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Testimony In Support

LD 955, An Act to Ensure Human Oversight in Medical Insurance Payment Decisions

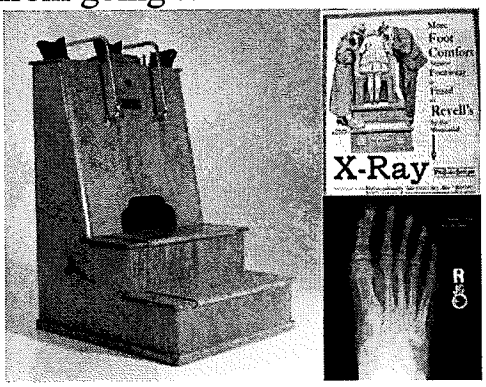
LD 1301, An Act to Prohibit the Use of Artificial Intelligence in the Denial of Health Insurance Claims

April 8, 2025

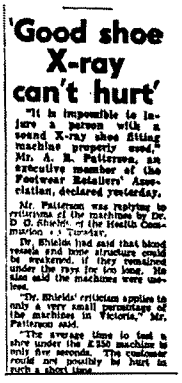
Senator Bailey, Representative Mathieson, honorable committee members, thank you for hearing these bills.

I cosponsored both of these bills because we need to be careful and thoughtful as Mainers and the rest of humanity figure out *how* to add artificial intelligence to the toolbox of all previous tools and technologies.

Each invention tends to spark excitement as we figure out all sorts of ways to use it. Then we often realize we've gone too far, or we ought to have some guardrails to keep from going too far.



Shoe Fluoroscope



'Good shoe X-ray can't hurt'

"It is impossible to injure a person with a sound X-ray shoe fitting machine properly used," Mr. A. R. Patterson, an executive member of the Footwear Retailers' Association, declared yesterday.

Mr. Patterson was replying to criticisms of the machines by Dr. D. G. Shields, of the Health Commission of Victoria.

Dr. Shields had said that blood vessels and bone structure could be weakened if they remained under the rays for too long. He also said the machines were useless.

"Dr. Shields' criticism applies to only a very small percentage of the machines in Victoria," Mr. Patterson said.

"The average time to find a shoe under the £150 machine is only few seconds. The customer could not possibly be hurt in such a short time.

"Good shoe X-ray can't hurt"[1]

[1] "Good shoe X-ray can't hurt," *Argus*, Melbourne, Australia, 1 March 1951, page 5. https://trove.nla.gov.au/newspaper/article/23053008.

X-ray technology isn't inherently bad or good; rather, it's a *tool* used daily in medicine, archeology, and other fields. We derive a lot of benefit, and minimize or eliminate harm through appropriate safeguards, e.g. training, radiation protection.

I'm not an AI expert, but as an avid student of history, as a physician, and as a legislator, I think we ought to be extra cautious with it. I'm also influenced by reading the 2024 book, *Nexus,* by Yuval Noah Harari. I highly recommend it for anyone who wants to understand something about the societal implications of AI, and how it fits in the sweep of human history. For instance, all previous inventions--spoken language, the printing press, the internal combustion engine, the shoe fluoroscope, the internet, gene editing--were tools. But generative AI is more than a tool; it is an agent.[2] And human beings can become the tool.

Back to these bills. Some observations:

- The definitions of "AI" differ between them. LD 1301 includes the notion of autonomy and higher cognitive function (inference). LD 955 talks about "decisions or recommendations based on algorithms and data analysis." There is variability in the definition of AI (see appendix). I urge the committee to seek input from an unconflicted computer scientist, perhaps at the University of Maine or other Maine-based school of higher education.
- LD 1301 has explicit protections from discrimination. This is important.
- LD 955 has an explicit right to appeal any determination. Professor Harari encourages legislators and other policy-makers to consider implementing a "right to an explanation" and line 17 in this bill is a reasonable start.
- LD 955 has the Dept of Professional and Financial Regulation adopt rules related to AI. It makes sense to have the executive branch do so because it would enable further study and more time than the usual legislative process involves. The committee might consider making the rules major substantive, though that slows adoption.

Thank you very much for your time and attention. I'd be happy to discuss further if there are questions.

Photo montage of shoe fluoroscope from https://americacomesalive.com/x-ray-shoe-fitting-machine/

[2] https://www.wired.com/story/questions-answered-by-yuval-noah-harari-for-wired-ai-artificial-intelligence-singularity/

Appendix - Definitions of Artificial Intelligence

IBM

Artificial intelligence (AI) is technology that enables computers and machines to **simulate human learning, comprehension, problem solving, decision making, creativity and autonomy.**

Applications and devices equipped with AI can see and identify objects. They can understand and respond to human language. They can learn from new information and experience. They can make detailed recommendations to users and experts. They **can act independently, replacing the need for human intelligence or intervention (a classic example being a self-driving car).**

But in 2024, most AI researchers and practitioners—and most AI-related headlines—are focused on breakthroughs in generative AI (gen AI), a technology that can create original text, images, video and other content.[3]

NASA

Artificial intelligence refers to computer systems that can **perform complex tasks normally done by human-reasoning, decision making, creating, etc.** There is no single, simple definition of artificial intelligence because AI tools are capable of a wide range of tasks and outputs, but NASA follows the definition of AI found within EO 13960, which references Section 238(g) of the National Defense Authorization Act of 2019.

* Any artificial system that performs tasks under varying and unpredictable circumstances **without significant human oversight,** or that can learn from experience and improve performance when exposed to data sets.

* An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

* An artificial system designed to think or act like a human, including cognitive architectures and neural networks.

* A set of techniques, including machine learning that is designed to approximate a cognitive task.

* An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision-making, and acting.[4]

[3] https://www.ibm.com/think/topics/artificial-intelligence
[4] https://www.nasa.gov/what-is-artificial-intelligence/