

Protecting the Freedom to Read in Maine

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ABSTRACT

The freedom to read is essential to our democracy and supports an informed citizenry, yet it faces continuous threats. This article examines historical and contemporary challenges to this freedom. It discusses the resurgence of book bans, the motivations behind these efforts, and the responses from various stakeholders. By highlighting recent trends and legislative actions, the article aims to inform policymakers and concerned citizens about the importance of protecting the right to read in Maine libraries.

INTRODUCTION

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label “controversial” views, to distribute lists of “objectionable” books or authors, and to purge libraries. These actions apparently rise from a view that...free expression is no longer valid; that censorship and suppression are needed to counter threats...as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

—American Library Association¹

Reading the above statement, one would be forgiven for thinking it was written in 2024, rather than 1953 when it was originally drafted. Book censorship is far from new—it dates back to 1637 in the United States. However, recent trends show an alarming rise in censorship, with new challenges and considerations emerging in response to the latest wave of book bans. Additionally, legislation targeting education has surged, including efforts to criminalize or deprofessionalize librarians. Despite this, national surveys reveal strong public trust in librarians and widespread support for the freedom to read. This article will provide a common vocabulary and understanding of the issue, examine the current state of book challenges nationally and in Maine, their motivations, and the legislative landscape, and suggest a path forward. Book censorship, one form of censorship, harms democracies, as a democracy cannot thrive without an informed citizenry.

BACKGROUND

Intellectual Freedom

Intellectual freedom is the right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored.²

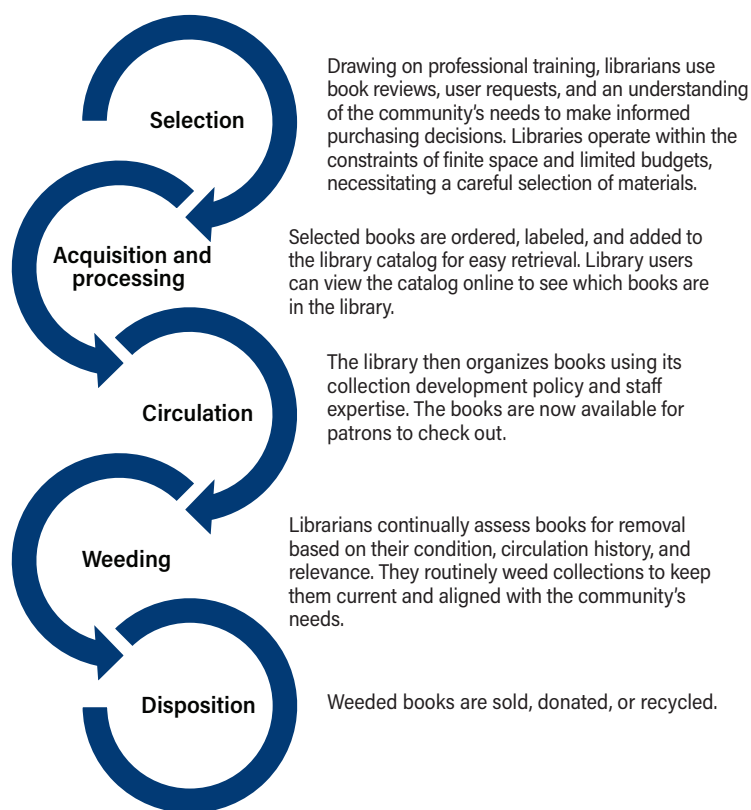
Public policy and legislative issues affecting libraries often center on intellectual freedom, encompassing censorship, privacy, free speech, access, academic freedom, campus speech, copyright, and disinformation. The Constitution safeguards our rights to speak, write, publish, and read, with the First Amendment explicitly stating, “Congress shall make no law abridging the freedom of speech.” As Emily Knox, associate professor at the University of Illinois School of Information Sciences, testified before the US Senate, this right does not depend on whether or not those in government agree with the ideas being expressed (Knox 2023). Intellectual freedom ensures access to all ideas, allowing information seekers to explore diverse perspectives and examine all sides of a question.

Library Policies

Maine’s libraries operate under varying governance structures, mainly municipal departments and nonprofit organizations. Despite governance differences, all libraries follow specific policies to guide their workflow and ensure effective library collection management. To see local examples, visit the Maine State Library’s Sample Library Policies webpage.³

Maine state law dictates that school boards are responsible for voting on governing policies in school libraries. Additionally, as a local-control state, Maine grants school boards the authority to decide curriculum and other educational matters. School libraries strive to maintain collections that enrich learning, as outlined by National School Board Association policies (IJJ, Text/Supplementary Materials Selection and Adoption). These policies cover the academic goals and objectives of the

FIGURE 1: Lifecycle of a Library Book



school unit and include the IJJ-E (citizen's challenge to educational media) for reconsidering instructional materials. These policies also mandate the maintenance of diverse materials.

