

**MAINE HIV ADVISORY COMMITTEE
BYLAWS**

Article I: Name

- Section 1. Name: The name of this organization is established by law pursuant to 5 MRSA §19202 as the Maine HIV Advisory Committee.

Article II: Purpose and Duties

- Section 1. To advise the Office of the Governor and State, federal, and private sector agencies, officials, and committees on HIV-related and AIDS-related policy, planning, budgets, or rules on behalf of those individuals infected by, at-risk for, or affected by the human immunodeficiency virus in Maine.

- Section 2. Duties: The duties of the Committee are established by 5 MRSA §19202 and are stated as:

Duty A - Advise the Office of the Governor Office and State, federal, and private sector agencies, official, and committees on HIV-related and AIDS-related policy, planning, budgets, or rules;

Duty B - Make an annual assessment of emerging HIV-related issues and trends;

Duty C - Initiate and respond to legislation, both state and federal;

Duty D - Prepare and present, in person, an annual report on the status of HIV in the state to the Office of the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters by March 1 of each year.

Article III: Members

- Section 1. A. The committee consists of 19 members, 14 of whom are voting members as defined in Article VI Section I. The committee shall seek seven nominations for membership for the coming year from the entities or persons authorized to nominate as follows:
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. A representative of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Director of HIV/STD and Viral Hepatitis Program nominated by the Commissioner of Health Human Services;
 3. A representative of the Department of Education, nominated by the Commissioner of Education;
 4. A representative of the Department of Corrections, nominated by the Commissioner of Corrections;

5. A representative of the Department of Health and Human Services, Office of Substance Abuse, nominated by the Commissioner of Health and Human Services;
6. A representative of the Office of MaineCare Services, nominated by the Commissioner of Health and Human Services.

B. The committee shall identify twelve additional representatives as described below, with broad input from persons with HIV or at risk for HIV infection or from organizations with extensive participation of persons with HIV, organizations interested in and working on HIV/AIDS prevention and health, other community-based organizations providing HIV/AIDS services, rural health centers, and the public.

1. Four persons living with HIV/AIDS.
2. Two representatives of populations most affected by HIV/AIDS in the state.
3. Two providers of HIV-related prevention or social services.
4. Two representatives of the public health community who have experience in the prevention of and the care and treatment of persons with HIV or infectious diseases; and
5. Two persons chosen by the committee because of the positive impact of the person's expertise or experience will have on the work of the committee.

Section 2.

Member Responsibilities: Members of the Committee shall:

- A. Review materials and information provided by the Committee;
- B. Attend Committee Meetings (attendance via electronic communications is permitted);
- C. Contribute to deliberations;
- D. Vote upon Committee recommendations (if voting member per statute);
- E. Participate in information-gathering and communications activities deemed necessary by the Committee;
- F. Participate in Committee Actions outside of formal meetings

Section 3.

Meeting Attendance and Proxies:

- A. Absences: Members, voting and non-voting, of the Committee who find themselves unable to exercise their Committee responsibilities shall name a temporary proxy.
- B. Identified proxy members may vote on behalf of voting Committee members.
- C. Consecutive Absence:
 1. Absence from two consecutive meetings will result in a written correspondence of concern and inquiry from the Committee. If the absent member fails to respond before the next scheduled meeting the matter will be taken up by the Committee.
 2. Absence, even with proxy, from three or more consecutive meetings will require a Committee decision as to continuing a temporary proxy or requesting the absent Committee member's

resignation and initiating a new permanent appointment to the committee from the absent member's specified category as defined in the statute.

- Section 4. Unrelated Members: Committee members shall not be related by bonds of blood, contract or intimacy. This includes family, close friends or partners, or those contractually bound (employer-employee, etc...)
- Section 5. Member Recruitment and Separation:
- A. The Executive Committee shall be responsible for ensuring membership requirements are fulfilled in accordance with HIVAC policies and procedures. This responsibility may be delegated to an ad hoc committee as needed, with participation by at least two members of the Executive Committee.
 - B. Unless otherwise decided by the committee new members must wait a full month prior to being granted the full powers described in Article VI.
 - C. Members may be forcibly separated from the Committee for cause with a $\frac{3}{4}$ majority vote at a regular meeting in accordance with HIVAC policies and procedures.

