I support HB162, the Maryland Uniform Electronic Materials Act. I strongly urge the Committee to approve HB62 with a favorable report.

HB162, or UELMA, addresses an urgent problem, identified in the American Association of Law Libraries’ 2007 State-by-State Report on Authentication of Online Legal Resources, that more and more states are eliminating their print legal resources in favor of online-only, without assuring trustworthiness or reliability. This bill will ensure that online legal material is guaranteed the same level of trustworthiness traditionally provided by print publications.

As a law librarian, I am concerned with access to both current and historic Maryland legal material. If you were to visit a Maryland law library, you would find the code of Maryland in print. It is easy for me provide access by placing the books on a shelf. It is relatively easy for me to preserve the laws of the past by keeping the older volumes. It is easy for someone using the book to tell that they are looking at the correct text by inspecting the title page and comparing the book to the other books in the set.

I don’t have the ability to take care of an electronic publication in the same way I can a book. UELMA will make sure that should the publisher decide to provide access to an online version only, it will be accessible to the public, provisions will be made on an ongoing basis for the preservation of the material and there will be a way to determine trustworthiness.
It is important that measures are taken for online legal materials to be accessible at the time of publication and in the future. This means ensuring that technology doesn’t make formats obsolete and inaccessible. We only have to look to the 5 ¼ inch floppy disk, the 3 ½ floppy disk, or even CD-ROMs. So many changes can affect the ability to use technology. I just received a book containing the laws of Maryland from 1860. It still works.

UELMA will make it so this will be true for electronic online materials, too. UELMA provides for a technology-neutral, outcomes-based approach to ensuring that online state legal material deemed official will be preserved and made permanently available to the public in unaltered form. This approach will give Maryland flexibility when determining methods for complying with UELMA now and in the future.

We may not really have a problem with access, preservation and authentication in Maryland now. However, if we wait until we do, it could be too late. Maryland has had some near misses in this area recently. A few years ago it was proposed to publish COMAR online only without provisions for permanent public access and authentication. Luckily the proposal was tabled. It is important to have the requirements for electronic only publication in place so that these issues are addressed correctly from the beginning.

I strongly urge you to support HB162.

Submitted by,

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