Maine's Public Library Standards guide how public libraries should operate.⁴ The standards call for collection development policies that include handling challenges to library materials. Library board trustees collaborate with library administration to develop and adhere to these policies, which dictate how library materials are selected and maintained. The standards also state that library staff must distinguish between personal convictions and professional duties and not allow personal beliefs to interfere with the fair representation of the library's aims as an institution.

Collection development policies serve as the framework for maintaining a library collection. The lifecycle of a print book in libraries involves several key stages (Figure 1).

This lifecycle reflects libraries' dedication to maintaining collections that meet users' needs. When concerns about specific materials arise, the library adheres to a systematic process defined in its collection development and reconsideration policies. Users may submit a materials reconsideration form, initiating a review by librarians. The library director communicates the outcome in writing, and if the user disagrees, they can appeal to the school or library board. The board holds public meetings to gather comments before reaching a final decision. This transparent process ensures challenges are addressed fairly, balancing intellectual freedom with users' concerns.

Book Bans

Book bans, book challenges, and soft censorship describe different forms of content restriction, each affecting access to information and freedom of expression.

A book ban occurs when a book is removed from a library, classroom, or educational setting in response to objections about its content. Such actions limit

access for the intended audience, infringing on students' freedom to read and restricting educators' ability to offer diverse materials. Bans can involve outright removal or imposed limitations, such as requiring parental permission or restricting access to certain grade levels. Book banning represents a form of censorship that disregards the professional expertise of educators and librarians.

Community members have the right to challenge books in a library, an action aimed at removing or restricting access to specific materials. Individuals, groups, or institutions can initiate challenges, though they do not always result in a ban. Even if a challenged book remains available, the challenge seeks to influence what is accessible in educational settings, often leading to changes in how or where the material can be accessed.

The term book ban is often debated. Researchers from the Education Freedom Institute and the Heritage Foundation criticized PEN America's 2022 report on book bans, claiming inaccuracies in its findings. In "The Book Ban Mirage," they argue that nearly 75 percent of the

books PEN identified as banned were still accessible in school libraries, though some had been relocated to different grade levels. They contend that most so-called bans are more accurately described as relocations rather than outright removals (Eden et al. 2023). Emily Knox argues, however, that relocating a book, requiring parental consent, or selling it does not mean it isn't banned, as these actions still limit access and constitute forms of censorship. She prefers "censorship" to describe practices such as redaction, restriction, relocation, and removal, with removal being a specific type of censorship (Knox 2023).

Soft censorship in libraries occurs when materials are limited, removed, or never purchased to avoid potential controversy or challenges. Unlike overt censorship resulting from formal challenges, soft censorship is preemptive and often subtle, yet it can significantly undermine the intellectual freedom of library users. It prioritizes avoiding backlash over providing access to a diverse and inclusive collection. Soft censorship can take many forms, including relocating books to sections of the library that are harder for patrons to access, avoiding featuring certain content in book displays, not purchasing controversial materials, or removing books before they might be challenged.

While often unnoticed, soft censorship creates a chilling effect that erodes the role of libraries as spaces of intellectual freedom. By avoiding controversy, libraries risk marginalizing voices, limiting diverse perspectives, and failing to uphold their commitment to equitable access. Soft censorship seeks to avoid backlash, which can take many forms, including public outcry, social media campaigns, threats to library funding, or even personal attacks on library staff. Deborah Caldwell-Stone, director of the American Library Association's Office for Intellectual Freedom, highlights the growing hostility faced by librarians, noting increasing attacks on librarians and libraries, ranging from character assassination and the use of social media to inflame and intimidate, right up to bomb threats (Alter 2024).

HISTORICAL CONTEXT OF BOOK CENSORSHIP

Book banning and censorship are longstanding issues in the United States, with roots tracing back to 1673 when New English settlers banned Thomas Morton's *New English Canaan* for its scathing critique of Puritan customs and authority (Taub 2019). From the nation's early days, freedom of expression was not guaranteed, and

efforts to control ideas have been a persistent challenge in shaping the nation's cultural and political landscape.

The First Amendment to the US Constitution, passed in 1791, guarantees freedom of expression, including the right to access a broad range of information and viewpoints.⁵ This principle underpins the role of publicly funded libraries, which provide open and equitable access to information without censorship. The First Amendment also extends to school curriculum, allowing individuals, including students, to express their opinions freely.

Despite the First Amendment, in the 1800s censorship had broad support among the American public. The Confederacy, intent on preserving slavery, banned Harriet Beecher Stowe's *Uncle Tom's Cabin* (1851) not only for its pro-abolition message, but also for sparking intense debates. Slaveholders publicly burned the book and prohibited it along with other antislavery literature (Blake-more 2023).

