

Testimony in Support of SB 432

Hearing Before the Ways and Means Committee: March 24, 2021

Request this Committee give this bill a Favorable Report

Dear Chair Kaiser, Vice-Chair Washington, and Distinguished Members of the Committee:

As the Executive Director of Carroll County Public Library, let me say “Thank you!” for your support of public libraries across the state and request your support of SB 432, Electronic Book Licenses – Access. This legislation requires a publisher who offers to license an electronic book to the public to also offer to license the book to public libraries in the State on reasonable terms that would enable public libraries to provide library users with access to the electronic book. Additionally, SB 432 requires the license terms authorizing public libraries to provide access to electronic books to include certain limitations and measures.

A credit card should not be required to be an informed Marylander. Some current and past publisher practices hurt Maryland Library Readers. Currently, Amazon and Audible, which between them have over 20,000 “exclusive” titles, will license certain content to consumers but not to libraries. Much of this content is in high demand, including works by many well-known authors such as J. K. Rowling, Margaret Atwood, Alice Walker, Dean Koontz, Neil Gaiman, and others. A major provider of audiobooks, Blackstone, currently supplies ten new titles per month exclusively to Audible, disallowing the purchase of the titles by libraries for three months after release. This time last year, Macmillan, one of the “Big 5” publishers, was also limiting library access to titles for three months. Macmillan rescinded this policy during the pandemic but could revert to more restrictive policies later. SB 432 will simply allow Maryland libraries to provide this content. Such publisher practices weigh most heavy on those who are asset limited, as not everyone can afford to all the titles they would like to read and need to facilitate their academic growth.

There are several additional key facts that you should be aware of for SB 432:

- Libraries benefit publishers by allowing discovery of titles and often leading readers to find what they want to purchase. A Pew Report verified: “Looking specifically at library card holders, we find they are buyers as well as borrowers of books.”
- Libraries already follow all publisher license restrictions on the use of digital content, but HB518 stipulates that we will act fairly to prevent unauthorized use.
- Library digital content has built in protections to prevent unauthorized use and we rigorously protect author’s rights.
- Libraries pay agreed-upon prices and work with publishers as partners. Libraries simply want fair access for all Maryland readers.

Part of CCPL’s service to Maryland, beyond our work to serve the greater Carroll County area, is that we manage the operations of the Maryland Digital eLibrary Consortium. This group of 20 libraries work together to leverage our purchasing power and make as many titles as possible available to our customers.

Across Maryland, library customers read across all formats at all times, especially so during the pandemic where use of electronic books has grown over 50% from this same time period last year, with over 2.3 mil titles borrowed between July, 2020 and the end of January, 2021.

Thank you for your continued support of Maryland libraries. Please let me know if you would like to discuss the impact of this legislation in more detail.

Andrea

Andrea Berstler | Executive Director

Carroll County Public Library | Administrative Offices

1100 Green Valley Rd. New Windsor, MD 21776

Legislative Officer / Immediate Past President, Maryland Library Association