



Testimony in Support of SB 432
St. Mary's County Library

Hearing Before the Education, Health and Environmental Affairs Committee: February 11, 2021
I ask that this Committee give this bill a Favorable Report and move it forward

Dear Chair Pinsky, Vice Chair Kagan, and Members of the Committee,

I am writing today on behalf of the St. Mary's County Library, Maryland's Digital Library Consortium, the American Library Association's Joint Digital Content Working Group, and [ReadersFirst](#) (a 300 library international advocacy group) to ask that you support SB 432.

[Studies show](#) that certain publishers of digital content are increasingly offering ebooks and digital audiobooks that they will not share with libraries. Examples include Amazon and Audible, which between them shut libraries out of over 20,000 digital titles, including popular works in high-demand from J. K. Rowling, Margaret Atwood, Alice Walker, Dean Koontz, Neil Gaiman, and others. Some of the "Big 5" publishers, responsible for some 90% of best-selling books, have at times refused to make their content available, either in the first 90 days after publication or sometimes at all. Imagine if Maryland's Governor, or one of you, were to write a book that Marylanders could not access through your public library. Would you want library readers to be cut off from your work?

SB 432 will simply allow Maryland libraries to provide this content. These restrictive publisher practices weigh most heavily on those in straightened economic circumstances: not everyone can afford to buy all the titles they'd like to read. They also disadvantage all library readers in a time when the pandemic limits much borrowing of materials except digitally. Should a credit card purchase be required to be an informed Maryland resident?

SB 432 will also help us fulfill one of our most basic duties: preservation. We cannot preserve for the future items to which we have no access, and there is no guarantee that publishers will bother to maintain the intellectual record after titles are no longer of commercial interest.

Please note that this bill is not "anti-publisher." It is Pro-Maryland Library Reader. Libraries pay publishers for access to content, and this bill deliberately says only that terms must be "reasonable." Legislators are not being asked to intervene in the marketplace between publishers and libraries. Publishers will continue to have full say in what are reasonable prices. Libraries and publishers will negotiate costs for their mutual benefit. The bill also has provisions ensuring that libraries will make content fairly available under agreed-upon terms. These provisions should reassure publishers, though library digital content has built-in protections to prevent unauthorized use and we rigorously protect author's rights. We pay agreed-upon prices and work with the publishers as partners. We just want fair access for Maryland library readers.

Thank you for your consideration and your support of Maryland's library readers.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Blackwell".

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