remarkable bipartisan votes from a Republican-controlled Legislature.

Strategies that worked

In several debrief conversations, coalition and community members identified strengths of the campaign to defeat the bill in a few key areas.

Lobbying

- Communication about targets and specific tactics such as business outreach was constant. The lobby team kept the coalition and community members informed.
- We set up a "deputy" system where three deeply involved trans community members could weigh in on last-minute amendments.
- The young trans student from one of the Human Rights Commission cases came to Augusta with her father to lobby on three different days. They were incredibly effective.
- The lobby team developed a new, affirmative message about bathroom and shower use.

- The lobby team has worked together closely on other issues, so it was already a tight-knit group with good internal communication.
- Practical arguments against the bill (such as, questions about the feasibility of enforcement) were persuasive with some legislators.

Field

- After the lobby team shared that legislators were concerned about the impact on businesses, the field team collected over 50 business sign-ons from around the state to a letter opposing the bill.
- EqualityMaine had weekly phone banks in four different locations around the state generating calls to key legislators (identified by the lobby team).
- Coalition members sent at least three action alerts out via email at key moments in the campaign to generate emails to key legislators.
- The Maine Transgender Network mobilized its members statewide with letter and email writing sessions in different cities.
- Coalition members gathered almost 3000 petition signatures opposing the bill.

Communications

- We had a clear and consistent message.
- After some initial stories that focused on Rep. Fredette, we were able to work with media to put the trans community more at the center of their stories.
- A highlight of the media work is the MPBN interview with the Maines family: <http://www.mpbn.net/Home/tabid/36/ctl/ViewItem/mid/3478/ItemId/16666/Default.aspx> We recommend using this piece with legislators in other states.
- One editorial board visit resulted in a favorable editorial that we used heavily in our lobbying efforts: <http://bangordailynews.com/2011/05/17/opinion/transgender-people-deserve-privacy-dignity-in-public-bathrooms/>

Coalition

- The coalition was broad and met once a week (or more) by phone to coordinate the lobbying, field and communications efforts.
- Coalition roles were clear. We were flexible and changed focus when necessary.
- It was helpful to have one person coordinate the different components.

Community Participation

- Community meetings were focused on sharing information and making strategic decisions about the campaign. The coalition deferred to and valued community input.
- A broad range of trans community members were involved.
- Community members could choose how much they wanted to participate.

Things we would do differently next time

- Start bringing together the coalition and doing community organizing sooner.
- Do stronger outreach to key constituencies, particularly business, schools and law enforcement, to identify more people who could have testified and lobbied.
- Identify a high-profile political champion early on, someone who could have spearheaded the effort within the Legislature.