Ratified in 1868, the 14th Amendment underscores the importance of equal protection and challenges the exclusion of historically marginalized groups' experiences from school curricula. This amendment, designed to ensure equal citizenship for formerly enslaved Black people, should bar the removal of their historical experiences from public school education. Bans on books that discuss the experience of marginalized groups, the majority of book challenges, not only undermine democratic values but also conflict with the 14th Amendment's goal of ensuring inclusive education.

By 1873, the Comstock Act criminalized sending "obscene, lewd, or indecent" materials through the mail and made it illegal to sell, give away, or possess such content. This act led to banning of materials like anatomy textbooks, reproductive pamphlets, and works by Oscar Wilde. The law remained until 1957 when the Supreme Court, in *Roth v. United States*, redefined obscenity to include only content "utterly without redeeming social importance." Later Supreme Court rulings further defined obscenity.

The American Library Association (ALA) drafted the "Library Bill of Rights" in 1939 after several incidents banning *The Grapes of Wrath* by John Steinbeck. Many influential California farm owners found Steinbeck's portrayal of farmworkers as penniless workers picking crops unfair, calling it libel and not wanting the book widely read as they feared it might inspire union creation. With a four-to-one vote, a book ban remained in effect for a year and a half, with many copies publicly burned (Neary 2008).

The “Library Bill of Rights” is a fundamental declaration of library values that guides librarians in serving their communities and defending all library patron rights. It addresses the “growing intolerance, suppression of free speech, and censorship affecting the rights of minorities and individuals.”⁶

In the early 1950s, Senator Joseph McCarthy’s Red Scare fueled widespread fears of communist infiltration in American culture, including within the realm of books. The subsequent investigations are often viewed as a stark example of government overreach into the private lives of Americans. In 1953, President Dwight D. Eisenhower publicly challenged McCarthyism for the first time, addressing Dartmouth College graduates with a call for caution and responsibility in the face of these fears:

Don’t join the book burners. Don’t think you are going to conceal faults by concealing evidence that they ever existed. Don’t be afraid to go in your library and read every book, as long as that document does not offend our own ideas of decency. That should be the only censorship. (Eisenhower 1953)

Library historian Wayne Wiegand (2016) observes that librarians were acutely aware of this period’s shifting cultural and legal landscape. In response to growing concerns over censorship, the ALA developed the Freedom to Read Statement, which emphasized the vital role of unrestricted access to information in a democratic society. The statement, introduced at the 1953 ALA conference, opened with the powerful declaration: “The freedom to read is essential to our democracy.”⁷

Twenty years later, the Supreme Court case *Miller v. California*, 413 U.S. 15 established the legal definition of obscenity, the Miller Test. The three-pronged test defines material as obscene if it (1) appeals to prurient interests based on community standards, (2) depicts sexual conduct in a patently offensive way, and (3) lacks serious literary, artistic, political, or scientific value. To ban a book as obscene, it must meet all three criteria. Censorship of books in schools and libraries hinges on this legal definition of obscenity. Recent book bans often rely on subjective interpretations of terms like *sexually explicit* or *sexual content* rather than *obscene* to avoid the strict standards of the Miller Test. Notably, most books targeted for censorship do not meet the legal definition of obscenity; they are often valued for their literary and educational merit. As the Miller Test requires, books must be evaluated in their entirety rather than based on isolated excerpts, as is often the case during school board hearings.

In addition to First Amendment protections, the Civil Rights Act of 1964 and its 1972 Education Amendments provide alternative legal avenues for challenging book bans. Title VI prohibits discrimination based on race, color, or national origin, while Title IX addresses discrimination based on sex. These statutes are crucial when banned books address race, critical race theory, or LGBTQ+ issues. Recently, the US Department of Education’s Office for Civil Rights (OCR) intervened in a Georgia school district after allegations that book bans targeting LGBTQ+ and BIPOC authors created a hostile environment. The OCR’s investigation focused on the discriminatory impact of these bans, noting that board meeting communications suggested an effort to exclude diverse authors and characters, particularly those who are LGBTQ+ or non-White (US DOE 2023).

The First Amendment directly affects book censorship in public schools. In the landmark Supreme Court case *Board of Education v. Pico*, the Court established a key legal standard for book banning. The case involved a local school board that removed several books from junior high and high school libraries due to objections to their content. While the Court ultimately remanded the case to the District Court, it made an important observation: local school boards have broad discretion over school affairs, but this authority must align with the First Amendment. The Court emphasized that removing books from school libraries could implicate students’ First Amendment rights. It ruled that school boards cannot remove books merely because they disagree with the ideas contained in them. Any book removal must be based on a valid educational reason and should not be an effort to suppress a particular viewpoint or ideology.

