



**Tardiff-Belanger Post #39**

**PO Box 144**

**Madison, ME 04950**

**By-laws of the American Legion, Tardiff-Belanger Post #39, Department of Maine**

**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 the Post shall be equals and there will be no rank, either military or civilian among the membership.
3. This organization 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 this Post is the Executive Committee. In absence of specifically delegated responsibilities, all decisions by General Membership will prevail.
2. The election of officers and Executive Committee shall be held 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 to Article III, Section 2.
3. The Policies of day-to-day management of the Post shall be entrusted to the Executive Committee consisting of eight (8) members and shall be know as the “The Executive Committee”. The Executive Committee shall establish the day-to-day Policies of the Post. All Policies and By-laws shall be posted for all Post Members to access.

**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 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 Meeting. Each 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 meeting and as often as said Commander may deem necessary.

4. A quorum of four (4) 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 regular 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 can be taken 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 meeting. The Executive Committee may approve said expenditures for the months of July and August and shall report all approved expenses to membership at the next regular meeting. No person is authorized to sign any long term (over 90 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 financial records at least once each year 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 does not vote except in three (3) situations: 1) if the Commander's vote would break a tie vote; 2) if the Commander's vote would create a tie vote; or 3) if the vote is taken by ballot.
- 2. Duties of 1<sup>st</sup> Vice Commander:** The 1<sup>st</sup> Vice Commander shall assume the office 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 office 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 incident 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 incident 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 incident 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 incident 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 incident 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 incident 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 propoganda, 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 meeting to be held at least twenty (20) days prior to the date of the Convention.

2. The current Commander shall be an automatic Delegate. The membership shall elect the appropriated amount of Delegates and Alternates as set by the Department, now set at a total of four (4) Delegates and four (4) Alternates. 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 he deems necessary for the operation of the Post. All committee's shall have a policy and procedure to be developed by the Executive Committee.

2. The Commander shall have the authority to make other appointments he deems 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 this Post by a member or committee of the Post shall merely embody the opinion(s) of this Post 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 this Post is taken.

## **Article VIII – Meetings**

1. The regular meetings of this Post shall be held on the first 1<sup>st</sup> Monday of the month, except for July and August, when there normally is no meeting. 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 this Post, the Commander or Executive Committee shall call a Special Meeting.
3. Ten (10) members shall constitute a quorum for Regular or Special Meetings of the Post.

## **Article IX – Notices**

1. Every member of this Post shall furnish the Adjutant with their address.
2. The Adjutant shall cause notice of the annual elections to be given at least two (2) weeks prior to the election.

## **Article X – Rules of Order**

1. All proceedings of this Post shall be conducted pursuant to Robert's Rules of Order, except as herein otherwise prescribed.

## **Article XI – 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 XII – Amendments**

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

**Approved by a Two-Thirds (2/3) Majority Vote of the Post Executive Committee on: \_\_\_\_\_**

**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: \_\_\_\_\_**

\_\_\_\_\_  
Post Commander: Robert Demchak

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Post Adjutant: Robert Washburn

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1<sup>st</sup> Vice-Commander: Aaron Rollins

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2<sup>nd</sup> Vice-Commander: William Price

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Finance Officer: John Bryant

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Executive Committeeman: Gene Dube

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Executive Committeeman: Raymond Cloutier

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Executive Committeeman: Gene Tweedie