

THE AMERICAN LEGION **DEPARTMENT OF MAINE**



CONSTITUTION AND BY-LAWS
REVISED June 10, 2023



June 10, 2023

To: All members of The American Legion, Department of Maine

This newly revised Constitution and By-laws of the Department of Maine is transmitted to each member of the Department Executive Committee and to each post within the Department of Maine and supersedes all other previous copies. The changes incorporated into this edition are as follows:

Sincerely,

**Jason T. Hall
Department Adjutant**

**THE AMERICAN LEGION
DEPARTMENT OF MAINE**

CONSTITUTION

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

Name

Section 1. The name of this organization shall be THE AMERICAN LEGION, DEPARTMENT OF MAINE, INCORPORATED.

ARTICLE II

Membership

Section 1. An individual is eligible for membership in The American Legion only if the individual –

(1) has served in the Armed Forces of

(A) the United States at any time during –

(i) the period of April 6, 1917, through November 11, 1918; or

(ii) any time after December 7, 1941; or

(B) a government associated with the United States Government

during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and

(2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.*

Section 2. Non-residents of this state otherwise eligible may be admitted to membership in the Posts of the Department of Maine on the same basis as residents of this state.

Section 3. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

Section 4. No person shall be a member at any one time of more than one Post.

Section 5. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, **s/he** may then appeal to the Executive Committee of the Department for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 6. Proof of Eligibility - Any person who submits an application for membership in this organization, or who, having been accepted to membership, accepts an annual renewal membership card, or who accepts any Department, District, or Post officer, either elective or appointed, shall have been deemed to have given his/**her** consent by the submission of such application, the acceptance of such renewal membership card, or the acceptance of such office, to the production of official proof of eligibility of such person for membership in this organization, to the Department Adjutant and at the request of the Department Adjutant and that at the local level, each Post Adjutant shall be authorized to request proof of eligibility. (Res. 12-1984)

ARTICLE III

Nature

Section 1. The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his/**her** military or naval title in any convention or meeting of the Legion.

Section 2. The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the endorsement or promotion of the candidacy of any person seeking public office or preferment.

Section 3. Each member shall perform his/**her** full duty as a citizen according to his/**her** own conscience and understanding.

ARTICLE IV

Department Organization

Section 1. The legislative body of the Organization shall be a Department Convention held annually, the place and time of which shall be fixed by the Department Convention Committee. In the event that the Department Convention Committee does not fix a time and place, they shall be determined by the Department Executive Committee.

Section 2. The annual Convention shall be composed of delegates or alternates from each Post, each of which shall be entitled to one delegate and one alternate, and to one additional delegate and one additional alternate for each one hundred members or fractional part thereof paid up thirty days prior to the date of the Department Convention. The vote of each Post shall be equal to the total number of authorized delegates present. All Past Department Commanders, Department Officers, and District Commanders in good standing shall be entitled to one vote in the Department Convention.

Section 3. The delegates to the Department Convention shall be chosen as each Post may determine.

Section 4. A quorum of the Department Executive Committee will be fifty percent (50%) plus one (1) of the voting members in order to conduct any business of the Department Executive Committee, **excluding Past Department Commanders**. All such notices are to be transmitted from the office of the Department Adjutant after being notified by the Department Commander that a meeting is being called, with a minimum of 15 days notification when possible. (Res. 1-1991)

Section 5. The executive power shall be vested in a Department Executive committee to be composed of seventeen District Commanders. District Commanders shall be chosen, one for each county except Aroostook County which shall be divided into the Northern and Southern Aroostook Districts, by the Posts in each District at a meeting held before the annual Department Convention, and in addition thereto said executive power shall be jointly vested with the Department Officers. Members of the Department Executive Committee shall be: (Res. 10-1992)

Department Commander	First Vice Commander
Second Vice Commander	Department Finance Officer
Department Adjutant	Department Service Officer
Department Judge Advocate	Asst. Dept. Service Officer
Department Historian	Department Americanism Officer
Department Chaplain	Department Sergeant-at-Arms

- Seventeen District Commanders (or District Commander Appointed District Officer)
- National Executive Committeeman (ex officio)
- National Executive Committeeman Alternate (ex officio)
- Past Department Commanders (with voice, Res. 8-94)

In the absence of the District Commander, from any District, the District Commander may appoint any District Officer to represent the District at any Executive Committee meeting with voice and vote. (Res. 2-2023)

