

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1129

H.P. 806

House of Representatives, February 9, 1999

**An Act to Amend the Laws Pertaining to the Maine HIV Advisory
Committee.**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative QUINT of Portland.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: MAYO of Bath, POWERS of Rockport, STEVENS of Orono, TOWNSEND
of Portland, WATSON of Farmingdale, Senators: ABROMSON of Cumberland, PARADIS of
Aroostook.

Be it enacted by the People of the State of Maine as follows:

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4 Sec. 1. 5 MRSA §12004-I, sub-§42, as amended by PL 1993, c.
384, §1, is further amended to read:

6 42. Maine HIV Expenses 5 MRSA
Human Services Advisory Only @19202
8 Committee \$50/Day
10 for certain
12 members
14 and expenses

16 Sec. 2. 5 MRSA §19202, sub-§1, as repealed and replaced by PL
1993, c. 384, §2, is repealed.

18 Sec. 3. 5 MRSA §19202, sub-§1-A is enacted to read:

20 1-A. Duties. The Maine HIV Advisory Committee, as
established in section 12004-I, subsection 42 and referred to in
this section as the "committee," shall:

22 A. Advise all departments and agencies of the State on:

24 (1) Prevention of the human immunodeficiency virus,
26 referred to in this section as "HIV," and education
 related to HIV;

28 (2) Crises that may develop related to HIV;

30 (3) Services to persons with HIV;

32 (4) Services for family members and other persons
34 providing care and support to persons with HIV;

36 (5) HIV-related policy, planning, rules or
 legislation; and

38 (6) All fiscal matters related to HIV;

40 B. Make an annual assessment of the policies, programs and
42 budget proposals of state agencies related to HIV of state
44 agencies, on which the committee may make recommendations;
and

46 C. Provide a report to the joint standing committee of the
Legislature having jurisdiction over health and human
48 services matters by January 15th of each year.

50 Sec. 4. 5 MRSA §19202, sub-§2, as repealed and replaced by PL
1993, c. 384, §2, is repealed.

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Sec. 5. 5 MRSA §19202, sub-2-A is enacted to read:

2-A. Membership. The committee consists of 21 members as provided in this subsection.

A. The members shall annually elect from among themselves a membership committee to perform the functions provided in this subsection.

B. The membership committee shall seek nominations for membership for the coming year from the entities or persons authorized to nominate. If the nominating entities or persons do not provide the nominations within 90 days of the deadlines for the nominations, the membership committee shall seek nominations from other entities and persons.

C. The membership consists of the following:

(1) Two members of the Legislature, one Senator appointed by the President of the Senate and one Representative appointed by the Speaker of the House of Representatives;

(2) Four representatives of entities serving persons infected with HIV or affected by HIV, chosen by the membership committee from nominations provided by the following:

(a) A representative of the Department of Human Services, Bureau of Health, HIV/STD program, nominated by the Commissioner of Human Services;

(b) A representative of the office managing the funds under the federal Ryan White Comprehensive AIDS Resources Emergency Act of 1990, 104 Stat. 576 (1990), as amended, in the Department of Human Services, Auditing, Contracting and Licensing Service Center, nominated by the Commissioner of Human Services;

(c) A representative of the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse, nominated by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services;

(d) A representative of the Department of Education, nominated by the Commissioner of Education;

- 2 (e) A representative of the Department of
3 Corrections, nominated by the Commissioner of
4 Corrections; and
- 6 (f) A representative of the Department of Public
7 Safety, nominated by the Commissioner of Public
8 Safety;
- 10 (3) Three representatives of persons with HIV or at
11 risk for HIV infection or from organizations with
12 extensive participation of persons with HIV, chosen by
13 the membership committee from nominations provided by
14 organizations interested in and working on HIV/AIDS
15 prevention and health, other community-based
16 organizations providing HIV/AIDS services, rural health
17 centers and the public;
- 18 (4) Four health care practitioners involved with
19 HIV/AIDS treatment and care issues, chosen by the
20 membership committee from nominations provided by
21 professional organizations representing allopathic and
22 osteopathic physicians, nurses, dentists, hospitals,
23 infection control practitioners, pharmacists and rural
24 health centers;
- 25 (5) Four providers of other services to persons at
26 increased risk for HIV infection or persons with HIV to
27 be chosen by the membership committee from the
28 following:
- 29 (a) A provider of services to homeless persons,
30 nominated by a statewide organization of providers
31 of services to the homeless;
- 32 (b) A provider of services to high-risk youth and
33 injection drug users and a provider of mental
34 health or developmental disabilities services,
35 nominated by a statewide organization of providers
36 of such services;
- 37 (c) A provider of services to persons with
38 hemophilia, nominated by statewide organizations
39 concerned with hemophilia; and
- 40 (d) A provider of services to persons with HIV,
41 nominated by a statewide organization concerned
42 with HIV; and

2 (6) Four persons representing interests related to
3 HIV, HIV prevention or policy, to be chosen by the
4 membership committee from the following:

5 (a) Representatives of statewide organizations
6 concerned with family planning, public health, HIV
7 prevention and treatment, organized labor, clergy,
8 funeral directors, civil rights and disability
9 rights, nominated by those organizations;

10 (b) A representative of families with school-aged
11 children, nominated by members of the public; and

12 (c) A representative of the Maine Human Rights
13 Commission.

14 **Sec. 6. 5 MRSA §19202, sub-§3, as repealed and replaced by PL**
15 **1993, c. 384, §2, is amended to read:**

16 **3. Terms.** The term of office of each member is 3 years;
17 except that of the members first appointed chosen by the
18 membership committee pursuant to subsection 2-A, 1/3 must be
19 appointed chosen for a term of one year, 1/3 for a term of 2
20 years and 1/3 for a term of 3 years; ~~the Commissioner of Human~~
21 ~~Services--or--the--commissioner's--designee--serves~~ members chosen
22 after nomination by the Commissioner of Human Services, the
23 Commissioner of Mental Health, Mental Retardation and Substance
24 Abuse Services, the Commissioner of Education, the Commissioner
25 of Corrections or the Commissioner of Public Safety serve during
26 the nominating commissioner's term of office; and Legislators
27 serve during the term for which they were elected. The Governor
28 ~~shall designate--a chair and vice chair to serve at the pleasure~~
29 ~~of the Governor.~~ The membership shall annually elect a chair and
30 vice chair. The chair is the presiding member of the committee.
31 All vacancies must be filled for the balance of the unexpired
32 term in the same manner as original appointments. ~~The members of~~
33 ~~the committee are entitled to compensation in accordance with~~
34 ~~chapter 379.~~

35 **Sec. 7. 5 MRSA §19202, sub-§3-A is enacted to read:**

36 **3-A. Compensation.** The members of the committee are
37 entitled to compensation in accordance with chapter 379. All
38 members are entitled to reimbursement for expenses. Members with
39 HIV or who are at risk of developing HIV, as defined by the
40 HIV/STD program in the Bureau of Health, Division of Disease
41 Control, are entitled to per diems of \$50 per day.

42 **Sec. 8. 5 MRSA §19202, sub-§4, as enacted by PL 1993, c. 384,**
43 **§2, is amended to read:**