In the early 1980s, a surge in censorship efforts prompted cultural and political debates. One key moment during this period was the 1985 Senate Hearing on Record Labeling, which took place amid the height of the “Satanic Panic.” In response to this climate of growing censorship, the American Library Association (ALA) established Banned Books Week in 1982. This initiative aimed to raise awareness of the increasing challenges to literature, as advocacy groups like the Parents Music Resource Center (PMRC) pushed for restrictions on media, such as implementing parental advisory labels for music with violent or sexual content. These calls for regulating content bear a striking resemblance to current efforts to impose book rating systems (US Senate 1985).

Banned Books Week continues to serve as a reminder of the ongoing struggle against book censorship and remains an essential event in promoting intellectual freedom. Understanding this historical context is crucial for grasping the far-reaching consequences of censorship.

CONTEMPORARY RISING CENSORSHIP AND BOOK BANS

Censorship has reached unprecedented levels in recent years. The ALA’s Office for Intellectual Freedom (OIF) is experiencing a record number of book challenges. Deborah Caldwell-Stone, OIF Director, noted, “In my twenty years with ALA, I can’t recall a time when we had multiple challenges coming in on a daily basis” (ALA 2021). The recent surge in book bans, starting in late 2020 during the COVID-19 pandemic, coincided with broader societal debates over parental rights, school reopenings, mask mandates, and vaccines (Gambino 2023). Simultaneously, protests erupted in 2020, driven by a collective demand to end systemic racism following the murders of George Floyd, Breonna Taylor, and Ahmaud Arbery (Human Rights Watch 2024). This movement sparked increased efforts to educate people about the historical roots of racism and its impact on current society. On September 22, 2020, US President Donald Trump signed an executive order against “divisive concepts.” The order banned federal agencies and contractors from holding trainings regarding racism and diversity (The White House 2020).

Since 2020, book censorship numbers have continued to rise. In March 2024, the ALA reported that 4,240 unique book titles were challenged nationally in 2023, a 65 percent increase from 2022 and a 128 percent rise from 2021. Nearly half (47 percent) of these titles represented LGBTQIA+ and BIPOC voices. Multi-title challenges, where groups target numerous books simultaneously, comprised about 89 percent of all book challenges in public libraries in 2023, compared to just 5 percent in 2019 (ALA 2024). According to data from the *Washington Post*, during the 2021–2022 school year, only 11 people nationwide were responsible for 60 percent of book bans (Natanson 2023a). In the fall of 2023, one woman removed 444 books in a single Wisconsin school district (Jensen 2023).

Recent surveys and studies reveal a nuanced and polarized view of book censorship in US schools, highlighting that most Americans oppose book restrictions. A 2024 study from the Knight Foundation found that 60

percent of Americans know about book censorship, but only 3 percent actively engage in related efforts. Two-thirds oppose book restrictions in schools, and many trust librarians more than other groups to determine age-appropriate materials. Political divides exist, with conservatives more likely to support restrictions, while liberals, Democrats, and LGBTQ individuals generally oppose them. The study also found that many Americans trust librarians more than other groups to determine age-appropriate materials (Knight Foundation 2024). These findings are consistent with a 2016 Maine survey that found librarians were ranked as the second most-trusted professionals, with 78 percent of respondents rating them “very high” or “high” in trustworthiness, second only to nurses (Lockwood and Ritter 2016). Even as public trust in institutions has declined—evidenced by only 20 percent of Americans in 2017 expressing confidence in the government to do the right thing most of the time, down from 44 percent in 1984 (Pew 2017)—libraries and librarians have maintained the trust.

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Similarly, a 2022 ALA study found that 71 percent of voters oppose book bans. This opposition spans political affiliations, with 75 percent of Democrats, 58 percent of Independents, and 70 percent of Republicans opposing such measures. Respondents expressed confidence in librarians’ ability to make sound decisions regarding book collections and appreciate the diverse viewpoints offered by local libraries (ALA 2022).

A recent series of surveys from the EveryLibrary Institute and Book Riot asked parents about their perceptions of libraries and the library profession. According to the surveys, 95 percent of parents believe every school should have a librarian, and 93 percent feel their child is safe using a school library (McGehee 2024). Librarians are highly regarded, with 85 percent of parents satisfied with their work. In line with the Knight Foundation and ALA data, most parents support diversity in library collections, with 89 percent believing materials should reflect various communities and 86 percent supporting diverse characters—additionally, 87 percent back access to books on complex and controversial topics for teenagers. Although

