Subcommittee of the
RIGHT TO KNOW ADVISORY COMMITTEE
Technology Subcommittee

Tuesday October 27, 12 pm

Location: State House, Room 209 (Hybrid Meeting)
Public access also available through the Maine Legislature's livestream:
https://legislature.maine.gov/Audio/#209

1. Introductions
2. Presentations on use of technology in local government to respond to FOAA requests
    a. Municipalities– *Rebecca Lambert, Municipal Issues Specialist with Maine Municipal Association*
    b. School Districts – *Justin B. Cary, Attorney with Drummond Woodsum*
3. Discussion: Overview of FOAA training: Using technology to respond to FOAA requests
4. Discussion: "best practices" in using technology to assist with FOAA requests
5. Discussion: use of AI in FOAA
6. Next Meeting: November 10 at 12 p.m. (Zoom/Cross 209)
7. Adjourn

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To: Right to Know Advisory Committee's Technology Subcommittee
From: Rebecca Lambert, Municipal Specialist
RE: Questions from October 14, 2025 meeting

October 27, 2025

Good morning Right to Know Technology Subcommittee members.

My name is Rebecca Lambert and I'm with the Maine Municipal Association. What I am going to share today is based on general information we've learned from working with our members. To get a more data driven sense of what municipalities use we would need some time to poll our members.

There are many municipalities who have shifted to delivering FOAA request records electronically, since it improves efficiency and reduces copy and print costs. Biddeford is one community who has gone this route, and they publicly post completed FOAA requests to their website. https://www.biddefordmaine.org/2375/Public-Records-FOAA-Requests

The City of Bangor has implemented a Laserfiche system that has streamlined their response to FOAA requests in that staff in Bangor can now direct people to their website to search for records themselves. There are some records that are not publicly available through that system, like police reports, that need to be retrieved and redacted by staff. https://records.bangormaine.gov/Public/Welcome.aspx?cr=1

Saco also implemented a Laserfiche program and according to their 2011 annual report, they had a goal of scanning all vital records documents issued between 1965 and 2011. The annual report notes that Laserfiche has an Optical Character Recognition component to the scanning process of the program. Use of that technology was not 100% successful due to poor character recognition, resulting in those having to be corrected manually. It doesn't appear on their website that they utilize Laserfiche in the same capacity as Bangor. https://cms1files.revize.com/sacome/Finance/Reports/Annual%20Reports/11annualreport.pdf

As of March 2025, the City of Portland started using NextRequest, which is a software program that will collate FOAA requests, even for police departments, including an option within the program that offers the ability to redact. Some of their responses are published publicly, but that is at their discretion, and they do limit which requests are published. https://cityofportlandme.nextrequest.com/

For the City of Augusta, each building has a public information officer who oversees the requests for that building. They use Microsoft365 which has a tool to find emails based off requested criteria. They then use Adobe Acrobat to convert and index the individual messages, so they are easier to search. Other than those tools, no other software is utilized to fulfill FOAA requests.

I also checked in with the Town of Falmouth who shared that they do not use any software or technology when fulfilling FOAA requests.

It's important to note that the Laserfiche program is very labor and financially intensive, making it an unrealistic goal for many small communities without significant resources. I don't know much about NextRequest but I assume there is a subscription associated with it and likely also out of reach for most small municipalities.

In order for all municipalities to be able to use technology for FOAA requests, there is an assumption that they would all need access to the same resources, such as a reliable internet connection, a website, and staff with the digital literacy to implement a program, which isn't uniformly feasible.

Although more well-resourced communities may have some use of technology, many towns or cities don't have full-time FOAA officers. So, the same person handling public records requests is also the clerk, the treasurer, the code officer—sometimes all three. When a large or complex records request comes in, it can halt regular town business for days or even weeks. There are also have been increased instances where municipalities are inundated with frivolous requests that intend to disrupt operations.

School departments in particular have seen these types of requests. To help ease the burden, like Biddeford, the Gorham school department has a section of their website dedicated to FOAA requests and lists in a table what previous requests were for, and the materials related to the request. This has been very helpful when there are multiple requests for the same information and has streamlined their responses, though I'm not sure what type of technology, if any, is used when compiling the data. https://www.gorhamschools.org/page/public-foaa-requests

Looking at the training piece of your question, MMA provides FOAA training, but the training does not include how to use technology when fulfilling requests since that looks quite different across the state. It is mentioned in the training that a municipality must provide electronic records in an electronic format if they have them.

Right to Know Advisory Committee

Technology Subcommittee

Meeting #2

October 27, 2025

Overview of FOAA Training

Using Technology to Respond to FOAA Requests

Contracts for Computer Software and IT Resources

Maine law currently requires an agency, in the purchase of and contracting for computer software and other IT resources, to consider the extent to which the software or technology will 1) maximize public access; and 2) maximize the exportability of public records while protecting confidential information that may be a part of public records (1 MRSA §414).

Public Access Officers

Each agency, county, municipality, and school administrative unit and regional or political subdivision designates an existing employee as its public access officer (1 MRSA §413, sub-§1). The public access officer, in addition to elected officials are required to complete a training course on the Freedom of Access Act (1 MRSA §§412, sub-§1 and 413, sub-§4).

The Training Course

The FOAA training, in less than 2 hours, must include instruction on (1 MRSA §412, sub-§2):

1. The general legal requirement of FOAA on public proceedings and public records;
2. Procedures and requirements regarding complying with a request for public record under FOAA; and
3. Penalties and other consequences for failure to comply with FOAA.

A public access officer meets the training requirements by conducting a thorough review of all the information made available at https://www.maine.gov/foaa/faq/index.shtml within 120 days of being designated as the public access officer. *See* Appendix A for training course. Any other training course must not only include all of the required information, but it may also include additional information (1 MRSA §412, sub-§2). *See* Appendix B for sample syllabus of FOAA training offered by the Maine Municipal Association.

Upon completion of the training course, a public access officer is required to make a written or an electronic record attesting to the fact that the training was completed (1 MRSA §412, sub-§3). *See* Appendix C for sample certification of completion produced by the Public Access Ombudsman.

Does the FOAA training cover using technology to assist with requests?

The Public Access Ombudsman, Brenda Kielty, described [emphasis added]:

> *The general FOAA training covers the search as part of the FOAA response process, with guidelines about record creation, capture, management and production. I also address due diligence in the search process and the resulting completeness of the production. As you may know, [Eric Stout's] power point for search skills is not only excellent but necessarily long and detailed. I try to keep the general FOAA training within 1 to 2 hours. (Please note that the FAQs on the FOAA website are intended to take no longer than two hours as a training.) Adding IT level search skills is not feasible in that format.*
>
> *When Eric and I presented to **State government employees**, I gave a summary of the FOAA process to provide context and the bulk of the time was focused mainly on search skills. When I present to the **incoming Legislature** at the biannual pre-legislative conference, I consult with the IT director for the Legislature to see what training the members are receiving, highlight information that IT deems most critical for managing communications, and ensure the members know that the IT office is a resource for FOAA. **On the local level** I emphasize how to construct a search process and while I may discuss the use of filter criteria in digital searches, I do not train officials or employees on how to perform such searches.*
>
> *I rely on IT professionals like Eric to provide resources related to the technical aspects of digital searches and the more esoteric functions of the wide variety of platforms used by government entities. Instruction or "best practice" guidance, such as step-by-step Boolean search skills, for specific data collection/storage systems is beyond my expertise.*

§412. Public records and proceedings training for certain officials and public access officers

1. Training required. A public access officer and an official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official or public access officer shall complete the training not later than the 120th day after the date the official assumes the person's duties as an official or the person is designated as a public access officer pursuant to section 413, subsection 1.
[PL 2021, c. 313, §5 (AMD).]

2. Training course; minimum requirements. The training course under subsection 1 must be designed to be completed by an official or a public access officer in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings; [PL 2007, c. 349, §1 (NEW).]

B. Procedures and requirements regarding complying with a request for a public record under this chapter; and [PL 2007, c. 349, §1 (NEW).]

C. Penalties and other consequences for failure to comply with this chapter. [PL 2007, c. 349, §1 (NEW).]

An official or a public access officer meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.
[PL 2019, c. 300, §1 (AMD).]

3. Certification of completion. Upon completion of the training course required under subsection 1, the official or public access officer shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The official shall keep the record or file it with the public entity to which the official was elected or appointed. A public access officer shall file the record with the agency or official that designated the public access officer.
[PL 2019, c. 300, §1 (AMD).]

4. Application. This section applies to a public access officer and the following officials:

A. The Governor; [PL 2007, c. 349, §1 (NEW).]

B. The Attorney General, Secretary of State, Treasurer of State and State Auditor; [PL 2007, c. 349, §1 (NEW).]

C. Members of the Legislature elected after November 1, 2008; [PL 2007, c. 576, §2 (AMD).]

D. [PL 2007, c. 576, §2 (RP).]

E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments; [PL 2007, c. 576, §2 (NEW).]

F. Municipal officers; municipal clerks, treasurers, managers or administrators, assessors and code enforcement officers and deputies for those positions; and planning board members and budget committee members of municipal governments; [PL 2021, c. 313, §6 (AMD).]

G. Superintendents, assistant superintendents and school board members of school administrative units; and [PL 2021, c. 313, §7 (AMD).]

H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or chapter 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2. [PL 2007, c. 576, §2 (NEW).]

[PL 2021, c. 313, §§6, 7 (AMD).]

SECTION HISTORY

PL 2007, c. 349, §1 (NEW). PL 2007, c. 576, §2 (AMD). PL 2011, c. 662, §7 (AMD). PL 2019, c. 300, §1 (AMD). PL 2021, c. 313, §§5-7 (AMD).

§413. Public access officer

1. Designation; responsibility. Each agency, county, municipality, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, school administrative unit or regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, school administrative unit and regional or other political subdivision concerning freedom of access questions and compliance.
[PL 2015, c. 317, §2 (AMD).]

2. Acknowledgment and response required. An agency, county, municipality, school administrative unit and regional or other political subdivision that receives a request to inspect or copy a public record shall acknowledge and respond to the request regardless of whether the request was delivered to or directed to the public access officer.
[PL 2011, c. 662, §8 (NEW).]

3. No delay based on unavailability. The unavailability of a public access officer may not delay a response to a request.
[PL 2011, c. 662, §8 (NEW).]

4. Training. A public access officer shall complete a course of training on the requirements of this chapter relating to public records and proceedings as described in section 412.
[PL 2011, c. 662, §8 (NEW).]

SECTION HISTORY

PL 2011, c. 662, §8 (NEW). PL 2015, c. 317, §2 (AMD).

§414. Public records; information technology

An agency shall consider, in the purchase of and contracting for computer software and other information technology resources, the extent to which the software or technology will: [PL 2011, c. 662, §8 (NEW).]

1. Maximize public access. Maximize public access to public records; and
[PL 2011, c. 662, §8 (NEW).]

2. Maximize exportability; protect confidential information. Maximize the exportability of public records while protecting confidential information that may be part of public records.
[PL 2011, c. 662, §8 (NEW).]

SECTION HISTORY

PL 2011, c. 662, §8 (NEW).

Maine Freedom of Access Act: Your Right to Know

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Frequently Asked Questions (FAQ)

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GENERAL QUESTIONS

What is the Freedom of Access Act?

The Freedom of Access Act (FOAA) is a state statute that is intended to open the government of Maine by guaranteeing access to the "public records" and "public proceedings" of state and local government bodies and agencies.

Are federal agencies covered by the Freedom of Access Act?

No. The FOAA does not apply to federal agencies operating in Maine or to federal government records. A similar but different federal statute called the Freedom of Information Act (FOIA) applies to the federal government. This federal statute does not apply to state or local government bodies, agencies or officials.

For more general information on the Freedom of Information Act go to:

FOIA.gov - Freedom of Information Act

Who enforces the Freedom of Access Act?

Any aggrieved person may appeal to any Superior Court in the state to seek relief for an alleged violation of the FOAA. 1 M.R.S. § 409(1)

Relief can be in the form of an order issued by the court that directs the government body, agency or official to comply with the law, such as by providing access to a public proceeding or by making public records available for inspection or copying.

In addition, the Office of the Attorney General or the District Attorneys may bring an enforcement action seeking penalties if the alleged violation is willful. 1 M.R.S. § 410

What are the penalties for failure to comply with the Freedom of Access Act?

A state government agency or local government entity whose officer or employee commits a willful violation is subject to a fine of not more than $500 for the first violation; a fine of not more than $1,000 for a civil violation that was committed not more than 4 years after a previous adjudication of a violation by an officer or employee of the same state government agency or local government entity; or a fine of not more than $2,000 for a civil violation committed not more

than 4 years after 2 or more previous adjudications of a civil violation by an officer or employee of the same state government agency or local government entity. 1 M.R.S. § 410 Under the current law, there are no criminal penalties for failure to comply with a request for public records. It is a Class D crime to intentionally remove, alter, or destroy documents belonging to a state office. 1 M.R.S. § 452

What is the Public Access Ombudsman?

The Legislature created a public access ombudsman position to review complaints about compliance with the FOAA and attempt to mediate their resolution, as well as answer calls from the public, media, public agencies and officials about the requirements of the law. The ombudsman is also responsible for providing educational materials about the law and preparing advisory opinions. The ombudsman works closely with the Right to Know Advisory Committee in monitoring new developments and considering improvements to the law.

How do I contact the Public Access Ombudsman?

Call the Office of the Attorney General at (207) 626-8577 or get more information online at:

Your Right to Know: Maine's Freedom of Access Act

Who is required to take training on the Freedom of Access Act?

Public access officers and certain officials subject to this section must complete a course of training on the requirements of the FOAA. 1 M.R.S. § 412

Which officials are required to take Freedom of Access training?

Officials required to complete the training include:

- the Governor
- Attorney General, Secretary of State, Treasurer of State and State Auditor
- Legislators
- Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of any county
- Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments
- Officials of school administrative units
- Officials of regional or other political subdivisions, including officials of water districts, sanitary districts, hospital districts, transit districts or regional transportation districts
- Public access officers.

As of October 18, 2021 the list of officials required to complete the training also includes:

- Municipal managers or administrators
- Municipal code enforcement officers

- Deputies for municipal clerks, treasurers, managers or administrators, assessors, and code enforcement officers
- Municipal planning board members
- Officials of school administrative units includes superintendents, assistant superintendents and school board members

What is a public access officer?

A public access officer must be designated to serve as the contact person for an agency, county, municipality, school administrative unit and regional or other political subdivision for public records requests. An existing employee is designated public access officer and is responsible for ensuring that public record requests are acknowledged within five working days of receiving the request and that a good faith estimate of when the response to the request will be complete is provided.

What does the training include?

At a minimum, the training must be designed to be completed in less than 2 hours and include instruction in:

- the general legal requirements regarding public records and public proceedings
- the procedures and requirements regarding complying with a request for a public record
- the penalties and other consequences for failure to comply with the law

Officials and public access officers can meet the training requirement by conducting a thorough review of the material in this FAQ section of the State's Freedom of Access website or by completing another training course that includes all off this information but may include additional information.

Do training courses need to by certified by the Right to Know Advisory Committee?

No. Training courses do not need the approval of the Right to Know Advisory Committee, or any other State agency.

When must the training be completed?

The training requirement must be completed not later than the 120^{th} day after the date the official assumes the person's duties as an official or the person is designated as a public access officer.

How do officials and public access officers certify they have completed the training?

After completing the training, officials and public access officers are required to make a written or electronic record attesting that the training has been completed. The record, which will be available to the public, must be kept by the official or filed with the public entity to which the

official was elected or appointed. A public access officer must file the record with the agency or official that designated the public access officer. A sample training completion form is available (PDF) (This file requires the free Adobe Reader).

PUBLIC RECORDS

What is a public record?

The FOAA defines "public record" as "any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business". A number of exceptions are specified. (See the discussion of exemptions below.) 1 M.R.S. § 402(3)

Do I have to be a citizen of this state to submit a Freedom of Access Act request for a public record?

No. The FOAA provides that "a person" has the right to inspect and copy public records. 1 M.R.S. § 408-A

How do I make a Freedom of Access Act request for a public record?

See the How to Make a Request page on this site.

Is there a form that must be used to make a Freedom of Access Act request?

No. There are no required forms.

Does my Freedom of Access Act request have to be in writing?

No. The FOAA does not require that requests for public records be in writing. However, most governmental bodies and agencies ask individuals to submit requests in writing in order to maintain a record of when the request was received and what records were specifically requested.

What should I say in my request?

In order for the governmental body, agency or official to promptly respond to your request, you should be as specific as possible when describing the records you are seeking. If a particular document is required, it should be identified precisely-preferably by author, date and title. However, a request does not have to be that specific. If you cannot identify a specific record, you should clearly explain the type of records you are seeking, from what timeframe and what subject the records should contain. For example, assume you want to obtain a list of active landfills near your home. A request to the state Department of Environmental Protection asking for "all

records on landfills" is very broad and would likely produce volumes of records. The fees for such a request would be very high; the agency would likely find your request too vague and ask that you make it more specific. On the other hand, a request for "all records identifying landfills within 20 miles of 147 Main Street in Augusta" is very specific and the request might fail to produce the information you desire because the agency has no record containing data organized in that exact fashion. You might instead consider requesting any record that identifies "all active landfills in Augusta" or "all active landfills in Kennebec County." It is more likely that a record exists which contains this information. You might also want to explain to the agency exactly what information you hope to learn from the record. In other words, if you are really trying to determine whether any active landfills near your home in Augusta accept only wood waste, this additional explanation may help the agency narrow its search and find a record that meets the exact request.

Does an agency have to acknowledge receipt of my request?

Yes. An agency or official must acknowledge receipt of a request within 5 working days of receipt of the request. 1 M.R.S. § 408-A(3)

How does an agency determine the date a request for public records was received?