Holding more than one National and/or Department Office at one time: No elected or appointed Department or National officer in The Department of Maine may hold more than one National and/or Department office at one time. (Res. 03-18)

All Past Department Commanders of the Department of Maine, The American Legion, in good standing, shall be members of the Department Executive committee for life with voice and vote, but shall not be counted or considered for the purpose of a quorum. (Res. 2-99)

The practice of naming Honorary Past Department Commanders is prohibited, but those that were elected shall remain as such. A Legionnaire of the Year Committee, made up from the Past Department Commander’s Club, will select a Legionnaire for this honor annually. Presentation of a Legionnaire of the Year will be made at the annual Department Convention. (Res. 7-96)

The 17 District Commanders shall be elected at District Conventions held on May 1st or later (Res. 3-99), but prior to the upcoming Annual Department Convention. Delegates chosen to represent their respective Posts at District Conventions do not need to be the same as the delegates to the Department Convention. All Past Department Commanders, Department Officers, and District Commanders who hold membership in said District, shall also be delegates to the District Convention and these districts shall be as follows:

- | | |
|----------------------------------|-----------------------------------|
| District 1 - York | District 10 – Somerset |
| District 2 - Cumberland | District 11 - Waldo |
| District 3 - Androscoggin | District 12 - Hancock |
| District 4 - Franklin | District 13 - Penobscot |
| District 5 - Oxford | District 14 - Piscataquis |
| District 6 - Knox | District 15 - Washington |
| District 7 - Lincoln | District 16 - So Aroostook |
| District 8 - Sagadahoc | District 17 - No Aroostook |
| District 9 - Kennebec | (Res. 1-2007) |

The term of office for all District Officers shall run concurrent from the close of convention to the close of the next annual convention with the dates designated by the Department of Maine, The American Legion.

Such selections shall be ratified by resolution at the Annual Department Convention.

In the absence of the District Commander, from any District, the Vice Commander shall represent the District at any Executive Committee meeting with voice and vote. (Res. 1-1994)

If/when a District Commander or delegate has three (3) or more unexcused absences from mandatory meetings or required functions, the Department Executive Committee can determine by majority vote that the position is vacant. The Department Executive Committee can appoint a District Commander in the event of a vacancy for the remainder of the current term (Res. 2-2022)

Sub Section (a). The other Department Officers shall be elected at the Annual Department Convention by Australian ballot. The candidate receiving the largest number of votes shall be elected even when there are more than two candidates for a given office. The terms of all elective officers shall be from Convention to Convention, except the Department Adjutant who shall hold office for a term of four years and the Department Finance Officer who shall hold office for a term of two years, or until their successors are elected. (Res. 4-99) (Res. 1-11)

Prior Placement of Ballot: The American Legion, Department of Maine Personnel Committee shall review the qualifications of potential candidates for Department Adjutant and Department Finance Officer and provide a recommendation to the Department Executive Committee of those candidates for approval prior to hire or placement on the ballot. The committee will consist of Past Department Commanders, Past National Commanders, Past National Vice Commanders. The committee will use the Department of Maine job description for each position to determine the qualifications of each candidate. This process needs to be completed thirty (30) days prior to The Department of Maine State Convention. (Res. 04-18)

(1) Nomination of such offices as shall appear on the ballot at the annual Convention shall be made at the first business session and the balloting shall take place at the last business session of the Convention as ordered and arranged by the Department Executive Committee. (Res. 1-88)

(2) Vacancies in these offices occurring between Department Conventions shall be filled by the Department Commander with approval of the Department Executive Committee.

(3) All candidates for elective department office shall file a notice of intent with the Department Adjutant 30 days prior to the State Convention to be placed on the pre-printed ballot. All self-declared candidates, notify the Department Adjutant, in writing, no later than 10 days prior to Department Convention. All Department Officers, and District Commanders must file with the Department Adjutant documents showing eligibility for membership in The American Legion. Failure to provide said documents will vacate the office. (Res. 01-2022)

(4) All Current and future Department Officers and District Commanders will within forty-five (45) days following the conclusion of the annual Department Convention, take the “American Legion Extension Institute Course” and successfully complete and graduate from the said course. Previous graduates of the course upon providing valid confirmation would be exempted.” (Res. 01-2015)

Sub Section (b). The Department Chaplain and Department Judge Advocate shall be appointed by the Department Commander with the approval of the Department Executive Committee. (To serve for a term of one year and are accorded all privileges of a Department Officer.)