TABLE 1: **Categories of State Legislative Initiatives**

Category	Description
Criminalizing libraries and museums	Remove defense from prosecution under obscenity laws or expose librarians to civil penalties
Changing obscenity definitions	Alter definitions of obscenity or "harmful to minors," affecting First Amendment rights
Book rating systems	Establish systems for rating books, potentially leading to segregation or expulsion of materials
Restrictive library policies	Mandate restrictive library policies, including those on collection development or material challenges
Limiting access to school library databases	Restrict access to school library databases
Onerous parental control requirements	Impose stringent parental control or notification requirements, potentially leading to material segregation.
Outlawing divisive concepts	Restrict or ban the teaching of divisive concepts.
Defunding or closing libraries	Could lead to defunding, closure, or politicization of libraries or library boards.
Limiting funding or participation in library associations	Restrict funding or participation in professional library associations or affect accreditation.
Deprofessionalizing librarianship	Loosen or eliminate licensing or certification requirements for librarians.

Source: (EveryLibrary 2024)

the study found overall support for libraries, some parents surveyed advocate for stricter material restrictions or even legal action against library workers for specific content. However, among this group, 68 percent were unaware of how librarians select books for their collections, yet still supported prosecuting librarians for those same materials.

A 2023 study by the Michigan Library Association, surveying 800 voters, found that endorsing book bans can cost legislators votes; 57 percent of voters are less likely to support legislators who endorse book bans, with 38 percent being much less likely. In addition, the study found that most respondents prefer local library boards to make decisions on collections and oppose legislation restricting LGBTQIA+ content. The study further found that Michigan legislators generally support local control over library collections and oppose criminalizing librarians for maintaining such materials, emphasizing a commitment to diverse and inclusive resources (Michigan Library Association 2023).

The ongoing debates reflect a complex landscape where public opinion strongly favors freedom to read. These findings collectively illustrate broad support for libraries and librarians, a commitment to diverse and inclusive collections, and significant opposition to book bans and censorship. Yet, despite public opinion, the library

field is observing a concerning trend of adverse legislation affecting libraries (Table 1). During recent legislative sessions, numerous state legislators proposed bills that would impair the ability of libraries to purchase and make diverse materials, resources, and programming available to their communities. Some bills included removing longstanding legal protections that shielded libraries and librarians from criminal prosecution for providing access to books and online resources to minors. Some legislators and advocacy groups supported legislation that erodes the authority of local library boards and staff to oversee library collection development activities. Other legislation proposed direct censorship. EveryLibrary has summarized the recent wave of bills into ten categories.

The rise of parental-rights advocates and organizations has significantly influenced the increase in book challenges and legislation. Proponents argue that they protect children from inappropriate content; target educational content related to race, gender, and sexuality; and advocate for the removal of books considered inappropriate. Organizations like Moms for Liberty, often supported by conservative foundations such as the Heritage Foundation, are central figures behind many recent book bans sweeping across the nation—their advocacy centers on opposing what they perceive as the indoctrination of children in schools. By endorsing school board candidates

and lobbying for laws requiring school districts to report book challenges, they have increased pressure on schools to restrict or remove specific titles. This movement is part of a more extensive, well-organized network of local and national groups pushing for tighter control over educational content (Carless et al. 2023).

In Florida, the Florida Citizens Alliance, aligned with Governor Ron DeSantis, has played a pivotal role in passing laws that allow residents to challenge books in school libraries. These laws have ignited a wave of book challenges, with proponents arguing that taxpayers should have a voice in how educational resources are allocated. Florida's "Don't Say Gay" law has compounded the issue, creating a climate of fear among educators and librarians and leading to the removal of books featuring LGBTQ+ characters. Coupled with the Stop WOKE Act, which restricts the teaching of systemic racism, these laws have spurred significant censorship, mainly targeting discussions of BIPOC history and racism. Advocates for these measures argue that they are necessary to prevent curricula that could make white students uncomfortable by addressing issues of social inequality (Human Rights Watch 2024).

A 2024 study highlights the severe impact of these laws, revealing that they have silenced meaningful and informed discussions on LGBTQ issues and racism, demoralized students, and distorted education standards, particularly in teaching about slavery, with particularly negative impacts on BIPOC and LGBTQ communities. In the report, the researchers urged the federal government to convene a national summit to end discriminatory educational censorship across the U.S. and called for immediate, more decisive action to protect student's rights to an education free from discrimination and censorship (Human Rights Watch 2024).

At the national level, the Heritage Foundation's Project 2025 represents a significant threat to libraries and intellectual freedom. Part of a broader agenda to reclassify civil service workers as political appointees, Project 2025 seeks to reduce federal oversight and shift more responsibilities to states and localities. This decentralization could worsen existing disparities in library funding and access to information, particularly in states where book bans and penalties for library staff are already underway. The Heritage Foundation's proposed budget cuts, including eliminating federal funding through the Institute of Museum and Library Services (IMLS), would further deepen the divide between well-funded and underfunded libraries.