The date a request for public records was received is the date a sufficient description of the record is received by the agency or official at the office responsible for maintaining the record. 1 M.R.S. § 408-A(3)

Does an agency have to forward my request if I sent it to an office within the agency that does not maintain the record?

A request for records that are maintained by the agency but not by the office of the agency that received the request must be forwarded to the appropriate office or official within the agency without willful delay. 1 M.R.S. § 408-A(3)

Can an agency ask me for clarification concerning my request?

Yes. An agency or official may request clarification concerning which public record or public records are being requested. 1 M.R.S. § 408-A(3)

Does an agency have to estimate how long it will take to respond to my request?

Yes. An agency or official must provide a good faith, nonbinding estimate of how long it will take to comply with the request within a reasonable time of receiving the request. The agency or official shall make a good faith effort to fully respond within the estimated time. 1 M.R.S. § 408-A(3)

When does the agency or official have to make the records available?

The records must be made available "within a reasonable period of time" after the request was made. 1 M.R.S. § 408-A The agency or official can schedule the time for your inspection, conversion and copying of the records during the regular business hours of the agency or official, and at a time that will not delay or inconvenience the regular activities of the agency of official. 1 M.R.S. § 408-A(5)

Can an agency or official delay responding if my request was not directed to the agency public access officer?

No. An agency that receives a request to inspect or copy a public record must acknowledge and respond regardless of whether the request was directed to the public access officer. The unavailability of a public access officer may not be reason for a delay. 1 M.R.S. § 413(3)

What if the agency or official does not have regular office hours?

If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the agency's or official's records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists. 1 M.R.S. § 408-A(5)

Does an agency have to produce records within 5 days of my request?

No. The records that are responsive to a request must be made available "within a reasonable period of time" after the request was made. 1 M.R.S. § 408-A Agencies must acknowledge the request within 5 working days of receipt.

Do I have to go to the agency to inspect the records or can I ask the agency or official to mail me the records?

A person may inspect or copy any public record in the office of the agency or official during reasonable office hours. The agency or official shall mail the copy upon request. The agency may charge a reasonable fee to cover the cost of making the copies for you, as well as actual mailing costs. 1 M.R.S. § 408-A(1), (2), (8)(E)

When may a governmental body refuse to release the records I request?

The FOAA provides that certain categories of documents are not public records. Included among these are records that have been designated confidential by statute, documents subject to a recognized legal privilege such as the attorney-client privilege or the work-product privilege, records describing security plans or procedures designed to prevent acts of terrorism, medical records, juvenile records, and the personal contact information of public employees contained within records.

For a list of records or categories of records deemed by statute to be confidential or otherwise not a public record, see the Statutory Exceptions List. While this listing may not be totally complete, it contains the vast majority of exceptions to the FOAA.

What happens if a public record holds some information that is open to the public and some information that falls within an exception to the Freedom of Access Act?

Some public records contain a mixture of information that is public and information that is confidential or otherwise not subject to public inspection under the FOAA. If the record you requested contains any confidential or excepted information, the custodian will decide if the confidential or excepted information can be adequately redacted or blacked out so that public access can be provided or if public access to the document should be denied.

Must an agency have computer technology resources that allow for maximum accessibility to public records while protecting confidential information?

When purchasing and contracting for computer software and other information technology resources, an agency shall consider the extent to which it will maximize accessibility and exportability while protecting confidential information that may be contained in the public records. 1 M.R.S. §414

Does an agency have to explain why it denies access to a public record?

Yes. An agency has 5 working days after the receipt of a request to deny the request and state the reason for the denial or state that some or all of the responsive records may be denied once they are located and reviewed. 1 M.R.S. § 408-A(4)

What can I do if an agency fails to provide a written denial?

If an agency does not provide a written denial or a statement that the request may be denied in full or in part following a review within 5 working days of the receipt of the request, this is considered a failure to allow inspection or copying and is subject to appeal. 1 M.R.S. § 408-A(4)

What can I do if I believe an agency has unlawfully withheld a public record?

If you are not satisfied with an agency's decision to withhold access to certain records, you are entitled to appeal, within 30 calendar days of your receipt of the written notice of denial, to any Superior Court within the state. 1 M.R.S. § 409(1)

Can an agency deny a request because it is unduly burdensome?

An agency may seek protection from a request for inspection or copying that is unduly burdensome or oppressive by filing an action in the Superior Court for the county where the request was made within 30 days of receipt. The agency must document the terms of the request, the good faith estimate and efforts to clarify or modify the request. Notice must be provided to the requester at least 10 days before the agency files for an order of protection. Upon a showing of good cause, the court can establish the terms of production and limit or deny the request. 1 M.R.S. § 408-A(4-A) **As of October 18, 2021**, a reasonable fee to cover the cost of copying is no

more than 10 cents per page for a standard 8 ½ by 11 inch black and white copy. A per page fee may not be charged for records provided electronically.

May a governmental body ask me why I want a certain record?

The FOAA does not specifically prohibit agencies or officials from asking why an individual is requesting a public record. However, if asked, the individual is not required to provide a reason for seeking a record, and the agency cannot deny an individual's request based solely on either the individual's refusal to provide a reason or the reason itself. An agency or official may request clarification concerning which public record or public records are being requested. 1 M.R.S. § 408-A(3)

Can I ask that public reports or other documents be created, summarized or put in a particular format for me?

No. A public officer or agency is not required to prepare reports, summaries, or compilations not in existence on the date of your request. 1 M.R.S. § 408-A(6)

If the public record is electronically stored, the agency or official subject to a request must provide the public record either as a printed document or in the medium in which the record is stored, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. 1 M.R.S. § 408-A(7)

Must the agency or official provide me with access to a computer terminal to inspect electronically stored public records?

No. The agency or official is not required to provide access to a computer terminal. 1 M.R.S. § 408-A(7)(B)

I asked a public official a question about a record, but he/she didn't answer. Is the official required to answer my question?

No. A public officer or agency is not required to explain or answer questions about public records. The FOAA only requires officials and agencies to make public records available for inspection and copying.

Are an agency's or official's e-mails public records?

Any record, regardless of the form in which it is maintained by an agency or official, can be a public record. As with any record, if the e-mail is "in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or

governmental business" and is not deemed confidential or excepted from the FOAA, it constitutes a "public record". 1 M.R.S. § 402(3)

An agency or official must provide access to electronically stored public records, including e-mails, as a printed document or in the medium it is stored at the discretion of the requestor. If an agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in an e-mail, the agency is not required to provide the records in an electronic format. 1 M.R.S. § 408-A(7)

Email messages are subject to the same retention schedules as other public records based on the content of the message. There are no retention schedules specific to email messages.

Is information contained in a communication between a constituent and an elected official a public record?

Information of a personal nature consisting of an individual's medical information, credit or financial information, character, misconduct or disciplinary action, social security number, or that would be confidential if it were in the possession of another public agency or official is not a public record. However, other parts of the communication are public. 1 M.R.S. § 402(3)(C-1)

Can an agency charge for public records?

There is no initial fee for submitting a FOAA request and agencies cannot charge an individual to inspect records unless the public record cannot be inspected without being compiled or converted. 1 M.R.S. § 408-A(8)(D) Agencies may charge a reasonable fee for copying of no more than $.10 per page for a standard sized black and white copy. 1 M.R.S. § 408-A(8)(A)

Agencies and officials may also charge fees for the time spent searching for, retrieving, compiling or redacting confidential information from the requested records. An agency or official may charge $25 per hour after the first two hours of staff time per request. 1 M.R.S. § 408-A(8)(B) Where conversion of a record is necessary, the agency or official may also charge a fee to cover the actual cost of conversion. 1 M.R.S. § 408-A(8)(C)

An agency may retain any fees or costs charged for responding to a FOAA request.

The agency or official must prepare an estimate of the time and cost required to complete a request within a reasonable amount of time of receipt of the request. If the estimate is greater than $50, the agency or official must notify the requester before proceeding. The agency may request payment of the costs in advance if the estimated cost exceeds $100 or if the requester has previously failed to pay a fee properly assessed under the FOAA. 1 M.R.S. § 408-A(9), (10)

I cannot afford to pay the fees charged by the agency or official to research my request or copy the records. Can I get a waiver?

The agency or official may, but is not required to, waive part or all of the total fee if the requester is indigent, or if the agency or official considers release of the public record to be in the public interest because it is likely to contribute significantly to public understanding of the operations

or activities of government and is not primarily in the commercial interest of the requester. 1 M.R.S. § 408-A(11)

Is a public agency or official required under the Freedom of Access Act to honor a "standing request" for information, such as a request that certain reports be sent to me automatically each month?

No. A public agency or official is required to make available for inspection and copying, subject to any applicable exemptions, only those public records that exist on the date of the request. Persons seeking to inspect or obtain copies of public records on a continuing basis are required to make a new request for any additional records sought after the date of the original request.

PUBLIC PROCEEDINGS

What is a public proceeding?

The term "public proceeding" means "the transactions of any functions affecting any or all citizens of the State" by the Maine Legislature and its committees and subcommittees; any board or commission of a state agency or authority including the University of Maine and the Maine Community College System; any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; the full membership meetings of any association, the membership of which is comprised exclusively of counties, municipalities, school districts, other political or administrative subdivisions, or their boards, commissions, agencies or authorities; and any advisory organization established, authorized or organized by law, resolve or executive order.1 M.R.S. § 402 (2)

What does the law require with regard to public proceedings?

The FOAA requires all public proceedings to be open to the public and any person must be permitted to attend. 1 M.R.S. § 403

When does a meeting or gathering of members of a public body or agency require public notice?

Public notice is required of all public proceedings if the proceedings are a meeting of a body or agency consisting of 3 or more persons. 1 M.R.S. § 406

What kind of notice of public proceedings does the Freedom of Access Act require?

Public notice must be given in ample time to allow public attendance and must be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency. 1 M.R.S. § 406

Can a public body or agency hold an emergency meeting?

Yes. Public notice of an emergency meeting must be provided to local representatives of the media, whenever practicable. The notice must include the time and location of the meeting and be provided by the same or faster means used to notify the members of the public body or agency conducting the public proceeding. 1 M.R.S. § 406 The requirements that the meeting be open to the public, that any person be permitted to attend and that a record of the meeting be made and open for public inspection still apply. 1 M.R.S. § 403

Can public bodies or agencies hold a closed-door discussion?

Yes. Public bodies or agencies are permitted, subject to certain procedural conditions, to hold closed "executive sessions" on specified subjects after a public recorded vote of 3/5 of the members present and voting. 1 M.R.S. § 405(1)-(5)

Can the body or agency conduct all of its business during an executive session?

Generally, no. The content of deliberations during executive sessions is restricted to the matters listed in the FOAA, such as the following: discussions regarding the suspension or expulsion of a student; certain employment actions; the acquisition, use or disposition of public property; consultations between a body and its attorney concerning its legal rights and responsibilities or pending litigation; and discussion of documents that are confidential by statute. In addition, any governmental body or agency subject to the FOAA is prohibited from giving final approval to any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session. 1 M.R.S. § 405(2), (6)

What if I believe a public body or agency conducted improper business during an executive session?

Upon learning of any such action, any person may appeal to any Superior Court in the State. If the court determines the body or agency acted illegally, the action that was taken by the body or agency will be declared to be null and void and the officials responsible will be subject to the penalties provided in the Act. 1 M.R.S. § 409(2)

Can members of a body communicate with one another by e-mail outside of a public proceeding?

The law does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of the FOAA. 1 M.R.S. § 401

E-mail or other communication among the members of a body that is used as a substitute for deliberations or decisions which should properly take place at a public meeting may likely be considered a "meeting" in violation of the statutory requirements for open meetings and public notice. "Public proceedings" are defined in part as "the transactions of any functions affecting any or all citizens of the State..." 1 M.R.S. § 402 The underlying purpose of the FOAA is that public proceedings be conducted openly and that deliberations and actions be taken openly; clandestine meetings should not be used to defeat the purpose of the law. 1 M.R.S. § 401 Public

proceedings must be conducted in public and any person must be permitted to attend and observe the body's proceeding although executive sessions are permitted under certain circumstances. 1 M.R.S. § 403 In addition, public notice must be given for a public proceeding if the proceeding is a meeting of a body or agency consisting of 3 or more persons. 1 M.R.S. § 406

Members of a body should refrain from the use of e-mail as a substitute for deliberating or deciding substantive matters properly confined to public proceedings. E-mail is permissible to communicate with other members about non-substantive matters such as scheduling meetings, developing agendas and disseminating information and reports.

Even when sent or received using a member's personal computer or e-mail account, e-mail may be considered a public record. 1 M.R.S. § 402(3) As a result, members of a body should be aware that all e-mails and e-mail attachments relating to the member's participation are likely public records subject to public inspection under the FOAA.

Can I record a public proceeding?

Yes. The FOAA allows individuals to make written, taped or filmed records of a public proceeding, or to broadcast the proceedings live, provided the action does not interfere with the orderly conduct of the proceedings. The body or agency holding the proceeding can make reasonable rules or regulations to govern these activities so long as the rules or regulations do not defeat the purpose of the FOAA. 1 M.R.S. § 404

Do members of the public have a right to speak at public meetings under the Freedom of Access Act?

The FOAA does not require that an opportunity for public participation be provided at open meetings. However, public participation may be permitted or required in certain circumstances for constitutional reasons or under various statutes, local ordinances or policies. An individual should determine the type of public meeting and consult sources of authority outside the FOAA for information about participation rights.

Is a public body or agency required to make a record of a public proceeding?

Unless otherwise provided by law, a record of each public proceeding for which notice is required must be made within a reasonable period of time. At a minimum, the record must include the date, time and place of the meeting; the presence or absence of each member of the body holding the meeting; and all motions or votes taken, by individual member if there is a roll call.

The FOAA also requires that public bodies and agencies make a written record of every decision that involves the conditional approval or denial of an application, license, certificate or permit, and every decision that involves the dismissal or refusal to renew the contract of any public official, employee or appointee. 1 M.R.S. § 407(1), (2)

If the public proceeding is an "adjudicatory proceeding" as defined in the Maine Administrative Procedure Act, the agency is required to compile a record that complies with statutory specifications, including a recording in a form susceptible of transcription. 5 M.R.S. § 8002(1); 5 M.R.S. § 9059

Is the agency or body required to make the record or minutes of a public proceeding available to the public?

Yes. Any legally required record or minutes of a public proceeding must be made promptly and shall be open to public inspection. In addition, every agency is required to make a written record of any decision that involves conditional approval or denial of any application, license, certificate or other type of permit and to make those decisions publicly available, 1 M.R.S. § 403 , 407; 5 M.R.S. § 9059 (3)

Can a public body or agency meet remotely?

Yes, but only under the conditions set forth in 1 M.R.S. § 403-B. The body must adopt a written policy on remote participation after notice and public hearing. The body may then allow members to participate by remote means if the body complies with the other requirements of the law, including allowing for remote attendance by members of the public. The body may limit public attendance at a proceeding solely to remote methods if there is an emergency or urgent issue that requires the body to meet only by remote methods.

Can a public body hold a remote hearing on a proposed written policy?

Yes. If the chair of a body determines that an emergency or urgent issue exists that prevents an in-person public meeting, the chair may call for a remote meeting to adopt a proposed remote meeting policy. If 2/3 of the members of the body vote in support of the chair's determination that an emergency or urgent issue exists, after an opportunity for hearing, the members may then vote on whether to adopt a remote meeting policy.

Does the remote meeting policy apply to boards or committees within the jurisdiction of the public body?

Yes, unless the board or committee adopts its own policy.

What is the procedure for adopting the written remote meeting policy?

The law requires public notice and a hearing prior to adopting the written policy. The body should give notice to the public in the same way it would give notice of any other public proceeding under 1 M.R.S. § 406. The notice should include information about how the public can participate in the meeting and the proposed policy or instructions on how to obtain a copy of the proposed policy in advance of the meeting.

What notice is required for a meeting being conducted remotely?

Notice must be given in ample time to allow the public to attend remotely and given in a manner reasonably calculated to notify the public of the time, date, location and method to be used to conduct the meeting. If any members of the body participate remotely, the notice must include the means by which members of the public may access the meeting. The notice must also provide the physical location where members of the public may participate in person, if applicable.

What methods of remote participation may be used?

Remote participation in a public proceeding is through either telephonic or video technology. Members of the public shall be provided with a meaningful opportunity to attend by remote means when any members of the body are participating remotely. Other means may be used when necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means of communication, such as email, text message or chat functions.

What if a member of the public wants to provide public comment?

The body must provide an effective means of communication between members of the body and members of the public when public comment is allowed.

Do members of a body who are participating remotely count toward a quorum?

Yes, a member who participates remotely pursuant to the adopted policy is considered present for purposes of determining a quorum.

Is a roll call vote required for action taken during remote meetings?

Yes, all votes must be taken by roll call in a manner that can be seen and heard if using video technology, and heard if using only audio technology, by all members of the body and the public.

Do members of the public who attend remotely have access to meeting documents and materials?

All documents and other materials must be made available to members of the public participating remotely to the same extent customarily available to the public attending in person, as long as additional costs are not incurred by the public body. A proposed policy regarding remote participation must be made available in advance of the meeting if meeting remotely.

Credits

APPENDIX B: Sample syllabi for FOAA trainings provided by Maine Municipal Association

MAINE MUNICIPAL ASSOCIATION SINCE 1936
60 Community Drive | Augusta, ME 04330-9486
1-800-452-8786 (in state) | (t) 207-623-8428

To: Honorable Erin Sheehan, Chair
Members of the Right to Know Advisory Committee
Colleen McCarthy Reid, Principal Analyst, Office of Policy and Legal Analysis
Lindsay Laxon, Legislative Analyst, Office of Policy and Legal Analysis

From: Kate Dufour, Advocacy & Communications Director

Date: March 31, 2025

Re: FOAA Training & Education Request

In response to your February 7, 2025 request, the Maine Municipal Association's (MMA) is providing the following information and attachments.

