CHAPTER 241

COMMUNICATIONS WITH CONSUMERS VIA ARTIFICIAL INTELLIGENCE

(REALLOCATED FROM TITLE 10, CHAPTER 239)

§1500-DD. Required disclosure of use of artificial intelligence chatbot to engage in trade and commerce

(REALLOCATED FROM TITLE 10, SECTION 1500-Y)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Artificial intelligence chatbot" means a software application, web interface or computer program that simulates human conversation and interaction through textual or aural communications. [PL 2025, c. 294, §1 (NEW); RR 2025, c. 1, Pt. A, §16 (RAL).]

B. "Trade" and "commerce" have the same meaning as in Title 5, section 206, subsection 3. [PL 2025, c. 294, §1 (NEW); RR 2025, c. 1, Pt. A, §16 (RAL).]

[PL 2025, c. 294, §1 (NEW); RR 2025, c. 1, Pt. A, §16 (RAL).]

2. Required disclosure of use of artificial intelligence chatbot to engage in trade and commerce. A person may not use an artificial intelligence chatbot or any other computer technology to engage in trade and commerce with a consumer in a manner that may mislead or deceive a reasonable consumer into believing that the consumer is engaging with a human being unless the consumer is notified in a clear and conspicuous manner that the consumer is not engaging with a human being.
[PL 2025, c. 294, §1 (NEW); RR 2025, c. 1, Pt. A, §16 (RAL).]

3. Violation. A violation of subsection 2 is a violation of the Maine Unfair Trade Practices Act.
[PL 2025, c. 294, §1 (NEW); RR 2025, c. 1, Pt. A, §16 (RAL).]

REVISOR'S NOTE: §1500-DD. Date and notice required (As enacted by PL 2025, c. 513, §1 is REALLOCATED TO TITLE 10, SECTION 1500-QQ)

SECTION HISTORY

PL 2025, c. 294, §1 (NEW). RR 2025, c. 1, Pt. A, §16 (RAL).

§1500-EE. Use of artificial intelligence in therapy or psychotherapy services prohibited unless provided by licensed professional

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Artificial intelligence" means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs, such as predictions, content, recommendations or decisions, that can influence physical or virtual environments. [PL 2025, c. 687, §1 (NEW).]

B. "Licensed professional" means an individual who holds a valid license or certificate issued in this State to practice psychotherapy or behavioral health therapy, including:

(1) An individual licensed pursuant to Title 32, chapter 56;

(2) An individual licensed pursuant to Title 32, chapter 83;

(3) An individual licensed pursuant to Title 32, chapter 119;

(4) An individual licensed or certified pursuant to Title 32, chapter 81 and authorized to provide therapy or psychotherapy services;

(5) An individual licensed pursuant to Title 32, chapter 31; and

(6) **(TEXT EFFECTIVE UNTIL 1/01/27)** A physician or physician associate licensed under Title 32, chapter 36 or 48, who specializes in the diagnosis and treatment of mental disorders.

(6) **(TEXT EFFECTIVE 1/01/27)** A physician or physician associate licensed under Title 32, chapter 153 who specializes in the diagnosis and treatment of mental disorders. [PL 2025, c. 687, §1 (NEW); RR 2025, c. 2, Pt. A, §61 (COR); RR 2025, c. 2, Pt. A, §62 (AFF).]

C. "Therapeutic communication" means any verbal, nonverbal or written interaction, conducted in a clinical or professional setting, that is intended to diagnose, treat or address an individual's mental, emotional or behavioral health concerns. "Therapeutic communication" includes, but is not limited to:

(1) Direct interactions with individuals for the purpose of understanding their thoughts, emotions or experiences;

(2) Providing guidance, therapeutic strategies or interventions designed to achieve mental health outcomes;

(3) Offering emotional support, reassurance or empathy in response to psychological or emotional distress;

(4) Collaborating with individuals to develop or modify therapeutic goals or treatment plans; and

(5) Offering behavioral feedback intended to promote psychological growth or address mental health conditions. [PL 2025, c. 687, §1 (NEW).]

D. "Therapy or psychotherapy services" means services provided to diagnose, treat or address an individual's mental health or behavioral health through therapeutic communication. [PL 2025, c. 687, §1 (NEW).]

[PL 2025, c. 687, §1 (NEW); RR 2025, c. 2, Pt. A, §61 (COR); RR 2025, c. 2, Pt. A, §62 (AFF).]

2. Offering therapy or psychotherapy services through use of Internet-based artificial intelligence or otherwise prohibited unless person licensed. A person may not provide, advertise or otherwise offer therapy or psychotherapy services, including through the use of Internet-based artificial intelligence, to the public unless the therapy or psychotherapy services are provided by a licensed professional.

[PL 2025, c. 687, §1 (NEW).]

3. Violation. A violation of subsection 2 is a violation of the Maine Unfair Trade Practices Act.

[PL 2025, c. 687, §1 (NEW).]

4. Exceptions. This section does not apply to an artificial intelligence-based intervention that is used solely within a research project approved by an institutional review board, as defined in Title 22, section 1711-C, subsection 6, paragraph G, and conducted in compliance with all applicable federal protections for human subjects in research.

[PL 2025, c. 687, §1 (NEW).]

REVISOR'S NOTE: §1500-EE. Effect of Fair Credit Reporting Act; violation; jurisdiction; remedies (As enacted by PL 2025, c. 513, §1 is REALLOCATED TO TITLE 10, SECTION 1500-RR)

SECTION HISTORY

PL 2025, c. 687, §1 (NEW). RR 2025, c. 2, Pt. A, §61 (COR). RR 2025, c. 2, Pt. A, §62 (AFF).

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