Article IV: Committee Leadership

- Section 1. Chairperson, Vice-chairperson and Secretary: The Chairperson, Vice-chairperson and Secretary shall be elected yearly by the membership of the Committee, and shall serve a term of at least one year. The Chairperson shall have a term limit of three years.
- Section 2. Duties of the Chairperson: The chairperson shall:
- A. Act as official representative of the Committee;
 - B. Preside at meetings of the Committee;
 - C. Based on direction of the Committee as a whole, the Chairperson shall:
 - 1. Appoint and dissolve Committees and Task Forces;
 - 2. Work regularly with other members of the Committee on planning and implementing Committee Duties;
 - 3. Maintains committee assets and finances, including managing expenses and revenue in according with HIVAC Policies and Procedures;
 - D. 4. Delegate responsibilities, including but not limited to:
 - a. Securing meeting space;
 - b. Publicizing Meetings;
 - c. Recording and distributing minutes;
 - d. Recording votes;
 - e. Holding official records;
 - f. Other duties as assigned by the Committee
- Section 3. Duties of the Vice-chairperson: The Vice-chairperson shall:
- A. Participate in setting HIVAC agendas;

- B. Assume the duties of the Chairperson, should the duly elected Chairperson be temporarily unable to perform them;

- Section 4. Duties of the Secretary: The Secretary shall:
- A. Keep a digital record of meeting minutes and all documents produced by the state of Maine HIVAC Committee;
 - B. Records and distributes minutes;
 - C. Records Votes;
 - D. Holds official records;

- Section 5. Executive Committee: The Executive Committee Shall:
- A. Be composed of the Chair, Vice-chair, Secretary and two additional members appointed by the Committee including one person living with HIV/AIDS and/or representative of populations most affected by HIV/AIDS and one other/
 - B. Ensure membership requirements are fulfilled, set agendas, ensure purpose and duties of committee are being fulfilled, oversee financial assets and operating budget, lead disciplinary and separation proceedings as required
 - C. Delegate duties to subcommittees as required.

- Section 6. Committee Staff: The Committee may secure memoranda of agreement for staffing, consulting, or other service needs that may arise.

Article V: Meetings

- Section 1. Regular Meetings of the Committee: Regular meetings of the Committee shall be held no less than quarterly and more frequently if needed to respond to the duties of this Committee at a date, time, and place predetermined by the Committee.
- Section 2. Emergency Meeting of the Committee: Emergency meetings shall be called by the Chairperson, at the request of a minimum of three members of the Committee. Notice of such meetings will be made with a minimum of 24 hours advance notice.
- Section 3. Annual Meeting: The annual meeting, which may coincide with a regular quarterly meeting, will be held in September of each year with the purpose of:
- A. Electing the Chairperson and Vice-chairperson;
 - B. Reflecting on Committee accomplishments over the last year;
 - C. Outlining Committee objectives and activities for the coming year;
 - D. Delegating responsibilities as specified in Article IV Section 2.C.c.

Article VI: Powers

- Section 1. Voting: The Committee acts through duly recorded votes of members of the Committee. A quorum is defined as 50% plus one of Committee members. A motion can only pass with the approval of 50% plus one of the members in attendance. Voting members include two members of the Legislature, four persons living with HIV/AIDS, two representatives of

populations most affected by HIV/AIDS in the State, two providers of HIV-related prevention or social services, two representatives of the public health community who have experience in the prevention of and care and treatment of persons with HIV or infectious diseases, and two persons chosen by the committee because of the positive impact of the persons' expertise or experience will have on the work of the committee. Binding Committee action can be taken only when a quorum of the Committee is present.

- Section 2. Members shall abide by the Member Contract, including the Conflict of Interest policy, laid down in HIVAC Policies and Procedures.
- Section 3. Public Statements: Official statements on behalf of the Committee on public matters may only be made by members expressly authorized to do so by the Committee as a whole.
- Section 4. Committee May Accept Funds: The Committee may vote to accept or refuse gifts, grants or other funding that may be offered in support of the work and activities of the Committee.
- Section 5. Expenditure of Funds: Committee members may be reimbursed for out-of-pocket expenses related to performance of official Committee duties as availability of funds allows.

Article VII: Amendments

- Section 1. Amendments of Bylaws: The Committee may amend Bylaws not in Statute upon presentation of a written proposal for discussion at a regular meeting of the Committee followed by a written proposal to be voted upon at a subsequent meeting and approval of the proposed amendment by a 2/3 majority of the voting membership.

Article VIII: Parliamentary Authority

- Section 1. Rules and Proceedings: Except as otherwise herein specified and mandated by Maine law, meetings shall be governed by Roberts Rules of Order, newly revised.

05/25/94 BYLAWS

11/12/02 BYLAWS REVISED

08/11/09 BYLAWS REVISED

09/10/13 BYLAWS REVISED