List of Courses & Training. Between March 2, 2021 and January 23, 2025, nearly 2,700 municipal, county and school officials and volunteers participated in 37 FOAA training sessions hosted by MMA's Educational Services Department and taught by members of MMA's Legal Services Department.

FOAA training was offered as part of MMA's Elected Officials workshops, Municipal Town & City Clerks Municipal Law and Records Management workshops, and Maine Town, City & County Managers institutes, and as well as through a standalone "Understanding the Freedom of Access Act" training program. The dates of the training sessions and workshops, total enrollment numbers, and participants by title and role are found in *Attachment 1*.

Course & Training Syllabi. Please see *Attachment 2*.

Future Courses. Over the course of 2025, MMA will offer the following FOAA sessions:

- January 23: Elected Officials Workshop
- March 4: Understanding the Freedom of Access Act
- April 1: Elected Officials Workshop
- May 29: Elected Officials Workshop
- June 24: Understanding the Freedom of Access Act
- July 8: Maine Town & City Clerks Association Municipal Law Workshop
- September 3: Understanding the Freedom of Access Act
- October 8: 89th Annual MMA Convention
- November 20: Elected Official Workshop
- December 3: Understanding the Freedom of Access Act

I hope the information provided is sufficient to meet the committee's needs. If you have any questions about these materials, please do not hesitate to contact me at kdufour@memun.org or 1-800-452-8786.

Thank you.

Attachment 2

Freedom of Access Act (FOAA) Trainings Presented by MMA Legal Services Attorneys

All MMA trainings are focused on requirements with respect to municipalities and municipal officials.

FOAA certification trainings - (Understanding FOAA; Elected Officials Workshop; MTCCA Law for Clerks FOAA discussion): The following syllabus generally describes all FOAA trainings presented by MMA Legal Services attorneys and advertised as a training meeting the minimum training requirements in 1 MRS § 412.

1. Public Proceedings
   - Discussion of public proceedings definition (1 MRS § 402(2))
   - Requirement for public notice (1 MRS § 406)
   - Public rights to attend – limits to public participation (1 MRS §§ 403, 404)
   - Executive session process and permitted subjects (1 MRS § 405)
   - Remote participation (1 MRS § 403-B)
2. Public Records
   - Definition of public record (1 MRS § 402(3))
   - Public right to access public records – manner of request (verbal, written, in-person, virtual, limits on standing requests) (1 MRS § 408-A)
   - Public Access Officer Requirement (1 MRS § 413)
   - Process/timeframes for acknowledging/fulfilling record requests (1 MRS § 408-A)
   - Authority to charge fees according to statute (1 MRS § 408-A)
   - Process for refusing records requests/confidential records (1 MRS § 408-A)
3. Violations and Penalties (1 MRS § 410)
4. Required records under FOAA (1 MRS §§ 403, 407)
5. Record retention requirements (5 MRS § 95-B)
6. Required FOAA training – which municipal officials and when (1 MRS § 412)

FOAA-related discussion in other MMA Legal Services attorney trainings: The following describes the discussion related to FOAA in the MMA Legal Services presentation at other trainings not advertised as meeting the minimum training requirements in 1 MRS § 412.

Planning Board/Board of Appeals workshop

1. Overview of FOAA
   - Definition of Public Records
   - Definition of Public Proceedings
   - Note that Planning Board members required to take separate FOAA training

2. FOAA requirements for calling a meeting of the Planning Board/Board of Appeals
    - All meetings are “public proceedings” whether or not formal action taken
    - Public notice requirements
    - Board discussions must occur in public proceeding – what constitutes an unauthorized public proceeding
    - minimum meeting record requirements/agendas/written decision requirements

MTCTA Tax Collectors and Treasurers Workshop

1. FOAA Training required for all treasurers within 120 days of election/appointment of each new term
    - Can review FAQs on Maine AG’s website to comply
2. Handouts distributed to all attendees with additional information:
    - Public Records; definitions, applicable confidential records; public right to access records
    - Fees
    - Violations
    - Record retention requirements
    - Required FOAA training

APPENDIX C: Sample FOAA Certificate of Completion

CERTIFICATE OF COMPLETION
FREEDOM OF ACCESS ACT
Training Required by 1 M.R.S.A. § 412

I, _____, hereby certify that I have met the training
(Name of official or public access officer)

requirements set forth in 1 M.R.S.A. § 412 on _____
(Date of training)

by completing the following training:

- ☐ A thorough review of all the information made available on the Frequently Asked Questions portion of the State website, www.maine.gov/foaa/faq.

- ☐ Another training course that includes this information, identified as follows:

_____
(Title of Course)

_____
(Name of Course Provider)

Dated this _____ day of _____, 20_____.

_____
Signature

_____
Printed Name

_____
Elected/Appointed Office or Position

Note: A public access officer or an official subject to this section shall complete the training not later than the 120th day after the date the official assumes the person's duties as an official or the person is designated as a public access officer.

Office of
The Governor

NO. 2 FY 24/25
DATE December 20, 2024

An Order Establishing the
The Maine Artificial Intelligence Task Force

WHEREAS, the recent proliferation of technologies that rely on artificial intelligence (AI) has significant policy implications for Maine's people, economy, and workforce;

WHEREAS, AI's potential positive impacts could include creation of new jobs and businesses, gains in productivity and efficiency, and reduced barriers to entry in some technical fields;

WHEREAS, up to a fifth of American jobs are considered "highly exposed" to AI – jobs for which AI could present both opportunities to increase performance and risks of displacement or other negative impacts;

WHEREAS, both established businesses and a growing community of startups in Maine have already begun to adopt AI-based technologies into their core business practices;

WHEREAS, AI relies on collecting and interpretating large amounts of data from end users, which makes it susceptible to reinforcing biases, removing transparency from decision-making, and misusing private consumer information;

WHEREAS, at least 26 other states have established or are in the process of developing task forces or similar bodies to study policy issues related to AI;

WHEREAS, Maine's Office of Information Technology has already taken steps to analyze risk for state infrastructure and has begun to develop capabilities to support state agency usage of AI tools;

WHEREAS, private industry, academia, and local and state government entities can collaboratively support and reinforce long-term AI policy strategies that leave Maine communities with less risk and better prepared for the future;

NOW THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to authority conferred by Me. Const. Art. V, Pt. 1, §§ 1 & 12, do hereby Order the following:

I. Task Force Established; Purpose

A. The Maine Artificial Intelligence Task Force ("Task Force") is hereby established.
B. The purpose of the Task Force is to investigate the implications of recent and anticipated advances in the field of AI for the State of Maine and make recommendations to:

1. Prepare Maine's economy and workforce for the opportunities and risks likely to result from advances in AI;
2. Protect Maine residents from potentially harmful uses of AI technologies, such as safeguarding consumer data privacy, mitigating bias in datasets, and mandating disclosure around AI utilization;
3. Explore the most promising uses for State agencies, quasi-State agencies, and other public entities such as municipalities to deploy AI technologies to address capacity gaps and improve service delivery to the populations they serve.

II. Membership, Chairs, and Advisory Committee

A. The Task Force shall consist of the following members:

1. The Commissioner of the Department of Labor or their designee;
2. The Commissioner of the Department of Economic and Community Development or their designee;
3. The Commissioner of the Department of Administrative and Financial Services designee;
4. The Commissioner of the Department of Education or their designee;
5. The Commissioner of the Department of Health and Human Services or their designee;
6. The Chancellor of the University of Maine System or their designee;
7. The President of the Maine Community College System or their designee;
8. The Director of Governor's Office of Policy Innovation and the Future or their designee;
9. The Director of the Maine Technology Institute or their designee;
10. Two members of the Senate appointed by the President of the Senate, including one member from each of the two parties holding the largest number of seats in the Legislature;
11. Two members of the House of the Representatives appointed by the Speaker of the House, including one member from each of the two parties holding the largest number of seats in the Legislature;
12. A municipal leader;
13. A representative of Maine workers;
14. A representative from a civil rights advocacy organization;
15. A representative from a consumer protection organization;
16. A representative from a large employer or industry group;
17. A representative from a small or medium business;
18. A representative from Maine's entrepreneurship community;

19. A leader from a Maine health care organization.

B. A Technical Advisory Committee shall inform the Task Force's work. The Technical Advisory Committee shall consist of the following members:

1. The Director of the Governor's Energy Office or their designee;
2. The President of the Maine Connectivity Authority or their designee;
3. The Maine Attorney General or their designee;
4. The Maine Chief Information Officer;
5. The Director of the Maine Office of Information Technology AI Center of Excellence;
6. Two subject matter experts in AI technologies;
7. A subject matter expert in legal issues presented by AI;
8. A subject matter expert in Maine workforce data;
9. A subject matter expert in financial markets.

C. The Governor shall designate two members to serve as Co-Chairs of the Task Force and, unless otherwise indicated, shall appoint the members of the Task Force and Technical Advisory Committee identified in Sections II(A)&(B). The Co-chairs may, in their discretion, appoint additional experts to the Technical Advisory Committee.

III. Funding and Staffing

A. The Governor's Office of Policy Innovation and the Future and the Office of Information Technology shall provide such staff as may be necessary to fulfill the Task Force's charge within existing resources and may seek staffing and financial support from other state agencies and private entities to accomplish the goals and work of the Task Force. Members of the Task Force and Technical Advisory Committee shall serve without compensation.

IV. Proceedings, Records, and Report

A. The Co-Chairs will preside at, set the agenda for, and schedule Task Force meetings. To the extent practical the Commission should conduct its work in a manner that is open and accessible to the public. Records, proceedings and deliberations of the Commission are not subject to the requirements of 1 M.R.S. c. 13, in accordance with sections 402(2)(F), (3)(J) and § 403(6) of that Chapter. The Commission may conduct its work through subcommittees, which may include non-Task Force members in advisory roles.

B. The Task Force shall issue a public report of its findings to the Governor and the State Legislature no later than October 31, 2025.

Date: December 20, 2024

Janet T. Mills, Governor

DRAFT

Maine AI Task Force

Draft report

Last updated: October 7, 2025

This is a current draft of the AI Task Force report for your review. The Task Force will discuss this report during its October 8 meeting.

Note – GOPIF communications staff are currently working to create a fully designed version of this report, which will include narrative collateral materials (photos, profiles, quotes, etc.), a letter from the co-chairs (to be discussed during the 10/8 meeting), a table of contents, and an executive summary.

Introductory Sections

Table of Contents

9) Areas where Maine can lead nationally

10) Implementing the Task Force's recommendations

11) Conclusion

12) Appendices (*to be added following 10/8 meeting)*
    a. Appendix – Executive Order Establishing the Maine AI Task Force
    b. Appendix – Task Force and Technical Advisory Committee Members
    c. Appendix – Description of Task Force meetings
    d. Appendix – Public comments summary
    e. Acknowledgements

DRAFT

Introduction: Why focus on AI?

On December 20, 2024, Governor Janet Mills signed an Executive Order[1] establishing the Maine Artificial Intelligence Task Force. At that time , about half of all U.S. states had created similar bodies to advise state policymakers on emerging AI-related technologies.[2] Maine's Task Force stands out among this group for its wide-ranging scope – whereas most other state AI task forces, commissions, or councils are exclusively focused on AI's implications for State government operations, the Governor's Executive Order charges Task Force members with also recommending ways to respond to AI's broader implications for Maine's economy and workforce, and for other public sector entities such as municipalities.

Their work comes in response to a rapid surge of technological advancements that are poised to revolutionize how people live and work. Nearly one-fifth of the U.S. workforce is classified as "highly exposed" to AI,[3] making them particularly vulnerable to job transformations driven by advancements in AI. At the same time, AI has the potential to create new jobs and businesses, improve productivity and efficiency, and reduce barriers to entry in some technical fields. The Task Force conducted their work in the context of a dynamic federal policy environment, which further reinforces the importance of state leadership on AI policy.

Defining AI

Artificial intelligence (AI) refers to computer systems that perform tasks by mimicking human-like intelligence via pattern recognition, predictive modeling, language processing, and content generation. Previous analytical and generative technologies rely on traditional logic-based coding – "if-then" models, deterministic analysis, or mechanistic processing. AI instead analyzes large amounts of data and makes inferences based on observed trends.[4] This is what makes AI so powerful – its ability to internalize new information, adapt its "thinking," and make intentional and informed decisions.

Generative AI (GenAI) is a subset of this technology referring to AI tools that leverage Large Language Models (LLMs) that are trained on large quantities of data to produce something qualitatively new. This includes natural-language chatbots like ChatGPT or Google Gemini, text-to-image models like Midjourney or DALL-E, and text-to-video tools like Sora.

This report uses the general term "AI" to refer to the entire range of artificial intelligence technologies, including GenAI, machine learning, and agentic AI (a newer AI subset that refers to

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[1] https://www.maine.gov/governor/mills/official_documents/executive-orders/2024-12-order-establishing-maine-artificial-intelligence-task

[2] CPSAI memo

[3] https://www.brookings.edu/articles/generative-ai-the-american-worker-and-the-future-of-work/

[4] https://www.brookings.edu/articles/what-is-artificial-intelligence/

models that can engage in a greater range of independent decision-making and execution with more limited human interaction).

AI technologies are meaningfully different from prior technologies in ways that have direct implications for state governments. Unlike the Internet, social media, or other earlier technologies, AI systems can generate content, make autonomous decisions, and adapt at scale – capabilities that present new opportunities and risks for regulators to address. Several defining differences include fewer barriers for creating lifelike synthetic information; lower costs for reaching large audiences with individualized messaging; more powerful autonomy across a wider range of use cases, including in the physical world; less predictability and transparency compared to rule-based systems; and greater consumer willingness to share personal data to unlock personalized features.

This AI moment

In November 2022, the San Francisco firm OpenAI released a general-purpose AI chatbot called ChatGPT. Within two months, ChatGPT reached 100 million monthly active users, making it one of the fastest-growing consumer applications in history.[5] Other large tech companies launched their own models, while venture capital funding for AI startups surged – over half of the near-record-high venture capitalist funds in the first half of 2025 was driven by investment in AI companies.[6]

ChatGPT's launch exposed the public to a class of technologies that has existed for decades. Prior to this recent surge in popularity, AI tools were used in specialized computing labs and research settings, but with little consumer adoption. Over the past several years, AI has increasingly become part of the way that we work and live.

Businesses in every sector have moved quickly: some surveys have shown that 92% of companies plan to invest in AI over the next three years.[7] In healthcare, the U.S. Food and Drug Administration has authorized approximately 950 AI- or machine-learning-enabled medical devices since 1995, including more than 200 in 2023 alone, signaling a rapid acceleration of AI in clinical contexts.[8] In education, one in four U.S. teenagers now reports using ChatGPT for schoolwork, up from just over one in 10 the year prior.[9] In the workforce, national studies estimate that nearly one in five American

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[5] https://www.reuters.com/technology/chatgpt-sets-record-fastest-growing-user-base-analyst-note-2023-02-01/

[6] https://www.reuters.com/business/us-ai-startups-see-funding-surge-while-more-vc-funds-struggle-raise-data-shows-2025-07-15/

[7] https://www.reuters.com/business/us-ai-startups-see-funding-surge-while-more-vc-funds-struggle-raise-data-shows-2025-07-15/

[8] https://www.medtechdive.com/news/fda-ai-medical-devices-growth/728975/

[9] https://www.pewresearch.org/short-reads/2025/01/15/about-a-quarter-of-us-teens-have-used-chatgpt-for-schoolwork-double-the-share-in-2023/

jobs involves tasks that could be replaced or substantially transformed by AI,[10] and a growing share of workers report that AI already plays a role in their day-to-day responsibilities.[11]

These developments underscore the pace at which AI is moving from experimental technology to structural force. The questions now facing policymakers are pressing and complex: How will rising demand for energy and broadband infrastructure affect state and national capacity? What protections are needed to ensure AI systems are deployed safely, responsibly, and equitably? How should liability be assigned for inaccurate or biased outputs? What steps are required to ensure that workers, students, and communities can adapt to these changes? And, critically, how can Maine capture the benefits of this new technology while mitigating its risks?

State of Maine AI actions to date

Here in Maine, in June 2023, Maine's Office of Information Technology imposed a six-month moratorium on the use of generative AI (such as ChatGPT) in executive branch agencies. This pause – ultimately extended a further three months – gave the State time to study the new technology's implications. Maine IT officials conducted risk assessments focused on security and privacy threats, examined potential bias and ethical issues, and surveyed the patchwork of evolving federal guidance and regulations. By early 2024, this work led to the publication of guiding principles and an acceptable use policy for generative AI in state government, aligning Maine's approach with emerging best practices.[12]

Federal policy context

The Task Force's work occurred concurrently with federal and other state efforts to grapple with AI policy. At the federal level, the *Take it Down Act* was signed into law in May 2025 after bipartisan support in the Congress. The bill addresses nonconsensual deepfakes and is one of the first major acts passed by Congress to tackle AI-related harm.[13]

However, other recent federal efforts have aimed to limit AI regulation. Early in his second term, President Trump rescinded a prior presidential executive order[14] that outlined an approach for safe, secure, and trustworthy development and use of AI. The summer 2025 budget reconciliation bill passed by the House of Representatives proposed a prohibition on states from enforcing for 10 years "any [state] law or regulation regulating artificial intelligence models, artificial intelligence

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[10] https://www.pewresearch.org/social-trends/2023/07/26/which-u-s-workers-are-more-exposed-to-ai-on-their-jobs/

[11] https://www.pewresearch.org/social-trends/2025/02/25/workers-exposure-to-ai/

[12] https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/GenAIPolicy.pdf

[13] President Trump signs Take It Down Act, addressing nonconsensual deepfakes. What is it? (AP, 5/20/25)

[14] https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/10/30/fact-sheet-president-biden-issues-executive-order-on-safe-secure-and-trustworthy-artificial-intelligence/

systems, or automated decision systems," with some exceptions. This language was ultimately stripped from the bill before it passed into law.[15]

The White House released a national AI Action Plan in July 2025 that asserts, "AI is far too important to smother in bureaucracy at this early stage, whether at the State or Federal level. The Federal government should not allow AI-related Federal funding to be directed toward states with burdensome AI regulations that waste these funds," while also allowing that "[the Federal government] should also not interfere with states' rights to pass prudent laws that are not unduly restrictive to innovation."[16]

In the absence of greater federal action, states led by Governors across the political spectrum are taking steps to address AI's potential harms in their communities. The National Governor's Association (NGA) estimates that over 550 AI-related bills were introduced across more than 45 states in 2025, an increase from 400 in 2024 and 67 in 2023. NGA's analysis notes that these bills address the design, development, or use of AI tools and frequently touch on issues such as data privacy, transparency, reliability and effectiveness, and fairness and equity. [17]

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[15] https://apnews.com/article/congress-ai-provision-moratorium-states-20beeeb6967057be5fe64678f72f6ab0

[16] https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf

[17] National Governor's Association, Legal and Regulatory Considerations Related to Artificial Intelligence (Updated), April 29, 2025. NGA has published a short summary of themes emerging among state AI regulation activities. As part of their AI policy toolkit, the National Conference of State Legislatures maintains databases of state AI-related legislation for each of the last three years, which can be accessed here: Artificial Intelligence 2025 Legislation.

