



Tardiff-Belanger Post # 39  
PO Box 144  
Madison, ME 04950

## **By-Laws**

### **Article I – Name and Membership**

1. The Post existing under these By-Laws shall be known as the American Legion, Tardiff-Belanger Post No. 39.
2. All members of Post 39 shall be equals and there will be no rank, either military or civilian, among the membership.
3. Post 39 shall be absolutely non-political and shall not to be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking political office.

### **Article II - Management**

1. The governing body of Post 39 is its Executive Committee. In absence of specifically delegated responsibility, decision by the General Membership will prevail.
2. The election of Post Officers and the Executive Committee members shall be held by current members annually. All elections shall be by ballot and the candidate receiving majority number of votes shall be elected to the respective office for which they are a candidate pursuant Article III, Section 2.
3. The Policies of day-to-day management of Post 39 shall be entrusted to its Executive Committee which shall consist of eight (8) members and shall be known as the "Executive Committee". The Executive Committee shall establish the day-to-day Post 39 Policies. All Post 39 Policies and its By-laws shall be posted for all Post Members to read.
4. Any Post 39 Officer can be removed for cause by two-thirds (2/3) vote by current Post 39 members present at the Special or General Membership meeting to vote on said Officer removal. Any Post 39 Officer removed for cause, shall not hold any position for 5 years from date of removal.

### **Article III – Executive Committee**

1. The Executive Committee shall consist of the Commander, 1<sup>st</sup> Vice Commander, 2<sup>nd</sup> Vice Commander, Adjutant, Finance Officer, the immediate Past Commander (This person is an automatic member for one (1) year) and two (2) at large members unless the Past Commander is elected to subsequent consecutive terms, then a third at large member shall be elected.

2. The Executive Committee, together with the other Officers of this Post, shall be elected annually on the 1<sup>st</sup> Monday in March and take office at an Installation meeting prior to the regular May General Membership meeting. Each current member shall have one (1) vote.
3. The Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within fifteen (15) days after the installation of the new Officers. Thereafter, the Executive Committee shall meet in advance of each regular Post General Membership meeting and as often as said Commander may deem necessary.
4. A quorum of five (5) members of The Executive Committee shall be necessary for any vote to be taken by the Executive Committee. The Commander may use phone or electronic voting methods. The Commander shall call a meeting of the Executive Committee upon the request of any member of the Executive Committee. All votes and voting methods shall be reported through the Minutes at the next General Membership monthly meeting.
5. The Executive Committee shall hire and terminate all employees of the Post. The Commander may temporarily suspend for cause any employee(s) until a vote of The Executive Committee which must be held within 7 days and recorded in the minutes. The Executive Committee shall require adequate bonds from all persons having custody of Post funds; shall hear the reports of all appointments and Post Committee's Chairperson(s); and generally, shall have charge of and be responsible for the management of the affairs of this Post.
6. The Executive Committee shall review all expenditures beyond normal operating expenses and shall present said expenditures with recommendations to the membership for approval at the next regular General Membership meeting. No person is authorized to sign any long term (over 30 days) contract without approval of the Executive Committee.
7. At the first Executive Committee meeting following installation of new Officers, a Finance Committee shall be organized. The Finance Committee shall consist of the 1<sup>st</sup> Vice Commander, the 2<sup>nd</sup> Vice Commander and a third Executive Committee member appointed by the Commander. The Finance Committee shall audit the Post 39 financial records at least once annually or as often as the Executive Committee deems necessary.

#### **Article IV- Duties of Officers**

1. **Duties of Post Commander:** It shall be the duty of the Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post and such officer shall be the Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the year and a copy thereof forwarded to the Department Adjutant. The Commander shall perform such duties as directed by the Post. No member may serve as the Commander more than (3) three consecutive years, partial terms do not count. The Commander shall be an ex officio Member of all Post committees and sub-committees. The Commander shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies. The Commander only votes to break or create a tie.



2. **Duties of 1<sup>st</sup> Vice Commander:** The 1<sup>st</sup> Vice Commander shall assume the duties of the Commander if the position becomes vacant for any reason, or when called upon by the Commander, and shall perform such other duties as are usually incident to the office. The 1<sup>st</sup> Vice shall Chair the Membership and Finance Committees. The 1<sup>st</sup> Vice Commander shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.
3. **Duties of 2<sup>nd</sup> Vice Commander:** The 2<sup>nd</sup> Vice Commander shall assume the duties of 1<sup>st</sup> vice Commander if the position becomes vacant for any reason or when called upon by the Commander, and shall perform such duties as are usually incidental to the office. The 2<sup>nd</sup> Vice Commander shall automatically serve on the Membership and Finance Committees. The 2<sup>nd</sup> Vice Commander shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.
4. **Duties of Adjutant:** The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as Department and National may require, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander, handle all correspondence of the Post, and shall perform such other duties as are usually incidental to the office. The Adjutant shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.
5. **Duties of Finance Officer:** The Finance Officer shall have charge of all the finances and see that they are properly deposited in some local bank or banks. The Finance officer, or agent duly authorized by the Executive Committee, shall sign all checks disbursing the monies of the Post. The Finance Officer shall furnish such surety bonds in such sum as shall be fixed by the Executive Committee. The Finance Officer shall have authority to pay all recurring obligations of the Post generated by normal operations of Post business. The Finance Officer shall report on the financial position of the Post to the Executive Committee and Post Membership with such recommendations as the Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.
6. **Duties of the Service Officer:** The Service Officer shall be in charge of administration of all matters pertaining to the relation of veterans to the Veterans Administration, and such matters that pertain to the rights and benefits for veterans and their families of this Post, and shall perform such other duties as are usually incidental to the office.
7. **Duties of the Historian:** The Historian shall be charged with the individual records and incidents of the Post and Post members and shall perform such duties as may properly pertain to the office as may be determined by the Post or the Executive Committee, and shall perform such duties as are usually incidental to the office. The Historian shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.
8. **Duties of the Chaplain:** The Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public function, etc. adhere to such ceremonial rituals as are recommended by National or Department Headquarters from time to time, and shall perform such other duties as are incidental to office. The Chaplain shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.