In response to this growing threat, a national movement has emerged to defend intellectual freedom. Led by organizations like ALA, EveryLibrary, and PEN America, this coalition includes book publishers, students, and advocates committed to preserving access to information. These groups are working together to resist the increasing wave of censorship efforts.

While ALA provides essential training for library workers, offers guidance on ethical and legal standards, and advocates for libraries to ensure they are funded and respected as vital democratic institutions, some states, such as Missouri, Texas, Montana, and Florida, have called for school districts and libraries to disaffiliate from the ALA (Natanson 2023b). Critics of the ALA have falsely claimed that the organization exposes children to pornography, and some have objected to what they perceive as political views advanced by the association's leadership. The accusation about pornography is entirely unfounded; library associations are committed to upholding ethical standards and do not seek to expose children to harmful materials. As for the claims about political views, debates over access to books and educational content have unfortunately become partisan issues. Misinformation has circulated, blurring the lines between ALA's advocacy for intellectual freedom and the personal political beliefs of its leaders (Hetzel 2023).

PEN America, known for tracking and opposing book bans through reports like *Banned in the USA* (PEN America 2023), has joined forces with Penguin Random House and a diverse group of authors to support parents and students from Escambia County, Florida, in a federal lawsuit. This lawsuit challenges removing and restricting books in school libraries, arguing that these actions violate free speech and equal protection rights. A federal judge has allowed the Escambia County case to proceed, highlighting concerns about the county's book removal policies violating the First Amendment (AP News 2024). Beyond the Escambia County case, Penguin Random House has broadened its legal challenges to include state laws in Iowa, Texas, and Arkansas, contending infringement on First Amendment rights.

Student activism is also a powerful force. In states like Texas, where access to diverse stories has been increasingly restricted, students are actively fighting for their right to read. After Texas Rep. Matt Krause urged the removal of 850 books related to race and sexuality in 2021, students witnessed a wave of censorship that isolated them and removed diverse content from their libraries. Despite the school district's lack of support and hostility at

board meetings, student activists rallied classmates and organized efforts to distribute banned books and promote intellectual freedom. This grassroots movement in Texas reflects a broader, growing student-led resistance against censorship nationwide (Samuels 2022). In Georgia, student activists encourage friends to vote, emphasizing that change starts at the community level. One organizer noted, “If they see issues like book bans in the news, they must take action where those issues originate” (Tarr 2024).

In response to censorship, several states have begun introducing Freedom to Read bills to safeguard intellectual freedom. The success of these bills has been mixed; at least seven states have dead freedom to read bills. In Utah, attempts to pass anti-book-ban legislation were unsuccessful and actually met with counter laws that further entrenched censorship (Jensen 2024). Despite these set-

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backs, progress is being made. Freedom to Read bills have passed in California, Colorado, Illinois, Maryland, Minnesota, New Jersey, Washington, and Vermont. While specific legislation looks different in each state, most bills ensure that libraries adopt policies aligned with the ALA’s Bill of Rights, establish an open reconsideration process for challenged materials, protect library workers from retaliation, and prevent the use of state funding to enforce partisan or discriminatory bans on books.

Illinois’s first-in-the-nation anti-book-ban bill ties state funding to library policies (IL HB2789—Library Systems-Book Banning) and requires libraries and schools to adopt policies aligned with ALA’s “Library Bill of Rights”, prohibiting the removal of materials for partisan or discriminatory reasons. A Colorado law requires public libraries to have a collection and reconsideration policy; it further mandates that the outcomes of book challenges be tracked and made public, adding transparency to the process.⁸

Vermont’s recent legislation reflects a solid commitment to enhancing its entire library system. In May 2021, the Vermont State Legislature passed Act 66 (S.115),

establishing the Working Group on the Status of Libraries. Although Vermont has experienced fewer book challenges than other states, there is growing concern about future issues and soft censorship. To address these concerns, the Working Group proposed that all Vermont libraries adopt robust material selection policies and reconsideration procedures that comply with First Amendment rights, the 1964 Civil Rights Act, and Vermont’s antidiscrimination laws. The Working Group also supported expanding the confidentiality of public library records to include minors aged 12 and older. Inspired by similar proposals in Rhode Island and Wisconsin, they endorsed a change to Vermont’s Legislative Findings related to libraries to protect library financial resources from being depleted by litigation (WGSLV 2023). The resulting Vermont legislation amends Vermont’s public library laws. Most bill provisions took effect on July 1, 2024, with others phased in over the next several years (VT S0220—An Act Relating to Vermont’s Public Libraries).