Task Force process

The Task Force is co-chaired by Dr. Mary Dickinson, Executive Vice President and Chief Scientific Officer at the Jackson Laboratory, and David Daigler, President of the Maine Community College System. It is comprised of 21 individuals, including State and local officials, legislators, representatives from higher education, and business and non-profit leaders. The Task Force is supported by an 11-member Technical Advisory Committee that includes experts in technology, legal issues, Science, technology, engineering, and mathematics (STEM) education, energy and broadband policy, and workforce analysis. Staff from the Governor's Office of Policy Innovation and the Future (GOPIF) and Maine's Office of Information Technology provide policy and technical support.

The Task Force, which was announced in December 2024,[18] held 12 public meetings between January and October 2025. These meetings, which were open to the public and recorded and posted on a dedicated Task Force website,[19] allowed members to hear directly from technical experts, practitioners, and state and national leaders. The Task Force's meetings, a mixture of virtual and hybrid, engaged experts from Maine and several other states, and leveraged the Task Force and Technical Advisory Committee's expertise on a wide range of AI-related topics. This work was supplemented by two opportunities for public comment; the first, in June 2025, surveyed the public about their exposure and priorities around AI, and the second, in October 2025, solicited reactions to the Task Force's draft recommendations. GOPIF staff also managed an email newsletter that announced upcoming meetings and encouraged recipients to find materials from all meetings on the Task Force website.

Task Force meetings

The first two Task Force meetings (January 31 and February 14, 2025) were designed to introduce the charges set out in Governor Mills' Executive Order and to provide information for Task Force members about the state of AI today. The Task Force also provided input about the topics they thought the Task Force should explore to address the questions posed in the Executive Order.

Between March and July 2025, the Task Force held six meetings on the topic areas that emerged as high priority: AI's implications for Maine's economy, workforce, education system, and healthcare system; AI's use in Maine's public sector (State and local); and a discussion of potential harms to Maine people that AI could create or exacerbate. In parallel, six subgroups (one focusing on each topic area above) met between May and August 2025 to generate recommendations in each of these topic areas.

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[18] https://www.maine.gov/governor/mills/news/governor-mills-signs-executive-order-establishing-task-force-artificial-intelligence-2024-12

[19] https://www.maine.gov/future/artificial-intelligence-task-force

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At the Task Force's final four meetings (September 5, September 26, October 8, and October 24), they synthesized their learnings and developed their recommendations.

Structure of this Report

This report reflects months of study, analysis, and deliberation, and is intended to provide an initial set of guidance for Maine policymakers to begin to respond to the opportunities and risks of artificial intelligence. It covers many of the sectors where AI is already beginning to make itself felt in Maine, weaving together what the Task Force learned, the principles that emerged from those discussions, and recommended actions to better position the State to promote safe, equitable, and responsible AI adoption in Maine.

The report is organized according to the three charges set out in the Governor's Executive Order:

Under "**Prepare Maine's economy and workforce for the opportunities and risks likely to result from advances in AI,**" the Task Force recommends a series of actions to support Maine businesses, protect Maine workers, and understand how AI is already showing up in the Maine economy. This section examines how AI might increase productivity, create new industries, and support entrepreneurs, while also acknowledging real risks around workforce disruption in fields ranging from manufacturing to professional services.

This section also contains a deeper dive into AI's implications for Maine's education system, recognizing that Maine's schools are at the front lines of technological change; and Maine's healthcare system, with particular focus on AI tools that could improve patient health outcomes, expand access in rural communities, and ease burdens on physicians.

Under "**Protect Maine residents from potentially harmful uses of AI technologies, such as safeguarding consumer data privacy, mitigating bias in datasets, and mandating disclosure around AI utilization,**" the report addresses some of the risks created or exacerbated by AI, recognizing that its rapid spread brings not only opportunity but also new forms of harm, including AI-created deepfakes, increasingly sophisticated fraud schemes, the rapid spread of mis- and disinformation, and new cybersecurity concerns for Maine's public and private sectors. This section of the report highlights some of the most pressing of these harms, and emphasizes that safety and trust must stand alongside innovation as priorities for Maine.

Finally, under "**Explore the most promising uses for State agencies, quasi-State agencies, and other public entities such as municipalities to deploy AI technologies to address capacity gaps and improve service delivery to the populations they serve,**" the report examines how AI can transform the work of government itself. This section lays out some actions that State agencies and local governments could take to improve service delivery despite budgetary and staffing constraints. AI may offer opportunity for government to streamline licensing and permitting,

improve customer service, and modernize core systems. But doing so will require thoughtful investment in infrastructure, data governance, and capacity building across public institutions.

The report concludes with a section outlining some areas where Maine could become a national AI leader and initial steps the State could take to prepare to implement the Task Force's recommendations.

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Recommendations

Prepare Maine's economy and workforce for the opportunities and risks likely to result from advances in AI

Topic A: Economy

Artificial intelligence holds the potential to help Maine businesses of all sizes increase productivity, competitiveness, and innovation. For large employers, AI tools can expand markets, improve business processes, and support a broader workforce by enabling participation among workers who are traditionally left out. For smaller enterprises, AI can unlock capabilities that were once out of reach, such as expanding access to business intelligence, automating routine tasks, and streamlining operations to save time and cost.

Yet adoption remains a significant hurdle, particularly for small and mid-sized firms that face inconsistent AI literacy, infrastructure gaps, and cybersecurity and data-management challenges.

Recommendations

A1) Expand entrepreneurial assistance for AI-enabled startups and other Maine businesses

The State should explore ways to enable Maine businesses to leverage AI tools to grow, support employees, and establish appropriate governance and data privacy policies, while also continuing to lower the barriers to entry for entrepreneurs looking to build new AI-powered startups in Maine. For Maine's small businesses in particular, AI can dramatically strengthen market intelligence, allow access to previously unaffordable technical capabilities, and smooth operations.

One model to consider expanding upon is the Maine Technology Institute's Maine Entrepreneurial Resource Corp, which recently launched an initiative specifically designed to equip entrepreneurs with AI skills relevant to their business. New AI-powered tools could also be developed to help businesses more easily discover and access existing financial and technical resources like tax incentives, grants, or loans.

A2) Identify and pursue new economic opportunities where AI can broaden prosperity and create good jobs

AI offers Maine promising paths for economic growth and job creation. The State should aggressively explore and cultivate economic innovation unlocked by AI, especially in areas where the State has competitive advantages and long-standing strengths. For example, new opportunities may include AI tools that improve rural health outcomes; solutions for monitoring the health of

forests, coasts, and oceans; new advances in smart manufacturing and precision agricultures; and biotechnology breakthroughs that use AI to advance animal and human health diagnostics.

As access to data underpins much AI-driven innovation, the State should also foster the production of open-source, AI-ready training data in areas of its economic priorities and pressing challenges. In a recent survey of venture capital investors, more than half of respondents cited a startup's access to good data as the factor most likely to make them stand out in a crowded field. AI-ready datasets (cleaned, anonymized, and maintained) can draw in innovators looking for raw data on which to train their AI tools.

A3) Help private sector firms, community nonprofits, and other organizations enhance cybersecurity

As AI accelerates the volume and sophistication of cyberattacks, it will be imperative that Maine's small businesses, nonprofit organizations, municipalities, and other non-public entities continue to modernize their protections against threat actors. Existing programs in Maine offer help on cybersecurity, such as subsidized access to business consultants through Maine Technology Institute's Maine Entrepreneurial Resource Corps and technical expertise from University of Maine Augusta's Cybersecurity Center and Maine Cyber Range program. The State should take steps to continue to grow supports like these.

A4) Improve access to advanced computing resources

Training AI models requires significant investment in computing power. To lower the barrier for early-stage companies to start here, Maine should explore strategies to improve access to advanced computing resources for firms that may not otherwise have relationships or financial resources to leverage top-tier AI tools. This could involve public-private partnerships, targeted incentives, or shared-use models that reduce costs for smaller actors. By investing in the underlying infrastructure upon which AI depends, Maine can help ensure that the benefits of innovation are broadly distributed across sectors and geographies.

A5) Provide regulatory predictability to support safe adoption of AI tools by Maine businesses

Regulatory predictability will be critical to helping Maine's firms adopt AI tools with confidence necessarily to globally compete. Clear, consistent guidelines around safety and consumer protections will need to be tailored to the realities of Maine's small business landscape. Incremental rulemaking, long implementation timelines, and robust stakeholder engagement can also provide firms with predictability while allowing businesses to adapt and grow alongside emerging AI capabilities.

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A6) Continue to strengthen Maine's broadband and energy infrastructure to prepare for AI's impacts

AI's economic potential will only be realized if the underlying infrastructure is in place to support it. The State should assess broadband, computing, and energy infrastructure needs in light of growing AI use — particularly among small businesses and rural communities — and align infrastructure investments with economic and climate goals.

The State should consider ways to forecast AI-related demand in energy and broadband planning efforts, including capacity gaps, interconnection needs, and data center siting considerations; evaluate legacy industrial or public-sector sites that could support modular data infrastructure; explore shared-use models for high-performance compute infrastructure that reduce costs for small businesses, startups, and public agencies; and develop a playbook for responding to data center development project opportunities.

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Topic B: Workforce

AI technologies are expected to change the nature of work across many occupations, influencing the types of skills in demand, the structure of job tasks, and the speed of labor-market change. Some jobs, particularly in low- and middle-wage service occupations, could be disrupted, while others could be created as new technologies drive innovation and productivity. Many workers are concerned about AI's impact on future job prospects, employment fairness, and surveillance. Existing data tools, both nationally and here in Maine, tell an incomplete story about AI's current impact on labor markets and credible research points to a wide range of future scenarios. Like their peers across the country, many Maine employers and training providers are responding to these changes by helping people build new AI-ready work skills.

Recommendations

B1) Actively evaluate AI's real-time impacts on Maine's workers and labor markets with enhanced real-time labor market intelligence

Develop leading and longer-term data metrics that enable the State to actively monitor potential AI-related job disruptions, wage impacts, and other labor market effects. Insights should be shared back with workers and employers continuously, including, for example, information about future high-wage, in-demand occupations. Senior policy leaders should regularly discuss these data to allow rapid policy responses as the labor market changes and workers' needs evolve. The State Workforce Board can help Maine's training institutions continue to stay abreast of how AI is changing the skills sought by Maine employers and solicit input from workers about AI's impact on their careers.

B2) Expand training opportunities that prepare Maine workers with the skills needed for an AI-enabled workplace

To keep Maine's workforce competitive, the State should integrate AI into existing training programs and encourage employers to invest in AI skills for their employees. Developing credential and educational standards can help ensure trainees gain the competencies needed for a technology-driven economy. New career exploration and apprenticeship programs can be developed that focus on emerging occupations related to AI. Higher education and training providers should partner with employers to develop and deliver AI-focused training, and the State should work with these organizations to ensure streamlined access to funding resources like the Dirigo Business Incentive[20] and other programs.

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[20] Maine's Dirigo Business Incentives offer up to $2,000 per worker annually in tax credits to help employers cover the cost of providing approved trainings in eligible sectors. For more, visit https://www.maine.gov/decd/business-development/financial-incentives-resources/incentives/dirigo.

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B3) Ready Maine's workforce investment strategy and re-employment policies for the AI era

Artificial intelligence is reshaping industries, workflows, and employment patterns across Maine. While the pace and scope of these changes may not yet be visible, their cumulative effects – job opportunities and disruptions that cut across sectors, communities, and skill levels – could be profound and may require updating or changing portions of existing state workforce strategy. For example, some State re-employment initiatives are specifically designed for place-based workforce impacts, whereas AI may have job implications across specific occupations regardless of geography.

The State should also explore ways to proactively build the state's capacity to help workers retrain, transition, and thrive as AI transforms the economy. The State should consider ways to update proven workforce retraining and career transition services; cultivate innovative partnerships with employers and educators to develop new training curricula and foster digital literacy; and ensure that our rapid response and re-employment practices are equipped to react to distributed, occupation-specific disruptions. The speed at which these changes might occur also suggests the need for the State to identify new resources, including federal funds.

B4) Leverage AI tools to expand reach, speed, and impacts of state workforce programs

AI tools offer promise to expand the reach of state workforce programs and make them more helpful for Mainers that use them. For example, Indiana has used AI's data analytic capabilities to offer unemployment filers with tailored recommendations and customized data based on personalized employment histories. New Jersey is using AI to more seamlessly translate documents into workers' native languages and adjust them based on educational background. Workforce programs with intensive navigation services – like ASAP, which is proven to increase college completion for at risk students – may may benefit from innovations to expand their reach through AI supports that complement human coaches. AI policy "answer bots" and automated documentation tools could help Maine's career counselors and eligibility workers spend less time hunting for answers and completing compliance-oriented paperwork, and more time with clients.

B5) Engage workers to ensure AI improves careers and expands opportunities for all

AI has the potential to create new jobs and advancement opportunities, improve pay, and reduce unsafe or repetitive tasks, but these outcomes will not happen automatically. As work and career opportunities evolve, worker perspectives must shape how AI is introduced and used. The State should elevate worker voices in policy discussions on training, job quality, and technology adoption, while employers can engage employees directly in decisions about AI in the workplace. AI may also allow business to bring more people into the workforce, especially those that are currently being left out of job opportunities.

Ongoing attention is also needed to how AI affects working conditions, including surveillance of workers, worker autonomy, and the role of professional judgment in mission-critical tasks. In rural communities, where access to training and infrastructure is more limited, prioritizing worker voice is especially important to make sure AI strengthens economic opportunity.

B6) Equip Maine students and trainees to learn on state-of-the-art industry tools and infrastructure that prepare them for the future workplace

Maine has made substantial investments in upgrading facilities and equipment available to students and trainees in K12 classrooms, at Career and Technical Education programs, and across Maine's public higher education institutions. Maine should continue to pursue creative solutions that help keep this infrastructure modern as AI changes the tools and equipment used in the workforce.

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Topic C: Education

Educators across Maine are beginning to explore how AI can enhance teaching and learning, from using generative tools to improve students' writing skills, to creating more dynamic lesson plans tailored to different learning styles, to finding new ways to engage students who might otherwise struggle to participate. Teachers and staff are also leveraging AI to automate time-consuming administrative tasks such as grading, lesson planning, and progress tracking, freeing more time for direct interaction with students. However, the adoption of AI in classrooms also raises important challenges. Schools across the state face inconsistent guidance on best practices; ongoing concerns about students using AI to cheat or bypass assignments; and persistent financial and infrastructure gaps, particularly in rural areas, that make it harder to access or effectively integrate these emerging tools.

Recommendations

C1) Recognize and support pioneering Maine educators who are leading in AI innovation and create pathways for their insights to guide peers.

Adoption of AI in education has largely been driven by a small number of early pioneering teachers, administrators, and other educators experimenting with ways to improve their pedagogy and administrative tasks. The State can continue highlighting AI's potential to improve learning by supporting and accelerating peer education through priority access to emerging tools, platforms to collaboratively address challenges and learn from each other, and structured opportunities to share insights with State leaders and peer educators. The State could build on models like Maine's annual Learning Technology Initiative Conference to regularly capture their experiences and highlight their successes as a way to create a practical knowledge base and inspire other educators to explore AI in their own classrooms.

C2) Reach every educator in Maine with professional development supports focused on AI

Many Maine educators and administrators are eager to learn about AI but districts lack the capacity, time, or technical expertise to do so. Maine should build on resources like the Maine Department of Education's best-in-class AI guidance and toolkit and peer learning programs offered by groups such as the Maine Math and Science Alliance. Efforts like these can help convert pockets of AI innovation into resources from which all Maine educators can benefit. The State can also help districts and school administrators interested in piloting AI tools, highlighting promising use cases aligned with real-world needs, and exploring potential funding mechanisms to support innovation.

C3) Prepare new teachers to use and teach about AI

Integrating AI concepts and tools into Maine's teacher preparation programs will help new educators enter the workforce ready to engage with AI technologies responsibly and effectively. Exposure during pre-service education can build familiarity with AI's classroom applications, ethical considerations, and potential risks before teachers face them in practice. Focused coordination on AI topics between the Maine Department of Education, colleges of education, and accrediting bodies could help establish consistent expectations so that all graduates, regardless of program, are prepared to guide students in an AI-enabled learning environment.

C4) Embed AI literacy into the curricula for all graduating students and adult learners

Just as Maine's educational institutions play a central role today in helping students to safely and critically navigate the Internet, schools in Maine should ensure their students graduate with the foundational AI literacy necessary to navigate life and workplaces of the future. Students and adult learners should be exposed to how AI tools work, introduced to topics of AI safety and ethics, and shown how to evaluate AI outputs. Opportunities for students and life-long learners to learn both with and irrespective of AI will be crucial to their long-term adaptability and success.

