

# **EXHIBIT 5**



**SUPPORT OF HB 518/SB 432**

**Public Libraries – Electronic Book Licenses – Access**

January 28, 2021

Delegate Anne R. Kaiser, Chair  
House Ways and Means Committee  
House Office Building  
Annapolis, MD 21401

Dear Delegate Kaiser:

On behalf of the Baltimore County Public Library we are writing to strongly support HB 518/SB 432 Public Libraries-Electronic Book Licenses-Access. This bill would require 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, thereby enabling public libraries to provide library users with access to this electronic content.

Library systems such as ours have been and are paying for this content and ensuring it is fairly used. Yet libraries pay much higher prices than general consumers do for access to this electronic material. For example, an eBook that might cost an individual a one-time fee of \$10 to \$15 will typically cost a library \$55 to \$65 for a time-limited (two-year) license. Similarly, a digital audio that might cost a customer \$20 may cost a library \$95. Such pricing practices place an unreasonable financial burden on Maryland library systems, who must carefully utilize their limited materials budgets to provide a wide array of materials to state and county residents.

Unfortunately, current and past publisher practices have made it difficult for libraries to help Maryland readers in this way:

- Amazon and Audible, which between them have over 20,000 “exclusive” titles, will license this content to consumers but not to libraries at all. Much of this content is in high demand, including works by many well-known authors: 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.

- Last year, one of the “Big 5” publishers, Macmillan, limited library access to titles for 3 months. Macmillan rescinded this policy during the COVID pandemic, but could revert to more restrictive policies in the future.

It has been shown that library provision of these e-materials actually benefits publishers, as it often leads readers to find titles they want to purchase, thus supporting buyers as well as borrowers. We see this bill as being not “anti-publisher”, but rather “pro-reader”; and that it is, moreover, aligned with our collective mission to provide and preserve access to materials for the benefit of Maryland citizens.

HB 518/SB 432 will simply allow Maryland libraries to continue their mission to support readers throughout Maryland by providing this e-content to libraries under reasonable terms. It, deliberately, does not set prices. Rather, it simply states that terms must be “reasonable.” We are not asking our legislators to intervene in the marketplace between publishers and libraries. Libraries and publishers will negotiate costs for their mutual benefit. Libraries already follow all publisher license restrictions on the use of digital content, but HB 518 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.

In summary, our objective in supporting this bill is clear: make it possible for libraries to pay reasonable, agreed-upon prices for e-content, and to work with the publishers as partners in ensuring fair access for Maryland library readers.

Thank you very much for your consideration and continued support of Maryland libraries.

Sincerely,

James C. Cooke, Interim Co-Director



Natalie Edington, Interim Co-Director



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cc: Delegate Joseph Boteler III  
Delegate Eric Ebersole  
Delegate Jessica Feldmark  
Delegate Michelle Guyton  
Delegate Robert Long  
Senator Clarence Lam