Sub Section (c). The Department Service Officer shall be appointed as follows:

(1) The Veterans Affairs and Rehabilitation Committee shall nominate the Service Officer, which nomination requires the approval of the Department Commander and the Department Executive Committee.

(2) The term of office for the Service Officer shall be three years. The first period shall commence after the Department Convention in June 1988.

(3) The Department Service Officer may be removed from office during any term by the Executive Committee upon recommendation of the Veterans Affairs and Rehabilitation Committee or the Department Executive Committee.

Sub Section (d). An Assistant Department Service Officer may be appointed upon the recommendation of the Veterans Affairs and Rehabilitation Committee by the Department Commander, subject to the approval of the Department Executive Committee to a term of three (3) years to be at least one (1) year different than the Department Service Officer commencing in 2013 with the first term to expire 2016. (Res. 08-2013)

Sub Section (e) Convention Elections do not require a ballot vote be taken when candidates are running unopposed. The Department Adjutant simply declares that the nominee is elected, thus effecting the election by unanimous consent or “acclamation”. (Robert’s Rules, 11th ed., p. 443). (Res. 01-2022)

Section 6. Delegates to the annual National Convention shall be elected at each annual Convention of the Department; provided, that any additional delegates to which the Department may be entitled may be appointed by the Department Executive Committee. The Department Commander shall be a delegate to the National Convention.

Section 7. One representative and one alternate to the National Executive Committee, The American Legion, shall be elected as determined by the National Constitution.

Section 8. A quorum shall exist at a Department Convention when fifteen or more of the Posts are partially or fully represented by duly elected delegates or alternates.

Section 9. The Rules of Procedure at the Department Convention shall be those set Forth in Robert's Rules of Order, Newly Revised.

ARTICLE V

Post Organization

Section 1. Those who desire to form a Post shall make application to the Department Commander. A charter will be issued by the National Commander and the National Adjutant upon receipt of an application properly executed by the charter members of the projected Post, after approval by the Department Adjutant. Post charters will be countersigned by the Department Commander and Adjutant.

Section 2. The minimum membership of a Post shall be fifteen.

Section 3. No Post shall be named after any living person.

Section 4. The officers of a Post shall be as follows:

Post Commander	Post Vice Commander
Post Adjutant	Post Finance Officer
Post Historian	Post Chaplain
Post Service Officer	

Any Post may elect such additional officers, as it deems necessary.

ARTICLE VI

Auxiliaries

Section 1. The Department of Maine, the American Legion recognizes an auxiliary organization to be known as “The American Legion Auxiliary.”

Section 2. Membership in The American Legion Auxiliary shall be limited to:

- (1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- (2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to

November 11, 1918 and any time after December 7, 1941 who, being a citizen of the United States at the time of their entry therein served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after honorable discharge;

(3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941 who served on active duty in the Armed Forces of the United States during either eligibility periods and died in the line of duty or after honorable discharge; and

(4) to those women who of their own right are eligible for membership in The American Legion.

Section 3. The auxiliary shall be governed in this Department of The American Legion by such rules and regulations as may be approved by this Department of The American Legion.

ARTICLE VII

Sons of The American Legion

Section 1. The Department of Maine, The American Legion recognizes as a program of the Department, “The Sons of The American Legion”.

Section 2. All male descendants adopted sons, and stepsons of members of The American Legion, and such male descendants of veterans who died in service during the period of April 6, 1917, through November 11, 1918, or any time from December 7, 1941, to date, who served honorably, as set forth in Article IV, Section 1, of the National Constitution of The American Legion, or who died subsequent to their honorable discharge from such service, shall be eligible for membership in the Sons of The American Legion.

Section 3. The Sons of The American Legion shall be governed in the Department of Maine by such rules and regulations as may be approved by the Department of Maine, The American Legion.

ARTICLE VIII

American Legion Riders

Section 1. The Department of Maine, The American Legion recognizes as a program of the Department, “The Legion Riders”.

Section 2. All American Legion members, Auxiliary members, and Sons of The American Legion members in good standing and in compliance with the Department of Maine and The National American Legion Constitution and By-Laws, shall be eligible for membership in the Legion Riders.

Section 3. The Legion Riders shall be governed in the Department of Maine by such rules and regulations as may be approved by the Department of Maine, The American Legion.