C5) Trial AI-backed tools and technologies with the greatest potential to jumpstart learning outcomes, particularly for students with learning challenges and in less-resourced districts

As research grows about how and where new AI-backed tools can benefit student learning, Maine should pilot deployment of the most promising tools as part of broader efforts to strengthen learning outcomes while uplifting and supporting Maine's educators. There may be particular benefits for closing inequities experienced by rural districts, students with learning challenges, and schools with high shares of non-native English speakers. Other states may offer models. For example, Iowa and Louisiana have both recently rolled out AI-based reading skills tools in public elementary schools at low or no cost to their districts[21], and Indiana piloted a grant program for districts to implement an AI platform of their choice during the 2023-24 school year.[22]

[21] https://www.wwno.org/education/2024-10-08/meet-amira-the-ai-tutor-helping-louisiana-students-improve-their-reading-skills and https://www.govtech.com/education/k-12/iowa-rolls-out-ai-reading-tutor-for-all-elementary-schools

[22] https://drive.google.com/file/d/13eJJ5dICQqvD7q2l2qWwhp4t8vuec_nt/view

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Topic D: Healthcare

AI offers significant promise for improving the health of Maine people, especially in rural communities where access to care can be limited. Across the state, health systems are already deploying AI tools such as ambient documentation, remote patient monitoring, and AI-assisted diagnostics, with early results showing gains in provider retention, reduced employee burnout, and more accurate and timely diagnoses. These tools are helping Maine's healthcare system deliver higher-quality care, and they illustrate how responsible innovation can improve both patient outcomes and clinician well-being.

However, access to these cutting-edge technologies remains uneven, with smaller, independent providers often lacking the financial and operational capacity to deploy AI tools. In addition, most AI tools have been trained on datasets from large, urban patient populations, leaving a need for additional innovation for older, more rural populations like Maine's. AI technologies are also introducing new diagnostic, operational, and communications capabilities that often directly interact with patients in ways not yet fully contemplated by Maine's existing oversight systems.

Recommendations

D1) Establish Maine as a national innovation hub for the discovery and demonstration of how AI will improve rural health outcomes

Rural health communities nationwide are experiencing widening care gaps as costs push traditional providers out of business. New AI applications in areas like virtual behavioral healthcare delivery, wearables, and hospital business operations could offer major opportunities to close those gaps – yet little of that tech is being designed with rural health populations in mind.

Maine should aggressively pursue the opportunity to become a national hub for attracting AI health innovation focused on rural communities. This initiative could include investments to establish innovation demonstration sites at Maine rural hospitals with supports for technology, policy revisions, project management, and technical assistance; spurring development of AI tools that support older, rural patients or those trained on rural patient population data; trialing clinical deployment of emerging AI tools in rural health settings; and developing a regulatory and reimbursement environment tailored to R&D and commercialization activities. Duke University's Health AI Partnership offers an example of a hub-and-spoke model in which larger health systems serve as technical partners and testing grounds, helping smaller rural centers pilot AI tools and share knowledge.

D2) Identify and validate AI training resources for healthcare professionals

AI adoption in healthcare settings has been robust (over 70% of respondents in a 2024 survey reported pursuing GenAI tools)[23] and offers enormous potential benefits to hospitals and patients. However, healthcare's high stakes, heightened privacy restrictions, and the need for trust between patient and provider require healthcare professionals to achieve a greater level of proficiency when using AI than workers in many other sectors.

The State should collaborate with external partners to identify and validate best-in-class training options. Health organizations, workers, patients, and academic institutions could partner to develop new training modules tailored to different healthcare roles, grounded in human-centered care and real-world case studies. Providing adequate AI exposure and training to health professionals ahead of their use in real-world clinical settings is critical to ensuring that AI is used responsibly, safely, and ethically.

D3) Prepare Maine's health regulatory landscape to enable Mainers to safely benefit from emerging AI health technologies while mitigating potential risks

The State should proactively prepare Maine's healthcare regulatory landscape to capture potential opportunities for emerging AI tools to improve patient outcomes and quality of care, close inequitable access gaps, and address other structural healthcare challenges. This includes enabling safe and equitable deployment of technologies that can improve patient outcomes, enhance quality, and reduce inequities. Incorporating AI as a tool to address Maine's structural healthcare challenges – including significant coverage gaps in rural areas, creating long waits for primary care physicians and specialists like behavioral health providers – may necessitate speeding up outdated adoption processes, rethinking MaineCare reimbursement, and working with insurance providers to negotiate coverage for new health applications.

The State should create clear pathways for approving innovative, evidence-based AI tools that can supplement health services and help individuals navigate to the most appropriate level of care. This work should include extensive engagement with patient groups, clinicians, licensing boards, payers, and other critical stakeholders. It should address readiness topics including safety, licensing, oversight, reimbursement models, malpractice responsibility, and insurance network adequacy rules.

D4) Upgrade technology infrastructure and build out partnerships that help AI technology reach patients in all of Maine's communities

Today most providers and health organizations access AI-backed health innovations as they are offered through or together with their existing electronic medical record system or enterprise resource management system. (For example, the passive charting tools now widely used at

[23] https://www.mckinsey.com/industries/healthcare/our-insights/generative-ai-in-healthcare-adoption-trends-and-whats-next

MaineHealth are integrated tightly within EPIC, the system's electronic medical records platform.) When health centers remain stuck on previous-generation or limited-feature platforms – as is the case for many of Maine's independent hospitals, clinics, and Federally-qualified Health Centers (FQHCs) – it means that it can take many years for these providers and their patients benefit from tools available to others today. Technology upgrades and technical assistance can help these providers access modern tools and develop operational practices for how to benefit from them most.

Protect Maine residents from potentially harmful uses of AI technologies, such as safeguarding consumer data privacy, mitigating bias in datasets, and mandating disclosure around AI utilization

Topic E: AI-related Harms

Keeping Mainers safe from harmful uses and impacts of AI will be of growing importance as uses of AI technologies grow and change. In many circumstances, current federal and state law offer protections and remedies against unlawful behavior regardless of the underlying enabling technology. In other cases, AI's novel capabilities – such as its ability to generate realistic content, personalize mass messaging, and operate with new levels of autonomy – introduce new challenges.

Over the coming years, the reach of new technology will further blur distinctions between those products and services that use AI and those that do not. Maine policymakers will not be able to anticipate or counter every harmful use or impact of AI. Absent complementary strategies that grow AI literacy, legislation and regulation alone will not be sufficient to help residents safely benefit from AI technologies.

Recommendations

E1) Pursue near-term legislative and executive action where harmful AI uses are apparent, responses are clear, and protections are lacking, ensuring that Maine is prepared to respond as these risks become more complex and widespread, including:

- *Election security:* Preventing fraud or misinformation campaigns amplified by AI. Maine election laws currently make no mention of plain language disclosure requirements around artificial or manipulated content; many other states have passed laws regulating deepfakes in elections that may offer models.

- *Consumer protection:* Safeguarding that AI-generated output does not mislead, manipulate, or cause harm to users, particularly in commercial, financial, and healthcare contexts. Maine's 132nd legislature has initiated some work here with LD 1727, An Act to Ensure Transparency in Consumer Transactions Involving Artificial Intelligence, which requires disclosure of use of AI chatbots to customers where they might otherwise reasonably believe they are interacting with a human.[24]

- *Deepfake mitigation:* Expanding and enshrining protections against impersonations, cloned voices, and fake personas deployed for malicious gain, including sexually explicit images. Deepfakes potentially fall within traditional defamation frameworks if they falsely depict someone doing or saying something harmful presented as fact, but testing in the courts has been limited. For example, Tennessee's ELVIS Act explicitly prohibits unauthorized digital

[24] https://legislature.maine.gov/legis/bills/display_ps.asp?LD=1727&snum=132

simulations of an individual's voice or likeness in a commercial or deceptive manner, [25] and California's AB 1831 expands the state's child sexual abuse material (CSAM) protections to include AI-generated or manipulated materials.[26]

- *State cybersecurity:* Ensuring that Maine state information systems have the resources and access to expertise necessary to keep public information safe in current and emerging threat environment. Recent and ongoing investments by MaineIT offer a foundation on which to continue building.

- *Labor and employment impact:* Monitoring how AI is used in hiring, workplace surveillance, and productivity tracking. Several states and cities are advancing "algorithmic fairness" rules for hiring and promotion decisions (e.g., New York City's bias audit law for automated employment decision tools).[27]

E2) Conduct dedicated study and ongoing monitoring in domains where harmful uses or impacts of AI are still emerging, where the appropriate regulatory response path is ambiguous, or the breadth of AI's impact will be significant, such as:

- *Healthcare:* Addressing licensing, standards, and oversight for AI-assisted health services and tools. For example, healthcare licensing statutes (32 M.R.S. §3171 et seq.) assume a human provider, leaving unclear how certain autonomous AI health tools could be safely approved and deployed.

- *Agentic AI and autonomous systems:* Clarifying state regulatory and legislative policy that enables new and more powerful forms of autonomous systems while addressing accountability for oversight, liability for harms, and how individuals may designate AI software to act as fiduciaries on their behalf.

- *Data autonomy and privacy:* Defining consumer rights over personal data and self-image, such as access, deletion, sharing and expectations for institutions to disclose how collected data are used. Because AI tools are trained on data, a data privacy framework can provide a valuable foundation for subsequent AI-specific law.

- *Bias and discrimination:* Ensuring consistent protections and expectations to protect against discriminatory AI outputs. Maine's Human Rights Act (5 M.R.S. §4551-4634) already prohibits discrimination based on race, color, sex, sexual orientation, disability, age, and other factors in employment, housing, credit, education, and public accommodations.

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[25] https://www.capitol.tn.gov/Bills/113/Bill/HB2091.pdf

[26] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1831

[27] https://www.nyc.gov/site/dca/about/automated-employment-decision-tools.page

- *Intellectual property and creative industries:* Examining how AI affects artists, writers, musicians, and software developers in Maine, their creative output, and unauthorized uses of likeness or style.

- *Protections for children:* Examining how to protect children from emerging AI technologies that heighten vulnerabilities they already face online, such as exposure to sexualized content, exploitation of private information, addictive attributes of social media, inappropriate relationships, and isolation.

E3) Ground AI policy in principles of regulatory balance, accountability, transparency, modernized standards, and ethical use by government

As the legislature and executive shape state policy on AI, several common principles can anchor deliberations across a range of specific domains. These include:

- *Balancing regulatory precautions with beneficial opportunities.* Policymakers should carefully consider how to protect Mainers from potential harms without preventing them from accessing opportunities with potentially substantial benefits. Underserved communities may be especially vulnerable to policy actions that create barriers to innovation, jobs, or essential services – particularly in healthcare, employment, and housing.

- *Making responsibility and accountability for outcomes of AI adoption transparent to the public.* Users should be able to expect that those developing or deploying AI tools have taken reasonable steps to mitigate and disclose potential risks and should benefit from reasonable transparency into how AI tools function. At the same time, individuals and organizations using AI tools should be accountable for the outcomes of their own use of AI technology. In many cases, the role of policy may be to ensure that user agreements are explicit and transparent about these rights and responsibilities.

- *Modernizing thresholds for regulated activity.* Certain existing State regulations are based on spending (i.e., disclosure of campaign donations is only required once a certain dollar threshold is met).[28] In light of the much greater audience reach that AI-based algorithmic targeting could afford, some of these regulations may need revision – it may no longer be effective to exclusively use spending or cost as a threshold for determining what activities may be subject to regulation.

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[28] See 21-A MRSA §1052(2-A) (""Ballot question committee" means a person that receives contributions or makes expenditures **aggregating in excess of $5,000** for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. ")(emphasis added).

- *Ensuring government is ethical, transparent, and secure in its use of AI. State* policies and practices should enshrine a commitment to using AI in ways that are ethical, transparent, and secure. Maine should lead by example through its practices in evaluating and procuring AI tools, including with a lens towards choosing energy-efficient software; its transparency about how these tools are used; its practices for data collection, management, protection, and user control; its security standards; and its efforts to build employee AI literacy. Collecting data to train and operationalize AI tools should be thoughtfully weighed against the tradeoffs of collecting, storing, and using new data, as collecting data can create user burdens and increase risks of disclosure or unauthorized use. Maine should also leverage local private sector expertise to ensure state cybersecurity protections continue to reflect the evolving threat environment.

E4) Consider ways to affirm to courts how and where existing Maine statutes to apply to circumstances involving AI

The Legislature, State agencies, and the State Attorney General's Office should consider ways to provide targeted guidance to the courts for applying existing laws to emerging AI-related applications as AI is accelerating the volume, speed, and sophistication of unlawful activities. One option may be through a statement of statutory intent that clarifies legislative expectations for how these laws should apply to new technologies.

E5) Launch a public AI literacy campaign to help Mainers navigate these emerging technologies in their daily lives

A multiplatform, multimodal campaign should aim to enable Mainers to spot AI when interacting with it, understand AI's potential risks and benefits, and take steps to safely navigate AI in their daily lives. The campaign should build students' capabilities for leveraging AI as well as understanding its limitations and help Maine workers identify opportunities and benefits from building AI competency. It should close access gaps by offering safe ways for Mainers to interact with AI. The campaign should build on the State's existing digital equity strategy and the Maine Department of Education's AI Toolkit for Educators. It should leverage a wide range of trusted community organizations – including libraries, financial institutions, faith organizations, public health clinics, and legal services organizations. To ensure broad reach, materials should be accessible in multiple languages; available in rural areas; and tailored to meet the needs of older adults and youth in particular. The campaign should be continuously updated to reflect the rapidly changing AI landscape, ensuring that Maine residents receive timely, relevant, and practical guidance.

E6) Actively monitor AI's emerging use cases and associated risks to Maine residents

State agencies should monitor and regularly report to the Governor, the Legislature, and the public about how novel AI applications in the economy and society are impacting their stakeholders and

emerging in the domains they regulate. The State should closely track the federal regulatory landscape – including both legislation and court decisions – and work with Maine's Congressional delegation on AI issues that affect residents. The State should also consider multistate coordination efforts to learn from other states and collaborate on federal advocacy where appropriate. A central executive branch entity should be charged with coordinating these efforts across the administration and should be given the resources to do so.

(similar to recommendations proposed in LD 872 (2025)

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Explore the most promising uses for State agencies, quasi-State agencies, and other public entities such as municipalities to deploy AI technologies to address capacity gaps and improve service delivery to the populations they serve

Topic F: Public Sector

For Maine's State agencies, quasi-State entities, and more than 480 municipalities, the most promising AI use cases can help address capacity and resource constraints and improve responsiveness. Government employees are already using AI to automate certain administrative tasks, support real-time information retrieval, and enhance decision-making in areas such as budgeting, contracting, and data analysis. Other states are using similar tools to match job seekers with training, streamline permit reviews, detect fraud, and monitor environmental conditions, demonstrating how AI can advance policy priorities like housing, workforce development, and resource protection. However, long-standing challenges risk inhibiting adoption of innovative AI tools by the public sector in Maine, including scarce technical expertise, fast changing cybersecurity threats, and plodding acquisition requirements. And the public entities most poised to benefit from AI's capabilities – including Maine's Legislature, Judiciary branch, boards, and local governments in small communities – often have the least operational capacity to overcome these barriers.

Recommendations

F1) Position AI as a policy priority across state agencies

AI and other related technologies will impact the mission and operations of every State agency in Maine. Each cabinet agency should develop a plan for how they will monitor and respond to impacts AI might have on their constituencies, as well as how their agency could utilize new digital technologies to improve service delivery.

The State should also consider establishing an interagency leadership council responsible for monitoring AI trends, promoting shared learning and talent development, and supporting coordination on AI governance policies and practices. This group could also be a first point-of-contact on AI topics for the public, higher education institutions, the private sector, and organizations responsible for Maine's energy resources and broadband infrastructure.

F2) Invest in state capacity for AI adoption and governance

To ensure Maine state government can responsibly and effectively adopt AI, the State should invest in developing AI capacity across all three branches of government, including educating its existing workforce, bringing in technical expertise, and coordinating AI policy. All state employees should receive training on how to safely and responsibly use AI tools in their work, with opportunities to

extend training to municipalities in partnership with organizations such as the Maine Municipal Association. AI also offers opportunities for the legislative and judicial branches to improve operations and increase transparency.

At the same time, Maine should strengthen its technical and policy capacity across agencies, ensuring MaineIT and State agency teams have the talent, partnerships, and expertise to evaluate, design, and deploy AI tools, monitor risks, and maintain strong cybersecurity protections. Finally, the State should build out centralized policy coordination to map AI's non-technical implications; track trends across state and local governments; and align Maine's AI strategy with broader economic, regulatory, and social priorities.

F3) Enhance public transparency into how AI tools are deployed in State government operations and where they are improving outcomes for Maine people

To build public trust and ensure accountability, Maine should publish what AI tools are being used across government, for what purposes, and with what safeguards. A public dashboard or registry could track these tools' status, intended outcomes, and any evaluations. Regular reporting can help elevate stories of where new AI investments are making a difference for Maine people. This transparency effort also creates a foundation for public dialogue and ethical oversight.

F4) Support municipalities in assessing opportunities, developing technology plans, and identifying implementation funding for AI tools that improve local service delivery

Municipalities often lack the capacity to explore how AI might help them meet their goals. The State should explore paths to enable technical assistance, planning grants, and implementation resources that help towns and regions responsibly explore AI use. The model could include needs assessments via trusted third parties like consultants or regional partners, grants for municipalities to pilot or scale AI solutions, and incentives for interlocal projects that demonstrate regional cooperation. Other public entities such as locally owned utilities may benefit from similar support, particularly around cybersecurity.

