

May 3, 2023

Testimony re: LD 123: “An Act to Prohibit the Dissemination of Obscene Matter to Minors in Public Schools” and LD 1008: “An Act to Establish a Rating System for Books in School Libraries” – OUGHT NOT TO PASS

Senator Rafferty, Representative Brennan, and honorable members of the Joint Standing Committee on Education and Cultural Affairs:

Thank you for the opportunity to provide comment in opposition to LD 123 and LD 1008. My name is Chris McLaughlin, and I am a licensed clinical social worker with over 22 years of experience providing behavioral health services to children and families across a variety of treatment settings here in Maine. I am also humbled to be the Executive Director of the Maine Chapter of the National Association of Social Workers (NASW-ME). A large part of my job at NASW-ME is to represent the interests of Maine’s social workers as they endeavor to meet the behavioral health needs of Maine people across all settings and ages from Fort Kent to York and all places in between. On behalf of our over 1000 members here in Maine, including many school social workers, I’m honored to share thoughts on this important proposed legislation.

The titles of these proposed bills are misleading. What on the surface appears to be efforts to simply protect children are in fact designed to, among other things, disrupt local control, minimize the training and expertise of educators and behavioral health providers, and further marginalize youth from historically underrepresented and oppressed communities. These bills represent versions of many “culture war” bills flooding state legislatures all across the government. Bills such as LD 123 and LD 1008 have no place in our great state.

LD 123 is an affront to the well-established concepts of access to educational materials, freedom of expression, encouragement of critical thinking, and supporting student intellectual freedom and first amendment rights. This bill fails to acknowledge the training and expertise of school librarians who already thoroughly review library materials for their total educational value and of teachers who are highly skilled in identifying what materials best align with the concepts they are looking to teach to their students. NASW-ME is particularly concerned for school social workers and school counselors who must be trusted to identify what resources their students need to assist them with whatever behavioral health crisis is happening for that student in that moment. Finally, we are concerned with the impact that LD 123 would have on Maine’s already understaffed and backed-up court system. This bill has the potential to further distract courts away from more pressing needs and is a waste of taxpayer funds. LD 123, unfortunately, provides more questions than answers such as:

How many books, pictures, photos, artwork, and videos would be submitted at the state level?

How will this effort burden our District Attorneys and Attorney General as citizens submit “matter” that they find objectionable?

How much time this will take up in the already busy court system?

How much this will cost the state with trials to determine if the books challenged are obscene?

How will our District Attorneys and Attorney General find the time to do their due diligence to consider the matter as a whole to determine "literary, artistic, political or scientific value."

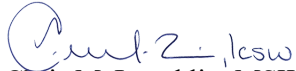
Similarly, LD 1008 would propose an unnecessary legislative mandate on Maine schools who are already struggling with administrative burdens, staffing vacancies, federal and state assessment requirements, and managing an ever growing youth behavioral health crisis, not to mention the epidemics of teacher burnout and low staff morale. This bill would expose Maine schools to any number of outside special interest groups looking to turn profit or push their harmful agendas onto

the students of Maine. Many state and professional organizations believe that blanket and one-sided rating systems for books would violate student and parent freedoms and would further harm students who identify with historically marginalized and underrepresented groups such as students of color and from indigenous communities, LGBTQ+ students, and students from minority religions and ethnicities. LD 1008 is a blatant form of censorship. NASW-ME is a strong proponent of parents having the right to set expectations for their own children. However, we oppose the notion that one individual or small group of individuals should have the power to limit access for all the youth of that school. By requiring publishers to adhere to a standard set for just one state, the passage of LD 1008 will likely result in a reduction in the number of vendors doing business in Maine and therefore, would give only certain vendors who promote a certain set of values the ability to make a profit on Maine schools as they advance their capitalistic ideology. ALL students need to feel seen and valued in schools. One way this happens in through representations of diversity in books found on library shelves and in classrooms. Unfortunately, the individuals who back efforts such as LD 1008 seem overly focused on rating just those books that have characters who are LGBTQ+ or who are from BIPOC communities. 41% of the books banned across U.S. classrooms and libraries during the 2021-2022 school year contained LGBTQ+ themes while another 40% involved major characters of color (1). LD 1008 is just another effort to eradicate the existence of such communities and further perpetuate the harm being done to these youth. Allowing one person's or group's perspective to dictate what is "appropriate" or "mature" content just exacerbates the harmful, yet very prevalent, practices of oppression, discrimination, and shame.

Simply put, the most successful and effective way to protect ALL students is to trust school librarians, teachers, and school social workers and counselors to decide what is most appropriate for students who can then work collaboratively with parents and families to maximize their choice for their children. I urge this committee to allow these individuals to do their jobs without obstruction or overreaching laws standing in their way by rejecting both LD 123 and LD 1008.

I want to thank you all for your work on this issue. Please do not hesitate to reach out to NASW-ME for any support we can offer, including any social work representation and participation in any future work sessions, should it be necessary, for LD 123 and LD 1008.

Thank you again,



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Citations:

(1) <https://www.newsweek.com/among-banned-books-us-schools-41-percent-have-lgbtq-themes-report-1745557>