ARTICLE IX

Finance Committee

The Finance Committee of the Department shall be composed of such members ex-officio hereinafter provided for, and a Chairman appointed from within the committee for a term of one year. All appointments to this committee will be made by the Department Commander subject to the approval of the Department Executive Committee. The Department Commander, the Department Adjutant, who shall act as Secretary, and the Department Finance Officer, shall all be ex-officio members of said Finance Committee. The Committee shall have full supervision over the financial matters connected with the Department of Maine, The American Legion. The Chairman of the Committee shall be empowered to call meetings whenever in his/**her** judgment the need of the Department requires the calling of the Committee together and shall call a meeting of the Committee upon the written request of three members of the Committee. In the absence of the Chairman, any member of the Committee may be chosen as temporary Chairman and shall preside. The Secretary shall keep a record of the minutes of the Committee at each meeting. The Finance Committee shall once in each year audit the books and accounts of the Finance Officer, or cause the same to be audited by an approved Certified Public Accountant, and make a report of its doings to the next annual Convention. Six members of the Finance Committee shall constitute a quorum for the

transaction of business. The annual meeting of the Department Finance Committee shall be held at the Department Headquarters. Any member of the Department Finance Committee who misses three consecutive meetings, without proper excuse to the Commander shall be automatically removed from the Committee. Vacancies occurring on the Committee due to death, resignation or other cause, shall be filled through appointment by the Department Commander, subject to the approval of the Department Executive Committee, for the unexpired term only. All bills or statements of charge, with the exception of those paid to the Department Adjutant, must be approved by the Department Adjutant and Department Finance Officer in order to meet the obligations of the Department in a timely fashion, with all receipts maintained on file for verification by the Department Commander at his/her convenience. Travel and other reimbursable expenses paid to the Department Adjutant must be approved by the Department Commander prior to payment. (Res. 5 - 1991)

The Finance Officer will not take any action to implement any proposals until final approval of the Department Executive Committee and instructed to do so by the Commander of the Department. (Res. 10-87)

Under no circumstances shall any Legion funds be loaned to any individuals, corporation, or partnership.

ARTICLE X

Internal Affairs Committee

The Internal Affairs Committee of the Department of Maine, The American Legion shall be constituted to be composed of two members appointed or elected from each District in the Department, and that the chairman shall be appointed by the Department Commander, subject to the approval of the Department Executive Committee. All Past Department Commanders in good standing shall be members of the Committee, with voice but no vote. The Internal Affairs committee will present a report to each Department Convention.

ARTICLE XI

Convention Committee

There will be a ten (10) member Department Convention Committee, which shall be composed of a Chairman, the Department Adjutant, the Department Finance Officer, a member of the past Convention Committee and six (6) additional members to be appointed by the Department Commander, subject to the approval of the Department Executive Committee. The Convention Committee may set the site of State Conventions three years in advance.

ARTICLE XII

Public Relations Committee

The Department Commander shall appoint, with the approval of the Department Executive Committee, a Public Relations Chairperson for a period of one (1) year and **a minimum of five members from throughout the Department of Maine American Legion and such advisors as the Committee Chairman and Department Commander may deem necessary to serve for a period of one (1) year.** The Department Adjutant will automatically become a member of the Public Relations Committee. (Res. 05-2015).

The Department Adjutant has authority to speak on behalf of the Department of Maine and must approve all communications with mass media entities. (Res. 4-2022)

ARTICLE XIII

Veterans Affairs & Rehabilitation Committee

“In order to coordinate and adequately supervise the various phases of Service and Rehabilitation work of the Department of Maine, The American Legion to the end that the fullest measure of service to the veterans of the State may be realized.

Be it hereby resolved that the Service and Rehabilitation Committee of the Department of Maine, The American Legion, be a permanent committee of the Department. That said Committee consists of the Department Commander, and seven (7) other members, whose appointments shall be for the term of three (3) years. The Commander shall appoint a chairman thereof annually from the membership of said Committee.

That said Committee shall have full supervision and complete jurisdiction over the Rehabilitation program, and Legion participation in the VAVS Program, and while the allocation of funds for all Departmental activities and disbursements shall remain within the authority and discretion of the Department Finance Committee, the responsibility for the plans for raising of funds for the various rehabilitation and service programs, and the plans for the disbursement of funds allocated by the Finance Committee for Rehabilitation activities, VAVS participation and Service Department shall be that of the Department Committee of Service and Rehabilitation, and be it further resolved.