F5) Collaborate with Maine's higher education institutions to launch a Maine AI Public Innovation Hub

Maine's public and private universities could serve as partners in helping Maine government entities identify, design, deliver, and evaluate AI and other digital innovation projects. This centralized clearinghouse could match students and faculty with real-world needs in state and local government, offering support on technology design, procurement, deployment, and ROI evaluation. Modeled on programs like UMA's Maine Cyber Range and New Jersey's AI Hub[29], this

[29] https://njaihub.org/

Hub could also strengthen the public sector talent pipeline by exposing students to public service careers.

F6) Enable innovative procurement strategies to solicit AI solutions for critical challenges

Maine agency success in deploying AI tools will hinge in large part on the effectiveness of the State's procurement and contracting practices. Today, technology projects can take more than a year to progress from conceptualization to having a signed contract in place, a timeline that leaves government vulnerable to falling behind rapidly evolving technology. Procurement solicitations are often detailed and prescriptive, which can make it harder to consider innovative or lower-cost options from new AI solutions, and the required compliance processes may contribute to delays.[30]

New procurement tools developed in other places may offer models for Maine AI projects. For example, California has used a Request for Innovative Ideas tool, which was established via executive order, to identify and pilot AI solutions for complex problems facing the State.[31] Maine should update and monitor technology procurement and delivery policy, practices, and resources to enable the State to more effectively onboard technology that can improve outcomes for residents.

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[30] https://partnersforpublicgood.org/procurement-excellence-network/wp-content/uploads/sites/2/2025/03/Transforming-IT-Procurement-Part-1-Framing-the-Problem.pdf

[31] https://www.gov.ca.gov/wp-content/uploads/2019/01/1.8.19-EO-N-04-19.pdf and https://www.genai.ca.gov/ca-action/projects/

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Implementing the Task Force's recommendations

The recommendations of the Task Force are designed to position Maine to capture the greatest benefit from an AI-enabled future while protecting Maine people from new and evolving risks. As the Task Force's work concludes, the work is only just beginning.

Over the next year, the State should take steps to establish a strong foundation for future action, including:

Educate Mainers about AI, its potential benefits, and how to stay safe

Public engagement, public-private partnerships, and firsthand experience will be central to Maine's ongoing response to AI technologies and to implementing the recommendations of this Task Force. Launching an AI literacy campaign, helping small businesses learn about new AI tools, and connecting schools and municipalities with existing technical resources will set a strong foundation for informed, robust dialogue about the State's forward-looking approach to AI.

Continue to bolster protections against the harms that AI creates or exacerbates

Early steps laid out in this report include taking immediate action on where harmful AI uses are apparent, responses are clear, and protections are lacking and setting in motion studies to examine and engage the public on more complex topics. At the same time, protecting Maine people will require preparing the infrastructure that underpins AI's economic and social potential. The State can begin by incorporating AI-related considerations into existing broadband and energy planning processes and developing a structured approach to responding to proposals for AI-related development projects.

Take enabling steps that unlock long-term, large-scale opportunities

The Task Force's recommendations highlight opportunities to position Maine as a leader in responsible and innovative AI use. Unlocking these opportunities will require early steps to lay the groundwork for long-term impact. Identifying and developing a small number pioneering open-source, AI-ready datasets can set an example for how to attract AI innovation to priority areas. In rural health, the State can partner with providers to identify pressing needs and pilot solutions for spreading innovative AI tools that improve outcomes in underserved areas. And to support municipalities – many of which face significant capacity constraints – the State should work with towns and cities to identify areas where AI can address common problems in service delivery, permitting, housing, and beyond.

Enable ongoing State engagement on AI issues

Many of the Task Force's recommendations will require continuous engagement as the technology evolves. Establishing State leadership and governance mechanisms that are responsive to rapid technological change will be essential as will be efforts to continue building AI-related knowledge and expertise among the public workforce The State should also continue steps that ensure policymakers have the data and other information to continue examining AI's impacts and implications.

Pursue innovative partnerships and funding strategies

These opportunities cannot be realized without sustained investment. To move from recommendation to action, Maine will need to pursue innovative funding strategies, drawing on State budget allocations, federal funding streams, and external partnerships with businesses, non-profits, and philanthropies. By combining these sources, Maine can maximize resources and ensure that promising initiatives have the support to succeed.

See also NCSL Report on "Artifical Intelligence in Government" > "Procurement" (p8)

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Conclusion

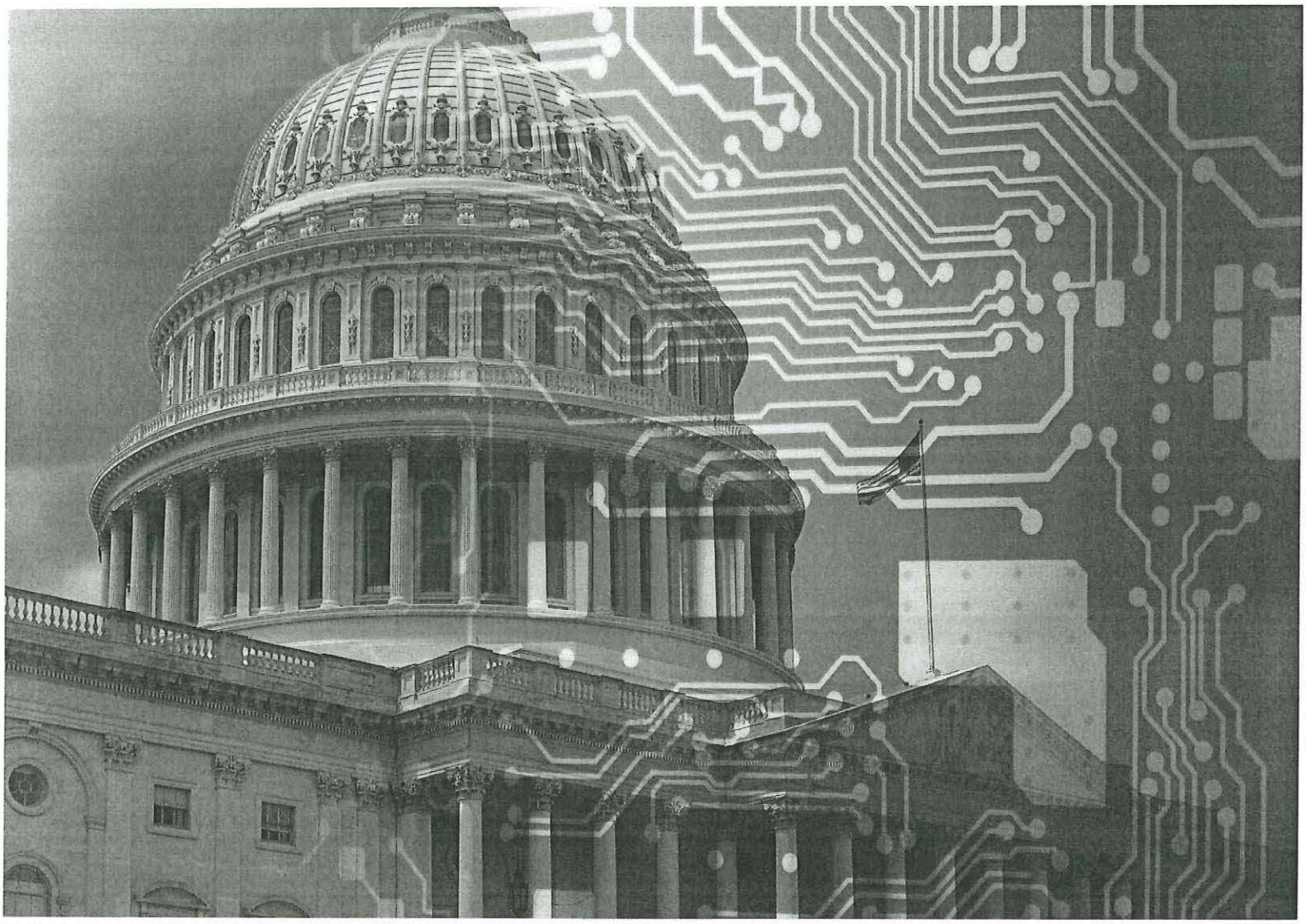
This is a moment of rapid and accelerating technological change and uncertainty. The Task Force's work is meant to provide Maine with foundational guidance to help make informed policy decisions around AI's continued proliferation throughout our economy, our workforce, and our communities. The recommendations in this report attempt to balance the need to harness AI's potential to grow Maine's economy, create good jobs of the future, and improve the ways that public sector services are delivered against the very real harms that it can create or exacerbate – both by arming threat actors with new and more sophisticated tools and by producing unintended consequences when used without adequate training or understanding.

To successfully navigate an AI-powered future, states will need deliberate and flexible policies that identify innovative solutions to real-world challenges while prioritizing safe, ethical, and effective AI use. The Task Force's recommendations are aimed at helping Maine establish itself as a national proving ground for not only adopting AI responsibly, but also demonstrating how this technology can strengthen communities, economies, and public institutions.

REPORT | ARTIFICIAL INTELLIGENCE, CYBERSECURITY AND PRIVACY TASK FORCE

Artificial Intelligence in Government

The Federal and State Legislative Landscape



NCSL
NATIONAL CONFERENCE OF STATE LEGISLATURES

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Artificial Intelligence in Government: The Federal and State Landscape

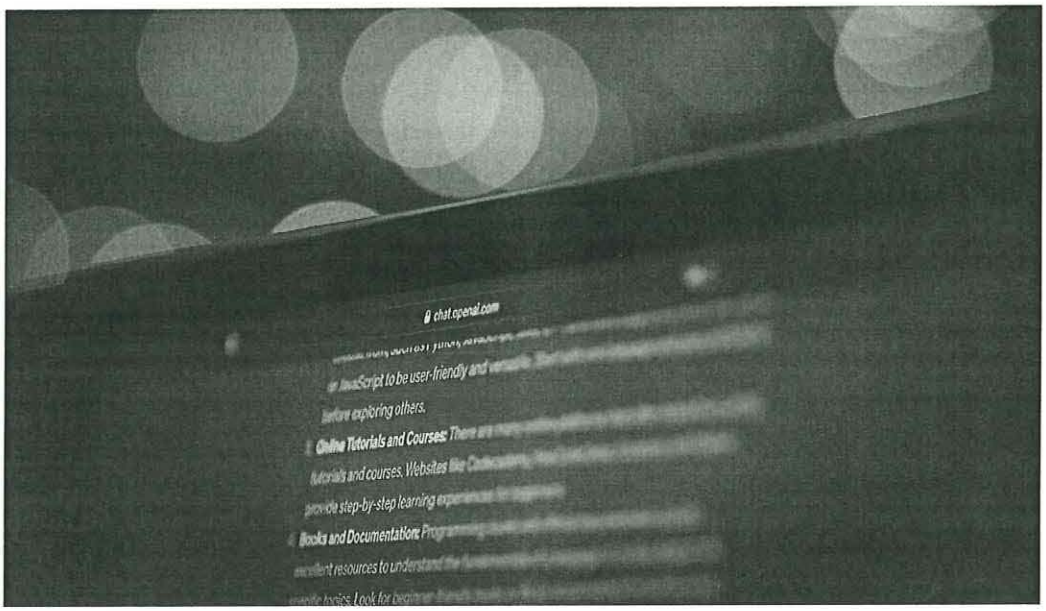
BY SANAM HOOSHIDARY, CHELSEA CANADA AND WILLIAM CLARK

The National Conference of State Legislatures is the bipartisan organization dedicated to serving the lawmakers and staffs of the nation's 50 states, its commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues, and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- Improve the quality and effectiveness of state legislatures.
- Promote policy innovation and communication among state legislatures.
- Ensure state legislatures a strong, cohesive voice in the federal system.

The conference operates from offices in Denver, Colorado and Washington, D.C.



Introduction

The rapid adoption of artificial intelligence tools is not specific to the private sector. Federal, state and local governments have started to adopt AI tools in their daily operations and to deliver government benefits and services.

With the rapid adoption of generative AI tools, all levels of government have sprung into action, working to understand current uses, set a common understanding around allowable uses, put guardrails around future uses and encourage the innovative development and use of AI tools to transform government services.

A recent survey by Ernst & Young LLP of federal, state and local government employees showed that 51% use an AI application daily or several times a week. The report also found that federal agencies are more frequent daily AI users than state and local agencies, with 64% of respondents indicating so. Government agency leaders surveyed also indicated an increased focus on data integrity with 45% taking measures to verify data within their agency. One last key finding revealed the top three barriers to AI expansion in government. These included unclear governance or ethical frameworks at 48%; lack of technology infrastructure at 30%; and the failure of AI applications to align with current agency needs at 30%.

Developers such as Microsoft have shared their perspective on how generative AI can help create a more effective, inclusive and responsive government by improving citizen services, increasing efficiency, better managing and analyzing data and serving as a creative aid. Deloitte's report on generative AI to enhance government services and programs identifies uses for citizen engagement, report generation, case management, knowledge management and back-office functions. The report warns that government use comes with additional concerns and considerations related to legal, ethical, privacy and security issues.

Technology companies are partnering and exploring opportunities to work with the public sector on deploying AI tools. Skydio, an autonomous drone manufacturer, offers solutions to the U.S. Border Patrol to improve national security. Credo AI offers solutions to assist with automating AI governance through a centralized registry of AI use cases, automated risk assessments, policy-based governance and standardized reporting to meet regulatory requirements.

Governments at all levels are striving to balance the risks and opportunities of AI adoption. They are discussing real world impacts, building governance structures and privacy standards to support responsible use and evaluating their own technology and data infrastructure to ensure the reliability, safety and security of AI applications. This brief reviews the current legislative and regulatory landscape at both federal and state levels concerning government use of AI.

* see also draft report from Maine AI Task Force, established by executive order in Dec. 2024, pp. 5-6 ("federal policy context"

Federal Action

Executive Branch Use of AI

The federal government has significantly expanded its use of AI in recent years. Agencies and Congress are discovering ways to leverage advanced technologies to improve their internal processes to improve efficiency and assist in ministerial decision-making. The federal government is implementing AI applications in many sectors, from public health and national security to finance and regulatory compliance.

In March 2024, the Office of Management and Budget submitted a memorandum to the heads of executive departments and agencies outlining directives for federal agencies to enhance their governance and risk management practices related to AI, consistent with the AI in Government Act of 2020, the Advancing American AI Act and the Biden administration's Executive Order 14110, which also set expectations and parameters on AI use throughout the federal government. The OMB encourages the use of AI in government to streamline operations, reduce costs and improve overall efficiency.

When it comes to risk mitigation, the OMB emphasizes how crucial it is for agencies to identify and assess risks associated with AI, develop contingency plans and continuously monitor AI systems for emerging risks. According to the memo, AI governance should also be integrated into agencies' strategic and IT plans, to ensure a unified approach to AI use across the federal government.

Having clear communication with the public about the use and impact of AI is also essential. The OMB suggests that agencies need to make sure that their AI systems are used ethically, with a major focus on fairness, accountability, and transparency. This guidance also elaborates on the role of the chief artificial intelligence officer, an agency position created by the Biden administration's Executive Order 14110. The chief AI officer will play a pivotal role in ensuring that AI technologies are acquired and used responsibly within federal agencies, balancing innovation with ethical consideration and risk management.

Pursuant to the release of the memo and the Biden administration's Executive Order 14110, the National Institute of Science and Technology published the Artificial Intelligence Risk Management Framework: Generative Artificial Intelligence Profile, which also provides a guideline to promote safe AI technologies by addressing the specific risks across AI platforms. NIST maintains that a framework is necessary to prioritize fairness, transparency, reliability and accountability. The framework aims to ensure ethical and safe use in both federal agencies and industries by setting standards for generative AI development and deployment.

The OMB issued additional guidance in September 2024, building on Executive Order 14110 and earlier OMB guidance, directing agencies to manage risks, promote competition and innovation, and ensure interagency collaboration across the federal government when acquiring and using AI technologies. The guidance includes best practices and specific requirements that impact rights and safety when it comes to the use of AI. To manage risks, the guidance states that agencies must have early and ongoing involvement with privacy officers to ensure control of privacy risks and comply with rules and regulations.

The OMB also makes recommendations for working with other agencies to support effective and responsible habits. The collaboration between departments should focus on identifying and prioritizing AI investments and developing best practices through interagency councils to safely deploy and promote the use of AI.

In the wake of the OMB guidance, many federal agencies have begun implementing AI. The U.S. Government Accountability Office reviewed federal agency efforts to safely develop and use AI in government as directed by the Biden administration's Executive Order. In their September 2024 report, Artificial Intelligence: Agencies Are Implementing Management and Personnel Requirements, the GAO found that federal agencies were on track to implement many of the AI management and talent requirements set forth in the Executive Order.

There are other examples. The Department of Health and Human Services has deployed AI tools to enhance medical research and track disease outbreaks. The Food and Drug Administration has been using AI to review drug applications. The Centers for Disease Control has been using machine learning to analyze

ALEX WONG/GETTY IMAGES

Left to right, CEO of Anthropic Dario Amodei, founder and scientific director of the Mila—Quebec, AI Institute and professor at the Universite de Montreal Department of Computer Science Yoshua Bengio, and professor of computer science at the University of California, Berkeley, Stuart Russell testify during a hearing before the Privacy, Technology, and the Law Subcommittee in Washington, D.C. The subcommittee held a hearing on the oversight of artificial intlligence.

medical images for health conditions or abnormalities and the National Institutes of Health (NIH) has been using the technology to predict disease the and identify scientific literature.

Like NIH, the Department of Veterans Affairs uses AI to help analyze medical records and data to predict risk-related incidents of suicide. The Department of Homeland Security is using AI to help advance its homeland security mission while still protecting privacy and individual rights for the public. For example, the U.S. Customs and Border Protection helps keep fentanyl and other drugs out of the country by using AI to identify a suspicious pattern in a car's border crossing history, screen cargo at ports of entry and identify objects in streaming video and imagery.