As of early December 2024, several states are advancing library-related legislation set for consideration in 2025, reflecting broader debates on intellectual freedom and community standards. In New Jersey, the Freedom to Read Act awaits the governor’s signature (Bill A3446 Session 2024–2025). The bill aims to curtail book bans in schools and libraries and protect librarians from lawsuits and criminal charges for good-faith actions. Further, the state education commissioner will develop consistent policies for selecting and challenging library materials, which local boards must adapt. In New Mexico, advocates are preparing a revised version of House Bill 123 for the 2025 session after it stalled in committee in 2024. The original bill required public libraries to adhere to the ALA’s “Library Bill of Rights” and adopt formal policies for handling material challenges. It also aimed to protect library funding from political retaliation over content disputes. Despite broad support, the bill failed to pass (Nye 2024). In Michigan, two new bills—House Bills 6034 and 6035, collectively known as the Public Library Freedom to Read Act and District Library Freedom to Read Act—propose granting public and district library directors final authority over selecting and withdrawing materials. The bills prohibit withdrawal requests from nonresidents, limit reconsideration requests to local patrons, and require requesters to review materials in full before filing objections. Materials may only be removed if deemed legally obscene or unprotected by the First Amendment, and identical requests cannot be reconsidered within a year. The legislation also empowers the state attorney general or local

residents to pursue legal action to ensure compliance. These legislative efforts underscore ongoing tensions around intellectual freedom, community control, and the role of libraries as spaces for diverse perspectives.

THE MAINE CONTEXT

The book challenge landscape in Maine reflects national trends but is also shaped by the state's tradition of local control. While book bans are more common in southern and midwestern regions, Maine faces censorship challenges.

Book challenges in Maine's school libraries increased from no recorded challenges in 2013 to a record high in 2022. At least 22 book challenges were filed and escalated to superintendents and school boards across nine districts in Maine in 2022 and 2023, a *Maine Monitor* analysis found (Geduld 2023). Maine saw a temporary decrease in book challenges in schools during 2023 and 2024. However, new forms of censorship emerged, including board- and committee-led initiatives altering collection development policies and threats to withhold funding unless questionable materials were removed.

There is evidence of local groups and individuals aligning with broader national movements, using resources like BookLooks.org to support their challenges (see article by Sampson this issue). According to a *Maine Monitor* report, many Maine book challengers have reported not reading the books, raising concerns about informed decision-making. Book challenges further place a financial and emotional burden on school districts; the cost of reviewing each challenge can range from \$1,000 to \$3,000, with significant staff time required. One superintendent estimated that 35 hours of salaried staff time is required to review each book. School boards often buy copies so members can familiarize themselves (Geduld 2023).

Recent Maine legislative sessions have introduced many bills in opposition to intellectual freedom. In 2019, Rep. Amy Arata sponsored LD 94 (An Act To Prohibit the Dissemination of Obscene Material by Public Schools) to address concerns about explicit content in school books. The bill was controversial, with proponents arguing it did not ban books, but rather restricted access based on age appropriateness. The bill initially called for removing the institutional exceptions to the obscenity law for public schools. Arata later amended the bill to create instead a process for schools to give information to students and parents about explicit sexual materials before handing

them out, requiring disclosure and written acceptance. In Maine, parents can opt their children out of specific readings. While this bill intended to keep obscene materials out of the hands of children, it is simply not the case that educators ever provide obscene material to students. A case law review via Lexis for ME §2911 (Dissemination of Obscene Matter to Minors) reveals no application of the obscenity clause for educators or librarians. LD 94, referred to the Committee on Criminal Justice and Public Safety LD 94, was voted Ought Not to Pass.

During the 2023 legislative session, several bills to restrict educational materials in schools were introduced. One such bill, LD 123 (An Act to Eliminate the Educational Purposes Exception to the Prohibition on the Dissemination of Obscene Matter to Minors), proposed by Sen. James Libby, sought to expand the definition of obscene matter and prohibit its distribution in schools, including by removing the educational exception for public schools. The bill was referred to the Committee on Education and Cultural Affairs and was ultimately voted down by the Senate with a 24-7 decision. This outcome followed the pattern of other recent efforts to limit educational content in Maine's schools.

Another bill, LD 1008 (An Act to Establish a Rating System for Books in School Libraries), sponsored by Rep. Gary Drinkwater, proposed creating a rating system for books in school libraries. The bill sparked a heated 45-minute debate, with Democrats drawing comparisons between its implications and passages in the Bible, as well as likening it to book bans in Nazi Germany (Billings 2023). While some see a rating system as a potential compromise, opponents argue that it inherently involves subjective value judgments about the content of books and assumes that these judgments are universally valid for all readers. This one-size-fits-all approach to book ratings would override the rights of parents to control what their children read within the context of local policies while also infringing on the rights of other students. Ultimately, the bill was defeated with a 79-64 vote.