That this resolution shall not be construed as relieving the Department from the responsibility of providing sufficient funds for the maintenance of the Department Service Office.”

**(COPY OF RESOLUTION ADOPTED AT DEPARTMENT CONVENTION
OF THE AMERICAN LEGION HELD AT BANGOR, 1957)**

ARTICLE XIV

Amendments

Section 1. This Constitution may be amended at any annual Department Convention by the vote of two-thirds of the delegates voting at said Convention, provided the proposed change to the Constitution has been presented in writing to the Resolutions Committee no later than the beginning of their opening session at the Annual Convention. (Res. 6-99)

ARTICLE XV

Procedures for Disciplinary Action

Disciplinary action taken at a Post level that is referred to the Department of Maine, i.e., expulsion from a Post, Internal Affairs investigation, and/or expulsion from The American Legion shall be dealt with under the following procedures.

Once a Post has voted to expel, ban, or otherwise remove an American Legion member the Post Commander shall notify the Adjutant of the Department of Maine with proper evidence for said action, i.e., copy of the Post's Constitution and By-Laws, copy of minutes of meeting or meetings that document the vote for said action, in accordance with the Post's Constitution and By-Laws, copy of the letter sent to the member, and any evidence relevant to said action.

Upon receiving the notification, the Department of Maine shall then take action to transfer that member to the Daniel E Lambert Memorial Post 178 until the action has been reviewed.

If the Internal Affairs Committee of the Department of Maine is investigating an issue referred from a Post, the member in question will be transferred to the Daniel E Lambert Memorial Post 178 pending completion and outcome of the investigation.

Once the Internal Affairs Committee submits their report to the Department Officers, the Department Officers will review the Internal Affairs Committee recommendation. If the decision of the Department Officers is to rescind the decision of

the Post, the member shall be available for transfer to another post, as the member may desire.

In all cases, under this Section, the member considered for this type of action will be notified by letter, signed by the Department Commander and Department Adjutant, and sent by registered mail with return receipt requested.

The member involved in action under this Section shall be given the opportunity to appear before the Department Executive Committee to appeal any action taken under this Section. Once notified, failure to appear will get an acceptance of findings under this Section. If the member refuses to sign for the letter of notification of hearing, the member shall be judged in absentia after 10 (ten) days from written notice. (Res. 07-2017)



THE AMERICAN LEGION DEPARTMENT OF MAINE

BY-LAWS

ARTICLE I

The Department Commander shall preside at the Department Convention. **S/he** shall also preside at all meetings of the Department Executive Committee, and perform such duties as are usually performed by such officer and as may be prescribed by the Constitution and By-laws.

ARTICLE II

Section 1. The Department Vice Commanders and District Commanders shall perform such duties as are assigned to them by the Department Commander. (Res. 02/06-2013)

Sub Section (a). The 1st Vice Commander shall be the Department Membership Chairman and fulfill the duties of the Department Commander in his/**her** absence and perform other duties that may be assigned by the Commander.

Sub Section (b). The 2nd Vice Commander shall assist the 1st Vice Commander in the membership program of the Department and perform other duties as assigned by the Commander.

ARTICLE III

The Department Adjutant shall be charged with the administration of the policies and mandates of the Department Convention, the Department Executive Committee, and of the Department Commander. **S/he** shall be the chief administrative officer of the Department and shall perform all duties incidental to the office. The Department Adjutant will not assume the chairmanship or coordinator of any committee within the Department. (Res. 3 - 1989) **S/he** shall also be authorized, in event of resignation or

death of a Department Commander, to summon the Department Executive Committee for the election of a successor within fifteen days after said death or resignation. **S/he** shall be the Secretary to the Department Executive Committee and Department Finance Committee. The minutes of the Finance Committee and Executive Committee will be reproduced in their entirety within no more than thirty days after or within forty-eight hours prior to the assembly of future meetings and be distributed to all members of such committees within the allocated time frame described above. (Res. 2 - 1989) The Department Adjutant shall have charge of the corporate seal of the Department. **S/he** shall employ such clerical staff as is necessary to carry out the work of the office, subject to the approval of the Department Commander, as to the necessity thereof. **S/he** shall receive for his/**her** services such sum as may be determined by the Department Executive Committee. If and when the financial conditions of the Department shall warrant it, the Finance Committee may authorize an assistant to the Department Adjutant, who shall be appointed by the Department Adjutant **with approval of the DEC. The assistant to the Department Adjutant shall not be considered a Department Officer** and the compensation of said assistant shall be determined and fixed by the Finance Committee. (Res. 10-2015)