The General Services Administration is incorporating AI into its procurement and contracting processes to streamline operations, save time and reduce costs. The U.S. Departments of Agriculture and Transportation as well as the Environmental Protection Agency use machine learning to map satellite imagery of crops and vegetation, analyze regulatory comments from the public, predict flight delays and even for driving autonomous vehicles. The Department of Defense has been using machine learning for many years to help with predictive maintenance and military logistics.

Federal agencies are also using AI to address regulatory challenges and improve oversight. The Securities and Exchange Commission and the Federal Trade Commission use AI to detect fraud and other forms of financial misconduct by analyzing large datasets in real time. Additionally, the Internal Revenue Service is exploring AI to enhance tax compliance and identify inconsistencies in tax filings. This work aims to enhance public service delivery by making data-driven decisions faster and more accurately.

The federal government is incorporating AI to better serve the public while still establishing rules to ensure that AI will not violate people's rights. The website AI.gov provides additional information on how federal agencies are using AI to better serve the public, including a full inventory of AI use cases.

Congress' Internal Use of AI and Federal Legislation

In March 2024, the House of Representatives Committee on House Administration, which establishes internal procedures and technology updates for House daily operations, convened a roundtable and created guardrails for the chamber and legislative branch agencies. These guardrails emphasize human supervision of AI outputs, privacy protections, vigorous testing and re-testing of AI systems, transparency, and training and upskilling on AI systems.

The committee is also collecting use cases from agencies to evaluate the impact of AI in daily operations. For example, the Smithsonian Institution is experimenting with generative AI to improve public interaction and to increase internal efficiency as well as using years of well-curated research and scholarship for purposes of training generative AI.

As the federal government continues to incorporate AI into various functions, there is a growing emphasis on safeguarding transparency, accountability, and fairness in AI deployment, as well as developing policies to manage the risks associated with its use. Recent bipartisan legislative initiatives, introduced although not enacted, reflect the increasing importance of regulating AI in federal systems.

S. 2293—The AI Leadership to Enable Accountable Deployment Act, introduced by Sens. Gary Peters (D-Mich.) and John Cornyn (R-Texas), creates the Chief AI Officer Council, which would be run by chief AI officers of different federal agencies and aims to direct agencies AI practices and ensure interagency coordination regarding AI.

S. 3205—The Federal Artificial Intelligence Risk Management Act of 2024, introduced by Sens. Jerry Moran (R-Kan.) and Mark Warner (D-Va.), would require federal agencies and vendors to adopt the NIST AI Risk Management Framework. This legislation is designed to ensure the responsible use of AI within the federal government, focusing on mitigating risks like data privacy breaches and cybersecurity concerns. The bill aims to establish guidelines for federal AI applications, encouraging safe and transparent AI practices across government agencies.

S. 4230—The Secure Artificial Intelligence Act of 2024, introduced by Sens. Mark Warner (D-Va.) and Thom Tillis (R-N.C.), would improve the tracking and processing of security and safety incidents and risks from AI. The legislation would also create a voluntary database to record AI-related cybersecurity incidents.

S. 4495—The Promoting Responsible Evaluation and Procurement to Advance Readiness for Enterprise-Wide Deployment for Artificial Intelligence Act, introduced by Sens. Gary Peters (D-Mich.) and Thom Tillis (R-N.C.), aims to guide the federal government's use of AI. The bill requires that agencies classify the risk levels of their AI use to protect the public's rights and safety. This bill also requires agencies to establish a chief AI officer and other AI governance structures.

H.R. 7532—The Federal AI Governance and Transparency Act, introduced by Reps. James Comer (R-Ky.) and Jamie Raskin (D-Md.), builds on previous legislation like the Advancing American AI Act, to increase transparency in how federal agencies use AI. It mandates that agencies create AI governance charters and provide public access to details about AI systems used for decision-making. These efforts would improve public awareness and accountability regarding the use of AI in federal decisions.

State Action

Just as the federal government is using AI, state governments are using AI for government operations and to provide service to constituents. State legislatures, governors and state agencies have considered various means to study and drive the use of AI for improving and transforming government services and identifying its potential risks.

During the 2024 legislative session, state legislators considered over 150 bills relating to government use of AI, addressing inventories to track the use of AI, impact assessments, creating AI use guidelines, procurement standards and government oversight bodies. Governors in over 10 states including Alabama, Maryland, Massachusetts, Oklahoma, Oregon and Washington, D.C. have issued executive orders to study AI use in running government operations and providing government services and benefits.

* Maine among states that studied this (see draft report from AI task force and executive order from Gov. Mills on Dec. 20, 2024

Inventories and Impact Assessments

At least 10 states, including Connecticut, Delaware, Maryland, Vermont and West Virginia, have instructed state agencies to inventory and describe AI applications within their operations and that impact the services they deliver. Notable enactments include:

- In 2022, Vermont enacted legislation creating the Division of Artificial Intelligence within the Agency of Digital Services to review all aspects of AI developed, employed or procured by the state. The law requires the agency to conduct an inventory of all automated decision systems. Two inventories are publicly listed for 2023 and 2024.

- Washington enacted legislation directing the state chief information officer to prepare and make publicly available on its website an initial inventory of all automated decision systems being used by state agencies in 2022. In 2023, according to WaTech's inventory of automated decision systems, there were 8,379 applications and 129 of them were identified as an automated decision system.

- Texas enacted a law in 2023 that requires a newly created Texas AI Advisory Council to review automated decision system inventory reports created by state agencies. The guidance advises state agencies to not include items in the inventory where AI tools are embedded in common commercial products like spam filters or spell checkers.

- In 2024, Delaware and Idaho created a commission and a council to provide recommendations for statewide processes and guidelines, including overseeing required inventories.

To address concerns about possible bias, discrimination and disparate impact, states like Connecticut, Maryland, Vermont, Virginia and Washington mandated that state agencies run impact assessments to ensure that the AI systems in use are ethical, trustworthy and beneficial. State impact assessment requirements vary among states, including:

- California's 2023 Executive Order directs that states agencies draft a report to examine and explain potential risks associated with generative AI to individuals, communities and government and state government workers, focusing on high-risk use cases, including when generative AI is used to make a consequential decision affecting access to essential goods and services. The order also requires several state agencies to conduct a joint risk analysis of potential threats to and vulnerabilities of California's critical energy infrastructure presented by generative AI.

- In 2023, Connecticut enacted a law that requires an annual inventory of all systems that employ artificial intelligence and requires an impact assessment before deployment to ensure the system will not result in any unlawful discrimination or disparate impact. Through these assessments, systems will be categorized into risk tiers based on potential risks. Connecticut's AI Responsible Use Framework incorporates three different impact assessment templates including the Canadian government's algorithmic impact assessment tool. The framework specifies that if a state agency uses any AI tools when creating content or agency external-facing services, then the agency shall disclose the use of AI and what bias testing was done.

- Maryland enacted a law in 2024 requiring each unit of state government to conduct inventories of systems employing high-risk AI and conduct impact assessments.

- New York also passed a law in 2024, which is awaiting the governor's signature, specifying that state government cannot use automated decision-making systems without continued, operational and meaningful human review. An impact assessment is required before use is permitted to understand the purpose of the system; the design and data used to train the model; and, to test for accuracy, fairness, bias and discrimination, among other potential impacts.

Guidance and Oversight for Government AI Use

Minnesota's Transparent Artificial Intelligence Governance Alliance identified that AI use in government presents opportunities such as an enhanced quality of life; increased efficiency; equitable and inclusive access to services; proactive and personalized government services; an empowered workforce; transparency and trust; innovative economic growth; data-driven decision making; and improved education.

Georgia's AI Responsible Use guidance specifies that misuse of AI by state agencies can happen through AI-based fraud, discrimination, invasion of privacy, malicious use and spreading misinformation. The same guidance warns that unintentional misuse can happen in cases of bias and discrimination, privacy violations, inaccurate or misleading information, inappropriate context, or an over reliance on AI.

* ME has issued guidance (see Generative AI Policy)

Guidance and reports coming out across states highlight similar opportunities and areas of concern. At least 30 states have issued guidance on state agency use through governor executive orders, agency collaboration, rulemaking and state legislation. Most state legislatures have enacted legislation setting forth specific requirements for AI use by state government or directing another entity to establish these guidelines.

States vary in how centralized or decentralized they are in their management of information technology resources across their state agencies, so the state entities tasked with analyzing and setting guidelines may fall to statewide CIOs, information technology agencies, operations and administration agencies or individual information technology personnel based in other agencies. Other states are discussing if they should create new positions to do this work. The Oklahoma Governor's Task Force on Emerging Technologies recommended establishing a CAIO. Rhode Island is creating a single data governance structure and a new chief data officer position.

State legislatures also have established offices and other authorities to oversee AI implementation and make recommendations. Vermont's newly established Division of Artificial Intelligence within the Agency of Digital Services is charged with reviewing all aspects of artificial intelligence systems developed, employed, or procured in its state government. The division must review AI systems developed, employed, or procured in the Vermont state government, propose a state code of ethics for AI use in government to be updated annually and make recommendations to the General Assembly on policies, laws, and regulations for AI systems in the state government. The division is required to file reports to the General Assembly on or before Jan. 15 each year. The legislation established the Artificial Intelligence Advisory Council to provide advice and counsel to the director of the Division of Artificial Intelligence regarding the division's responsibilities to review all aspects of AI systems use by the state and engage in public outreach and education on AI.

Florida created the Government Technology Modernization Council in 2024 to be an advisory council within the Department of Management Services in 2024. The council will study and monitor the development and deployment of new technologies and provide reports on recommendations for procurement and regulation of such systems to the governor, the president of the Senate, and the speaker of the House of Representatives. Meeting quarterly, the council will recommend legislative and administrative actions that the Legislature and state agencies may take to promote the development of data modernization in the state, assess and provide guidance on any necessary legislative reforms and the creation of a state code of ethics for artificial intelligence systems in state government and assess the manner in which governmental entities and the private sector are using AI with a focus on opportunity areas for deployments in systems across this state, among other duties.

At least one quarterly meeting of the council must be a joint meeting with the Florida Cybersecurity Advisory Council. The council must submit any legislative recommendations to modernize government technology, including accelerating adoption of technologies to increase productivity of state enterprise information technology systems, improve customer service levels of government, and reduce administrative or operating costs annually.

In 2024, Maryland established a governor's Artificial Intelligence Subcabinet within the governor's Executive Council to facilitate and enhance cooperation among units of state government, in consultation with academic institutions and industries using AI. The subcabinet is tasked with developing strategy, policy and monitoring processes for responsible and productive use of AI and associated data by units of the state

government, overseeing the state's implementation of its AI inventory, supporting AI and data innovation across state government and developing and implementing a comprehensive action plan for responsible and productive use of AI and associated data by the Maryland state government.

Other examples include Utah's Office of Artificial Intelligence Policy and Hawaii's state Data Office. The data office, with the state Data Task Force, is leading work focused on the responsible use of data and AI. In its advisory action plan, the Wisconsin Governor's Task Force on Workforce and Artificial Intelligence recommended creating an Office of Data and Privacy under the Department of Administration tasked with developing and implementing a strategy and governance structure supportive of AI because no single office or division in state government is tasked with data governance.

Principles Within State AI Guidelines

Common elements of state guidelines include specifying roles and responsibilities, guiding principles, new processes, inventory requirements and impact assessments. Some states have required working groups to suggest policies for internal government adoption and others have mandated certain requirements be added to procurement procedures for new equipment. Some states have created a new code of ethics; others have aligned with evolving international and national standards. Examples of state guidance principles include:

- Arizona's statewide policy requires users of the technology to adhere to requirements and considerations related to transparency, accountability, fairness, security, privacy, training, procurement, and collaboration.
- The Massachusetts Executive Office of Technology Services and Security established minimum requirements for the development and use of generative AI by state agencies. The guidelines incorporate the NIST AI Risk Management Framework to reduce risk and promote trustworthiness.

- Vermont's AI Code of Ethics identifies conflict of interest, bias and confidentiality concerns and highlights attributes to focus on such as safety, security, accountability and trustworthiness.
- Colorado, Georgia, Maine, Maryland, New York, North Carolina, North Dakota and Washington referenced the NIST standards within their guidelines, while New Hampshire based its guidelines on the European Union ethics guidelines document on AI.

Procurement

State employees responsible for information technology and purchasing are incorporating considerations for AI within their current processes. The 2024 National Association of State Technology Directors survey, AI in State Government IT Operations, reported that 9% of survey respondents have developed preferred contract language around the use of AI for IT procurements; 62% are in the process of doing so and 29% have not yet begun efforts. A report from the National Association of State Procurement Officials and the National Association of State Chief Information Officers shows that successful AI initiatives in public procurement require robust collaboration between procurement and chief information officers and must be supported by robust AI policies. The joint report identified seven key factors for AI public procurement to be successful: 1) develop comprehensive AI polices; 2) start with targeted use cases; 3) foster collaboration between procurement and IT; 4) engage vendors and suppliers effectively; 5) prioritize training and change management; 6) focus on ethical and responsible use; and 7) establish performance monitoring, continuous improvement and training.

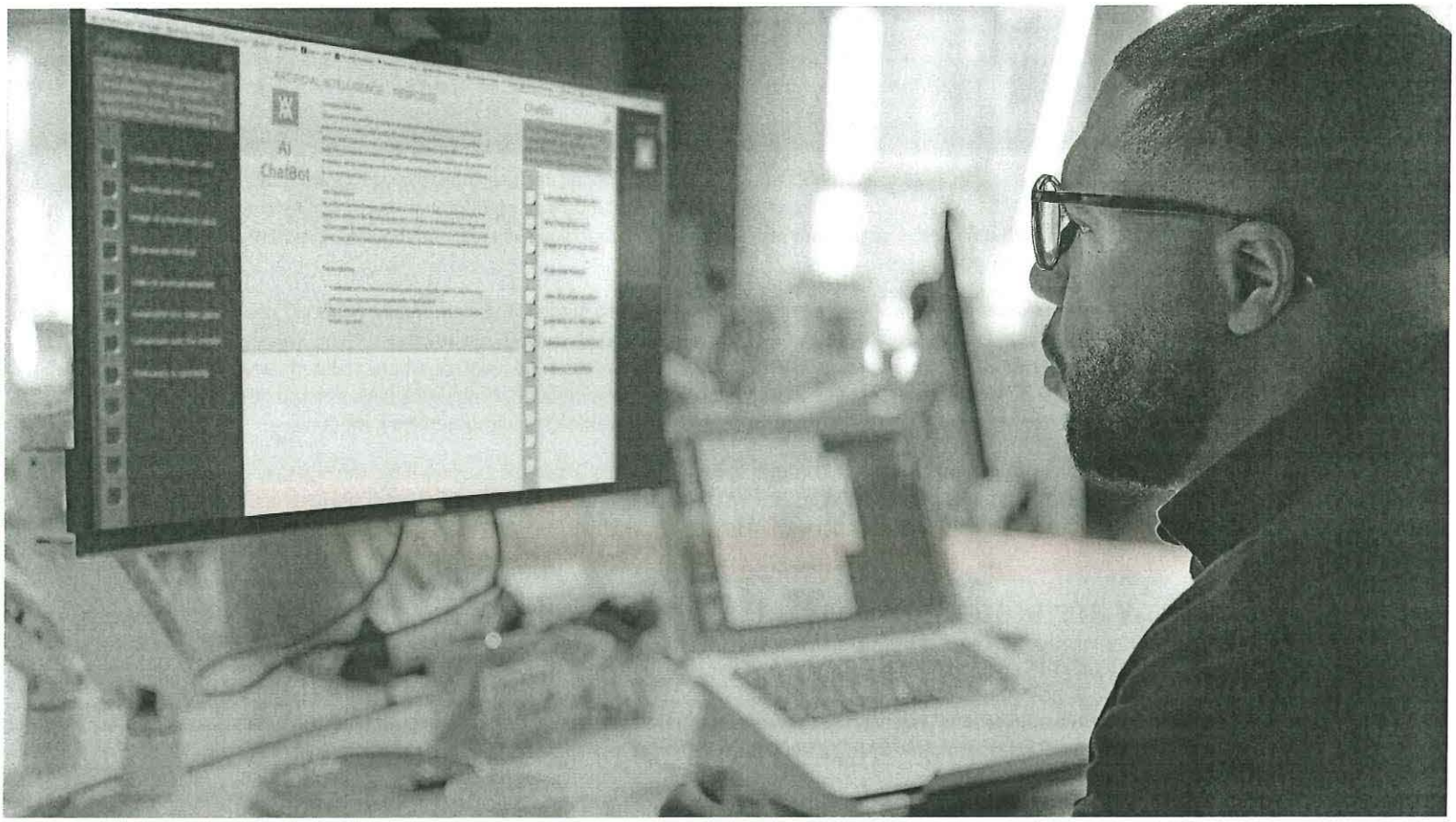
Examples of state AI procurement processes include:

- California released guidelines for public sector procurement, uses and training for generative AI. To use a generative AI product, state entities must go through a multi-step process that includes outlining a problem definition, assessing impacts and requiring a "human to be in the loop." State entities are allowed to submit budget requests through the annual budget process for generative AI proof of concepts. California requires state purchasing officials to take training on how to identify generative AI purchases.
- In Ohio, the policy for procuring new generative AI software requires review and approval from a multi-agency AI council that includes representatives from the governor's office and the Department of Administrative Services. The request must include a risk assessment, a privacy assessment, and a security review.
- While the Oregon State Government Artificial Intelligence Advisory Council works to develop an AI framework, interim guidance instructs state entities to submit an information technology request prior to investments in AI proof of concepts or pilots.
- Washington released an automated decision systems procurement and use guidance that requires an assessment to be conducted before the system's development or procurement. The procurement and development process also must include testing and validation to assess performance, accuracy and potential bias before deployment.

How are state governments using AI?

State agencies are using tools that have a range of capabilities like robotic process automation, natural language processing, machine learning and content generation. This use is seen across sectors as AI assists states with improving physical infrastructure, optimizing government resources and assisting citizens with inquiries.