9. **Duties of Sergeant-At-Arms:** The Sergeant-At-Arms shall preserve order at all meetings and shall perform other duties as may be from time to time assigned to him by the Commander, and shall perform such duties as are usually incidental to the office. The Sergeant-At-Arms shall be in charge of all Colors. The Sergeant-At-Arms shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.
10. **Duties of the Americanism Officer:** The Americanism Officer shall form and Chair the Post Americanism Committee. The purpose of the Americanism Officer and the Americanism Committee shall be to inspire patriotism and good citizenship through patriotic observances, patriotic and civic instruction in schools, Americanization of aliens, information on anti-American propaganda, youth activities such as Boys State, Girls State, Scouts, Oratorical Contest, School Award Medals, baseball, flag etiquette, and other similar community services, as well as provide a listing of available scholarships to include the "Need A Lift?" booklet. The Americanism officer shall also perform all other duties as outlined in the current Officer's Guide and Manual of Ceremonies.

### **Article V – Delegates**

1. Delegates and Alternates to the Department Convention shall be elected by the Post membership at a regular Post 39 General Membership meeting to be held prior to the date of the Convention.
2. The current Commander shall be an automatic Delegate. The membership shall elect the appropriated number of Delegates and Alternates as set by the Department of Maine. The outgoing Commander, for the first year out of office, shall be an automatic Delegate and head of the Delegation.

### **Article VI - Appointments**

1. The Commander, with the concurrence of the Executive Committee, shall appoint any committee that the Commander deems necessary for the operation of the Post. All committees shall have a policy and procedure to be developed by the Executive Committee.
2. The Commander shall have the authority to make other appointments deemed necessary, subject to confirmation, by the Executive Committee at its next meeting ratifying the appointment.

### **Article VII – Resolutions**

1. All Resolutions of State or National American Legion Departments' scope presented to Post 39 by a member or committee of Post 39 shall merely embody the opinion(s) of Post 39 on the interest. A copy of the Resolution shall be forwarded to the Department Headquarters for approval before any publicity is given or action other than mere passage by Post 39 is taken.



## **Article VIII – Meetings**

1. The regular General Membership meetings of Post 39 shall be held on the first 1<sup>st</sup> Monday of the month. Whenever a legal holiday falls on the 1<sup>st</sup> Monday or when a regular meeting is canceled, the monthly meeting shall be held on the second Monday of that month.
2. The Commander or a majority of The Executive Committee or upon request by ten (10) members of Post 39, the Commander or the Executive Committee shall call a Special General Membership meeting.
3. Ten (10) current members shall constitute a quorum for Regular or Special General Membership meetings of Post 39.

## **Article IX – Notices**

1. Every Legionnaire of Post 39 shall furnish the Adjutant with their address and contact information annually via mail, email or phone contact.
2. The Adjutant shall cause notice of the annual elections to be given at least two (2) weeks prior to the election.

## **Article X – Limitations of Liabilities**

1. This Post shall incur or cause to be incurred no liability nor obligations whatsoever that shall subject liability to any other Post, subdivision, group, members of the American Legion, individuals, corporation or organization.


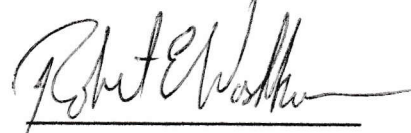

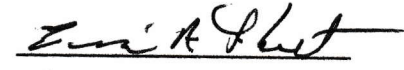

## **Article XI – Amendments**

1. These By-laws may be amended at any Post meeting by two-thirds (2/3) majority vote of current members present providing that the proposed amendment(s) shall have been submitted in writing at the preceding monthly General Membership meeting. The Adjutant shall make notice at least ten (10) days prior to the date when such amendment(s) is to be voted upon.



## Executive Committee Certification

Approved by a Two-Thirds (2/3) Majority Vote of the Post Executive Committee on September 19, 2022.

These Post #39 By-laws are hereby established and ratified by a Two-Thirds (2/3) Majority Vote of the General Membership present at the regular Monthly Meeting on 07 NOV 22

  
\_\_\_\_\_  
Commander: William Price  
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Adjutant: Bob Washburn  
\_\_\_\_\_  
1<sup>st</sup> Vice: Bob Demchak  
\_\_\_\_\_  
2<sup>nd</sup> Vice: Eric Fluet  
\_\_\_\_\_  
Finance: Raymond Cloutier

## Executive Committee Members

  
\_\_\_\_\_  
Ted Brown  
\_\_\_\_\_  
Skip Gleason  
\_\_\_\_\_  
Jimmy Pinkham