ARTICLE IV

The Finance Officer shall have the charge of the books and accounts of the Department, receiving and disbursing all moneys in the manner provided in the Constitution. When requested by the Finance Committee, **s/he** shall attend all meetings of that Committee and from time to time make report of the state of the finances of the Department to the Committee. The Finance Officer will submit a proposed balanced budget to the Finance Committee at least twenty (20) days prior to the end of the fiscal year for their approval and recommendations. In turn, the proposed balanced budget recommendations of the Finance Committee will be prepared and distributed to the Department Executive Committee no later than five (5) days prior to the meeting where this balanced budget will be approved and implemented or referred for action before final approval by the Department Executive Committee, except for approved expenditures for capital assets or from previously approved development funds. No person, group or committee will take action during any year that will result in the overall budget exceeding the projected earnings of the Department of Maine for that fiscal year, except for approved expenditures for capital assets or from previously approved development funds. (Res. 1-2008) The Finance Officer will not take any action to implement any proposals until final approval of the Department Executive Committee

and instructed to do so by the Commander of the Department. (Res. 4 - 1989) **S/he** shall furnish bond in such amount and with such sureties as may be approved by the Finance Committee, the premium on said bond to be payable out of any available funds in the treasury. **S/he** may receive such compensation as voted by the Finance Committee with approval of the Executive Committee.

ARTICLE V

The Department Finance Committee Chairperson will call a meeting of the Department Finance Committee not less than ten (10) days prior to the end of the budget year and project the amount of money, shortage or overage, for that budget year. In the event there is an excess in the projected budget, the Department Finance Committee will direct, with the approval of the Department Executive Committee, the excess monies be placed into an account to be used to fund requests for money not otherwise projected in the budget. Money in the said account shall not accumulate to more than twenty thousand dollars (\$20,000.00) before being transferred to one of the Department Savings Accounts. Money in the supplemental account will only be released upon the recommendation of a two-thirds (2/3) majority of the Department Finance Committee and the approval by two-thirds (2/3) majority of the Department Executive Committee. (Res. 04-2012)

ARTICLE VI

The Department Historian shall keep a complete history of the Department of Maine, The American Legion from its inception. **S/he** shall render an annual report to the Department Convention.

ARTICLE VII

The Department Americanism Officer shall have charge of the promotion of all Americanism programs and may be assigned other duties by the Department Commander.

ARTICLE VIII

The Department Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and Department Headquarters from time to time.

ARTICLE IX

The Department Judge Advocate shall advise the Department Officers and the Department Executive Committee on all legal matters including the construction and interpretation of the Department Constitution and By-laws, and shall perform such other duties as are usually incidental to the office. **His/her** rulings to Districts and Posts, inquiries formally and officially made, shall be binding until and unless overruled by the Department Executive Committee.

ARTICLE X

The Department 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 rights and benefits for veterans and their families as are provided for under the laws of the State of Maine. The Assistant Department Service Officer shall have the same duties as the Department Service Officer, and shall work under supervision of the Department Service Officer.

ARTICLE XI

The Department Sergeant-at-Arms shall act as Sergeant-at-Arms at all meetings of the Department and of the Department Executive Committee and Department Convention, and perform such other duties as the Department Commander may direct.

ARTICLE XII

The National Executive Committeeman shall serve as the liaison between the Department and National Organizations and shall perform such duties as usually pertain as incidental to that office.

ARTICLE XIII

The National Executive Committeeman Alternate shall, in the absence of the National Executive Committeeman, represent the Department during the meetings of the National Executive Committee.

ARTICLE XIV

The Department Executive Committee shall be charged to pass upon matters relating to the administration of the Organization, when called upon by the Department Commander, and to review, pass upon, accept or reject all audits or reports of the business or accounts of the Department Finance Officer. It shall have authority to approve all appointments made by the Department Commander. It shall adopt such disciplinary measures as occasion requires, and may recommend to National Headquarters the cancellation of the charters of such posts as have become inactive. No such cancellation shall take place without proper notice and order of hearing thereon. In the event of the recommendation of the cancellation of the charter of any post, the persons in charge of records of such posts shall be directed to turn over all such records to the Department.