State agencies have seen a steady increase in chatbot use since the COVID-19 pandemic. During the pandemic, at least 35 states used chatbots to support pandemic inquiries relating to health, unemployment benefits, taxes, Supplemental Nutrition Assistance Program benefits and citizen services. A 2024 survey of state technology directors use of AI, showed half of states are using chatbots, 36% are using it for office productivity and 26% are using it for code development. This survey found the four highest-ranked use cases for AI were cybersecurity, citizen portals, data management/analytics and office worker efficiency.



State legislatures have enacted legislation that includes funding for specific AI use in state government. Examples of those actions are:

- In 2021, Ohio required the Department of Medicaid to pilot a program using automation and artificial intelligence to provide program savings.
- In 2022, the Florida Legislature appropriated funds to the Department of Health for the development of an AI customer service solution.
- In 2023, West Virginia created a pilot program to incorporate machine learning, AI or other advanced technologies to assess state roads.
- In 2024, the Hawaii Legislature appropriated funds to the University of Hawaii to establish and implement a two-year program to develop a wildfire forecast system for the state using AI.

States have started to pilot uses of AI through a variety of ways, with an increase in activity in 2024 and several in a proof-of-concept phase. Five states have initiated pilots through different approaches in 2024, including:

- In Arkansas, a working group launched by the governor is reviewing a set of pilot projects on unemployment insurance fraud and recidivism reduction to craft best practices for safe implementation of AI across state government.
- California announced partnerships with five vendors to test, iterate and evaluate generative AI proof of concepts looking at solutions for problems like: enhancing customer service; improving health care facility inspections, reducing highway congestion, and improving roadway safety.
- The Massachusetts General Court appropriated $25 million for studying, planning and procurement of AI and machine learning systems for state agencies in alignment with enterprise security policies.
- In Pennsylvania, the governor announced a pilot program in partnership with OpenAI's ChatGPT Enterprise. State employees in the Office of Administration will have access to the tool to help determine how AI tools can be incorporated into government operations.

- Utah enacted a law in 2024 that creates an Artificial Intelligence Learning Laboratory Program to analyze the risks and look at opportunities of AI to inform legislation and regulation. In exchange for the partnership with the state, a participant may apply to temporarily waive legal and regulatory requirements for AI testing purposes.

Many states have focused specifically on generative AI applications in their AI government guidance. Colorado's statewide GenAI policy prohibits the use of the free version of ChatGPT on any state-issued devices because the governor's Office of Information Technology identified the terms and conditions violated state law. Under the guidance, AI that uses machine learning without a generative component, such as fraud detection, spam filters or autocorrect software for spelling are allowable uses without further approval.

In 2024, New Hampshire enacted legislation setting prohibited and allowable uses of AI by state agencies. All materials produced with generative AI must include a disclosure. Additional examples of states issuing guidance on the government use of generative AI include: Kansas, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, South Dakota, Washington and Wyoming.

How are state legislatures currently using generative AI?

Some state legislatures have begun to experiment with open-source AI tools to assist with internal processes, while others have started to partner with large service providers like Microsoft and Amazon to build legislative applications. The Indiana General Assembly, for example, has developed the beta version of a generative AI chatbot that is open to the public and capable of answering questions about state statutes and regulations.

More broadly, results from a spring 2024 NCSL survey of state legislative staff show that they have begun using generative AI tools like ChatGPT and Claude for a variety of purposes, including for research, creating first drafts of documents and editing text. Staff reported they have also begun using, or considered using, other generative AI tools for tasks like transcribing hearings and debates, bill drafting, cybersecurity and constituent relations. Likewise, commonly used programs like those in the Microsoft suite and legal tools like LexisNexis are beginning to gain generative AI functionality, which some legislatures have begun experimenting with.

As legislative staff begin incorporating these tools into their work processes, some legislatures are drafting and implementing related policies, with particular attention being given to the risks around exposure of sensitive information and inaccuracies in AI-generated content.

According to the spring 2024 survey results and other information collected by NCSL, policies vary by state and in most instances apply to individual offices rather than legislatures as a whole. Some policies prohibit any use of these tools for legislative work, some provide general guidelines and encourage staff to exercise caution while using them, while others require permission from a manager or only allow use of certain approved applications.

For additional information about how state legislatures are using of these tools, see the results of the recent NCSL survey.

Conclusion

Federal and state leaders have jumped into action to understand current uses of AI and to measure its impacts. This activity has shown that leaders are carefully considering the risks, while exploring how new technology can transform government operations. Over the next few years, states and the federal government can expect continued rollout of AI use requirements and guidance, alongside increased adoption of these tools.

Delivering government programs and services with AI requires heightened sensitivity. As AI governance structures are built and allowable AI uses are determined, federal and state policymakers will continue to focus on government data and technology infrastructure, security, data privacy, bias and discrimination, and other potential misuse or unintended consequences by AI.

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Maine State Government
Department of Administrative and Financial Services
Office of Information Technology (OIT)

Generative Artificial Intelligence (GenAI) Policy

1.0. Statement

1.1. The purpose of this policy is to specify Guiding Principles and Directives for responsible, transparent, and ethical use of GenAI within the Executive Branch of Maine State Government.

1.2. The rapid rise in GenAI technologies has been widely acknowledged as unprecedented. It holds significant potential for enhancing state government efficiency through automation, data analysis, streamlining processes, and optimizing resource allocation. By harnessing its potential, agencies can more efficiently identify areas of cost-saving measures and greatly enhance citizen services. However, the risks to privacy, security, the State's workforce, safety, government accountability, and fundamental human rights are just beginning to be understood. Many of these tools lack transparency in their design, making it challenging to assess the risks involved with their use. Furthermore, their development often involves the ingestion of data not vetted by the State. Absent appropriate safeguards, the use of these technologies opens the door to significant risks, including inaccuracies, algorithmic bias, unauthorized use of intellectual property, privacy and security vulnerabilities, severe bias, and false information. Additionally, GenAI can be leveraged by malicious cybercriminals for a number of nefarious purposes, including, but not limited to, opening new physical and digital security vulnerabilities, generating misinformation campaigns, and assisting with sophisticated social engineering attacks. Creating a transparent and collaborative GenAI deployment process and creating upskilling programs that support effective transition to this technology ensures the protection of Maine citizens and the data entrusted to the State.

2.0. Definitions

2.1. *AI Chatbot:* An Artificial Intellegence(AI) application that simulates human conversation and interaction through textual or aural communications.

2.2. *Embedded GenAI:* GenAI capabilities added into a tool or product that has previously been vetted and utilized by the State of Maine. The primary purpose of the tool or product is *not* GenAI.

2.3. *Generative Artificial Intelligence (GenAI):* Umbrella term for technologies that synthesize content mirroring human creativity. Encompassing machine learning and language models, GenAI generates human-like text, audio, imagery, video, and other digital content.

2.4. *Human in the Loop (HITL):* The mechanism where human judgment and decision-making are integrated into GenAI outputs. This approach ensures that while machines handle tasks with speed and efficiency, humans oversee, guide, and intervene when necessary.

2.5. *Information Assets:* The full spectrum of all I.T. products, including business applications, system software, development tools, utilities, appliances, etc.

2.6. *Private GenAI:* GenAI tools that are specific to an entity or organization and their data. Private GenAI tools are developed in-house by the State for its own use or obtained from a third-party vendor. These systems are configured in a way that ensures the State's sensitive data is segmented from other Training Data and accessible to only the State or organization that owns it.

2.7. *Public GenAI:* GenAI tools that are openly available to multiple entities, organizations, or the general public and use widely sourced data from the internet, as well as data from users or customers to train the GenAI model. Public GenAI tools do not guarantee the privacy of data input by users, entities, or organizations. Additionally, Training Data and models are not owned by a public organization unless otherwise noted.

2.8. *Training Data:* Data used to train a large language model and other predictive algorithms.

3.0. Applicability

3.1. This Policy applies to:

- 3.1.1. The Maine State Executive Branch, including all agencies, departments, commissions, committees, authorities, divisions, boards, or other administrative units, that operate under the direction of the Governor;
- 3.1.2. All Personnel, both employees and contractors/vendors, within the Maine State Executive Branch;
- 3.1.3. All Information Assets in use within the Maine State Executive Branch; and
- 3.1.4. Information Assets from other branches of Maine State Government that are reliant upon the State Wide Area Network (WAN) for their operation.

4.0. Responsibilities

4.1. Agency Management:

- 4.1.1. Ensures that their personnel are aware of, and compliant with, this Policy;
- 4.1.2. Ensures that any approved GenAI usage is managed in compliance with this Policy; and

4.1.3. Collaborates with the Chief Information Officer (CIO) in executing and enforcing this Policy.
4.1.4. Informs OIT of relevant changes to existing-software under section 6.14

4.2. Chief Information Security Officer (CISO):
4.2.1. Resolves any conflicts under this Policy;
4.2.2. Determines the risk associated with GenAI tools/products; and
4.2.3. Collaborates with Agency Management in executing and enforcing this Policy.

4.3. Chief Information Officer (CIO):
4.3.1. Owns and interprets this Policy.

4.4. OIT Architecture and Policy:
4.4.1. Vets all net-new Information Assets before permitted usage.

4.5. OIT Account Managers:
4.5.1. Liaise with Agency Management in executing and enforcing this Policy.

5.0. Principles

5.1. The following Guiding Principles serve as guardrails for use of GenAI within the Executive Branch of Maine State Government. These Principles were informed by a variety of sources, including the NIST Artificial Intelligence Risk Management Framework (AI RMF 1.0)[1]. The following Principles are intended to guide personnel in the responsible development, deployment, and use of GenAI on the State's IT enterprise:

5.1.1. **Valid and Reliable:** The GenAI tool should consistently produce verifiable results and dependable outcomes under the conditions of expected use. Its robustness is equally essential, with the tool maintaining its performance under a variety of circumstances. The tool's accuracy must be evaluated and managed throughout the application lifecycle to ensure the tool's outputs are trustworthy and can be confidently relied upon.

5.1.2. **Safe, Secure, and Resilient:** Securing the State's Information Assets is essential to the State IT enterprise's mission. GenAI tools must be evaluated for their safety, security, and resiliency to ensure the confidentiality, integrity, and availability of State data. These tools must adhere to established information security policies, procedures, and best practices to mitigate risk and protect against unauthorized access and misuse of data.

5.1.3. **Accountable and Transparent:** GenAI tools should appropriately detail the processes for generating outputs and ensuring users have access to relevant information behind its decisions and operations. This includes traceability, explainability, communication regarding the sources of training data, and being able to attribute the tool's outputs to specific data subsets when necessary. Mechanisms will be employed to identify responsibilities, to

[1] https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.100-1.pdf

provide accountability for the use of GenAI and its outcomes, and to be reviewed for compliance with applicable laws and regulations prior to use.

5.1.4. **Explainable and Interpretable:** The GenAI models and outputs are easily interpreted and explained to the greatest extent possible, ensuring that users can grasp both the mechanics (how) and the meaningful context (why) of the tool's decision and/or outputs, particularly regarding its impact on decisions and/or outputs impacting sensitive and confidential data.

5.1.5. **Privacy-Enhanced:** All applicable laws, regulations, policies, and procedures governing the privacy, quality, and integrity of State of Maine data must be applied in the development and use cases for all GenAI tools.

5.1.6. **Fair, with Harmful Bias Managed:** The GenAI tool should be under continuous scrutiny to identify and mitigate potential impacts arising from data, human or algorithmic bias, to the greatest extent possible. Given the potential for these tools to amplify existing biases, continuous monitoring and proactive interventions shall prioritize countermeasures to reduce the risk of harmful bias or discrimination and to uphold fairness.

6.0. Directives

6.1. This policy supersedes the Chief Information Officer's GenAI Moratorium.

6.2. All personnel must adhere to the Guiding Principles in 5.1 when using GenAI to enable the delivery of government services.

6.3. Prior to using a GenAI tool, personnel must complete a GenAI training, as determined by the CISO/CIO. In addition, personnel must complete GenAI training on an annual basis, as well as complete any applicable use-case-specific GenAI training, as determined by the CISO/CIO.

6.4. An output from a GenAI tool must *never* be:

6.4.1. Used without a review; or

6.4.2. Be assumed to be truthful, or accurate, or credible, or trustworthy; or

6.4.3. Be used as the sole source of reference; or

6.4.4. Be used *in total* to issue official statement (i.e. policy, legislation, or regulations); or

6.4.5. Be used to arrive at a final decision; or

6.4.6. Be used to impersonate individuals or organizations.

6.5. Should a GenAI tool be used to generate a batch output, then an appropriate Agency expert must use their domain knowledge to vet that batch output through appropriate statistical sampling techniques.

6.6. Before being disseminated, or otherwise acted upon, any output from a GenAI tool must *always* be:

6.6.1. Vetted by an appropriate agency human operator (HITL), and the organizational level/standing of the agency human operator should be commensurate with the significance/impact of the underlying content.

6.6.2. At a minimum, this vetting must account for accuracy, appropriateness, privacy, and security.

6.7. For any dissemination (irrespective of whether internal or external) of content that incorporates GenAI output, an explicit disclosure/attribution must be made by the agency. Such a disclosure/attribution may be achieved by a notation in the footnote, or header, or any comparable means.

6.7.1. Example "Advised that XXX (a product with GenAI) was used to draft this content. However, I/we have verified the content, and remain accountable for it."

6.8. Sensitive or confidential information (TLP: Amber or Red[2]) protected from disclosure under federal or state statutes or regulations, as well as any information protected from disclosure under Maine's Freedom of Access Act, must *never* be used as an input to a GenAI tool, *never* be used in GenAI queries, and *never* be used for building or training GenAI tools. Furthermore, under no circumstances may personnel provide State of Maine data classified as non-public data (TLP: Green or Amber or Red[3]) to a publicly accessible GenAI tool.

6.9. For a GenAI tool that allows such a feature, the history of usage must be disabled (i.e., turned off).

6.10. Material that is proprietary, or otherwise copyrighted, must *never* be used as an input to a GenAI tool.

6.11. GenAI must *never* be used by personnel for any activity that violates any federal or state laws, regulations, policies, or procedures.

6.12. Any vendor and/or contractor creating any Information Asset for the State of Maine Executive Branch must explicitly declare any usage of GenAI, especially the nature of the data used as input, and be subject to a risk assessment during the procurement process.

6.13. OIT will continuously maintain a webpage Generative AI Tools and Acceptable Use[4] (internal-only) that lists the GenAI tools and use cases that are currently approved for use by the Executive Branch of Maine State Government. Any such use is explicitly subject to *all* stipulations detailed in this Policy. The tools listed on the website are subject to removal, compensating controls, or conversion to an enterprise-based GenAI offering, at the discretion of the CISO such that risks to the confidentiality, integrity, and availability of State data are appropriately managed and rigorous information security standards and safeguards are in place to support

[2] https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/DataClassificationPolicy.pdf
[3] https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/DataClassificationPolicy.pdf
[4] https://stateofmaine.sharepoint.com/sites/MaineIT-Security/Shared%20Documents/Policies/GenAIToolsandAcceptableUse.pdf

scaling GenAI usage at the enterprise level. Any GenAI tool or use case *not* explicitly approved on this webpage is expressly prohibited from use within the Executive Branch of Maine State Government. To request consideration for an AI tool or use case, send an email to Enterprise.Architect@Maine.Gov.

6.14. Any application/tool/product/information asset that has previously been vetted and approved through the OIT New Technology workflow, but which now embeds GenAI, shall continue to stay approved, unless such an approval has been explicitly rescinded by the CISO/CIO.

6.15. Existing pre-approved tools must be reviewed at least annually, or more frequently if the agency is notified of changes to terms and conditions or platform changes that incorporate the use of GenAI, to ensure ongoing compliance with all state-set software usage and AI usage policies.

6.16. For any privacy concerns, absent an Agency Privacy Officer, contact the Enterprise Architect mailbox at Enterprise.Architect@Maine.gov.

7.0. Account Creation

7.1. GenAI tools often require that users enter an email address to register and create an account. Users who are utilizing an approved Public GenAI tool for State purposes must use their State e-mail address for registration and account creation purposes.

7.2. Once created, the account associated with a user's State e-mail address must be used solely for State business purposes. Personal use of Public GenAI from an account using a State e-mail is prohibited.

7.3. Upon completion of the registration and the account creation process, users must opt-out of data sharing and disable the chat history within the Public GenAI system. If unable to opt-out, the user must contact OIT at Enterprise.Architect@Maine.gov prior to using the Public GenAI system.

8.0. AI Chatbot Disclosure Requirements; Prohibited Conduct

8.1. Use of an AI chatbot in communications with consumers must include a clear and conspicuous disclosure that the consumer is interacting with an AI chatbot and not a human being.

8.1.1. Pursuant to Public Law 2025, chapter 294, a violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

8.2. The requirements of this section are intended to supplement the provisions of this policy and operate in addition to, and in conjunction with, the policy as a whole.

9.0. Compliance

9.1. For employees, failure to comply with this policy may result in progressive discipline, up to and including dismissal.

9.2. For contractors and non-State of Maine personnel, failure to comply may result in removal of the individual's ability to access and use State of Maine Information Assets. Employers of non-State of Maine personnel will be notified of any violations.

9.3 In addition, Public Law 2025, chapter 294 enacted new disclosure requirements governing communications with consumers through the use of AI chatbots. The law prohibits a person from using an AI chatbot to engage in trade or 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 that the consumer is not engaging with a human being. A violation of this prohibition is a violation of the Maine Unfair Trade Practices Act.

10.0. Document Information

10.1. Initial Issue Date: July 19, 2024
10.2. Latest Revision Date: September 30, 2025
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10.7. Distribution: Internet[7]

[5] https://legislature.maine.gov/statutes/5/title5ch163sec0.html
[6] https://www.maine.gov/oit/policies/waiver.pdf
[7] https://www.maine.gov/oit/policies-standards