LEGAL SERVICES FOR MAINE ELDERS

An Act to Regulate the Use of Artificial Intelligence in Providing Certain Mental Health Services.

Senator Bailey, Representative Mathieson, and distinguished members of the Committee:

My name is John Brautigam, and I am Executive Director of Legal Services for Maine Elders. For more than 50 years, our organization has provided free civil legal assistance to older Mainers whose basic needs are in jeopardy.

I am testifying in support of LD 2082, An Act to Regulate the Use of Artificial Intelligence in Providing Certain Mental Health Services.

From our perspective, this bill is a significant step forward. We thank the sponsor for bringing it forward.

First, it draws an important boundary that protects quality of care. The bill makes clear that therapy and psychotherapy remain the work of licensed professionals, not automated systems marketed directly to the public. It also prohibits artificial intelligence from directly interacting with clients in therapeutic communication, from making independent therapeutic decisions, and from generating therapeutic recommendations or treatment plans without professional review and approval. Those guardrails matter, especially for older people who may be managing disability, grief, isolation, cognitive changes, or complex medical needs.

Second, the bill recognizes the reality that administrative and documentation burdens can be barriers to access. Maine has real access challenges in rural areas, including for mental health care. When technology is used responsibly to support licensed professionals with administrative and supplementary tasks, that can help clinicians spend more time on actual care. The bill's approach, done right, can support access while still keeping professional accountability front and center.

We also appreciate the bill's emphasis on meaningful consent when highly sensitive therapy session data is recorded or transcribed for supplementary support. Mental health information is uniquely personal, and transparency should be the norm, not an afterthought tucked into a broad terms-of-use document.

As the Committee considers the bill, we offer a few implementation ideas, as opportunities to make a good bill easier to apply in the real world. First, the Committee may wish to consider whether the disclosure and consent requirements should also cover other common situations where AI processes client information for supplementary support, even if there is no recording or transcript. Second, the boundary between administrative or supplementary support and therapeutic communication can be

complicated in real-world practice. This is an area where clarity up front reduces enforcement headaches later. The Committee may wish to consider whether additional legislative standards, guidance, or a limited delegation to rulemaking would help keep that boundary clear, workable, and enforceable.

Legal Services for Maine Elders supports LD 2082 because it aims for the right balance: encouraging responsible tools that can help access, while drawing a clear line that protects quality, safety, and professional accountability.

Thank you for your time and for your work on these issues. I would be happy to answer any questions.