ARTICLE XV

1 -- Transfer of members in good standing from one post to another in the Department, or from the Department of Maine to another Department may be made at any time, in accordance with rules and regulation prescribed by National Headquarters, The American Legion. All transfers shall be on the official forms used for that purpose, and the procedure shall be as directed in instructions issued with said forms.

2 -- All transfers will be on basis of reciprocity. No dues to be transferred with member. All transferred members will be counted for the year by the post from which the member is transferred.

3 -- No transfers can be made unless the member is in good standing. To be in good standing the member must have his/**her** National and Department dues paid for the current year and the post dues for the period in which the transfer is made.

4 -- The transferred member, upon enrolling in a new post, shall be given a membership card showing said applicant to be in good standing until termination of the period entered on the Transfer Certificate. The post making the transfer is not to drop the member from the rolls until the form has been received showing that the member has been duly enrolled in another post.

ARTICLE XVI

Each post shall pay annually such dues for the ensuing year as the Convention directs. Such dues shall be collected by each post and transmitted promptly to the Department Adjutant. Posts are designated agents for the collection for The American Legion with respect to such annual dues and upon receipt thereof shall remit them promptly to the Department Headquarters. In no event shall the period transpiring between receipt of such annual dues by the post and remittance thereof to the Department Organization exceed thirty (30) days.

Any national per capita fixed increase will automatically initiate an additional Department per capita increase of 100% of national increase added to annual Department dues immediately for upcoming membership year. (Res. 5-2022)

ARTICLE XVII

The fiscal year of this Department shall end on the close of business on the thirtieth (30) day of April prior to the annual Convention.

ARTICLE XVIII

All resolutions to be presented for action at any Convention shall be presented to the office of the Department Adjutant on or before May 1 of the subject year. Said resolutions shall be published and printed in the official organ of the Department of Maine, The American Legion in the next issue following said date of May 1. Resolutions must be presented to the Department Adjutant's office in writing, dated and signed by the Commander and Adjutant of the sponsoring groups or Chairman and Secretary of sponsoring committee. Resolutions may be presented by two-thirds majority of the Resolutions Committee meeting at the convention.

ARTICLE XIX

Section 1. The practice of endorsing candidates is prohibited from the campaign and election process of the Department of Maine. The only time a candidate needs to be endorsed is when a person is seeking office at the National level to show that the Department does indeed support these candidates, as there may never be competition for that particular office. (Res. 26-1995)

Section 2. Any candidate for the office of National Commander, National Vice Commander, National Chaplain, National Historian, or National Sergeant-at-Arms, as endorsed by the Department Executive Committee of the Department of Maine, must be ratified by the delegates of the Department of Maine in attendance at the annual Department Convention by a ballot vote. (Res. 10 - 1991)

Section 3. A permanent Department Committee consisting of the Department Commander, as chairman, Past National Commander, if any, National Executive Committeeman, National Executive Committeeman Alternate, First Vice Commander, Second Vice Commander, and Adjutant to review and approve all appointments to National Commissions, Committees and Councils, to include all National Convention Committees and all "Call Ins" to National events. (Res. 5-2016)

ARTICLE XX

In addition to other legal requirements under existing laws, and the Department of Maine, no Post, District, or any other holding company, or corporation subordinate thereto, shall purchase, sell or otherwise transfer title or interest in any real estate or private property which is equal to twenty five percent (25%) or more of Posts or Districts net worth unless written notice of such proposal has first been:

- (1) Submitted thirty (30) days prior to any subsequent actions to the Department Executive Committee shall review any sale, purchase, transfer or encumbrances to determine whether such transactions serve the purposes of the Post, District, Department of The American Legion as prescribed in the National and Department By-Laws and Constitution. The Department Executive Committee will also determine if it is in best interest of The American Legion to involve the Post Revitalization team to help the Post or District through a difficult process and secondly:
- (2) Each member of said Post, District is given a minimum of thirty (30) days notice prior such regular meeting or special meeting at which the proposal is to be considered, and then will require a two-thirds (2/3) vote of those present at said meeting to approve. Failure to comply with these provisions shall nullify said transaction. (Res. 02-18)

ARTICLE XXI

These By-laws may be amended by a vote of two-thirds of the delegates voting at State Convention provided the proposed change to the By-laws has been presented in writing to the Resolutions Committee no later than the beginning of their opening session at the annual convention. (Res. 5-99)

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