Similarly, LD 618 (An Act to Eliminate Critical Race Theory, Social and Emotional Learning, and Diversity, Equity, and Inclusion from School Curricula) added further context to the ongoing discussions about censorship in education. Opponents argued that the bill sought to censor ideas and practices that were not harmful to children and that parents already had the right to exempt their children from specific instruction through local school policies. Legislators voted Ought Not to Pass.

All three bills attracted significant public attention, with over 200 comments submitted during the hearings. Maine citizens are increasingly concerned about the increasing trend of censorship nationally and locally.

DISCUSSION

The freedom to read in Maine faces mounting threats as the debate over library collections becomes increasingly polarized. While book bans are more prevalent in the South and Midwest, Maine is not immune to the growing challenges of censorship. This issue has become a battleground, where extreme rhetoric and

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divisive labels often overshadow meaningful discussion. On one side, proponents of parental rights argue for more control over what children are exposed to in schools and libraries. On the other, defenders of intellectual freedom emphasize the importance of unrestricted access to information for all community members. Despite these differing perspectives, both sides ultimately share a common goal: to protect children and nurture vibrant, thriving communities.

However, the current discourse—marked by accusations, mistrust, and politicization—risks eroding the very foundation of intellectual freedom that libraries stand for. Libraries have long been pillars of democracy, providing access to uncensored information and empowering individuals to engage meaningfully in public life. The ongoing battle over book challenges threatens to undermine these democratic principles by politicizing institutions that serve everyone, regardless of political or ideological beliefs. To navigate this rugged terrain, Maine must look for opportunities to find common ground, where both sides can engage in constructive dialogue to ensure that libraries remain safe havens for free expression. These conversations must be grounded in the shared commitment to

upholding democratic values without resorting to censorship or government overreach.

RECOMMENDATION

Maine's libraries are essential pillars of democratic engagement, education, and equitable access to information. As challenges to intellectual freedom and censorship increase, Maine legislators have a unique opportunity to take proactive, meaningful steps to protect libraries and their role in fostering civic engagement. Building on successful models like Vermont's Library Working Group on the Status of Libraries, Maine can develop its own version that reflects the state's distinct values and needs. A Maine Library Working Study Group could serve as a cornerstone for the state's efforts to safeguard intellectual freedom while addressing the concerns of diverse communities.

The proposed group should be a bipartisan, inclusive body that brings together many stakeholders. This group would include librarians, educators, students, parents, community leaders, and policymakers—ensuring that all voices are represented. By engaging in constructive, fact-based dialogue, this group would explore the concerns surrounding book content and intellectual freedom and examine the broader role of libraries in Maine's communities. Through open discussions, members could identify the challenges libraries face, review the current state of library services, and develop strategies for improving library access and services while upholding core democratic values.

This study group should focus not solely on content-based concerns but also on ensuring that Maine libraries continue serving as inclusive spaces where individuals can access diverse ideas, educational materials, and resources. The goal is to promote an understanding of how libraries can best support communities. By bringing together a broad coalition of voices, Maine can create a space where concerns can be heard, examined, and addressed in ways that prioritize access to knowledge and protect intellectual freedom for all. A coordinated, bipartisan effort like this would send a clear message that Maine is committed to ensuring that libraries remain inclusive, resilient, and equipped to support the diverse needs of its communities.

Legislators play a critical role in safeguarding these institutions by rejecting efforts to impose censorship. Libraries are essential to democracy and lifelong learning,

providing equitable access to the information necessary for a thriving, informed society. Libraries must remain spaces where individuals can make their own decisions about what to read and believe. While parents have the right to guide their children's reading, no one should dictate what other parents' children can access. Removing or banning books from libraries risks a dangerous slide toward government censorship, undermining our nation's commitment to freedom of expression. Maine has an opportunity to lead by example, demonstrating that bipartisan cooperation can protect intellectual freedom and ensure libraries remain inclusive, resilient, and central to community life.

By supporting Maine libraries and rejecting censorship efforts, legislators can honor Maine's legacy of collaboration and reinforce the state's commitment to democratic principles. Together, they can safeguard libraries as essential institutions for education, democracy, and civic engagement, securing their role in fostering an informed and vibrant society for future generations.

NOTES

- 1 <https://www.ala.org/advocacy/intfreedom/freedomreadstatement>
- 2 <https://www.ala.org/advocacy/intfreedom/censorship/faq>.
- 3 <https://www.maine.gov/msl/lib/admin/policies/>
- 4 <https://www.maine.gov/msl/lib/standards/>
- 5 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances (US Constitution, Amendment I).
- 6 <https://www.ala.org/advocacy/intfreedom/librarybill>
- 7 <https://www.ala.org/advocacy/intfreedom/freedomreadstatement>
- 8 <https://leg.colorado.gov/bills/sb24-216>

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