

Department of Maine

*Veterans of Foreign Wars
Of the United States*



Department By-Laws

NO ONE DOES MORE FOR VETERANS



**DEPARTMENT OF MAINE
VETERANS OF FOREIGN WARS
of the United States**



DEPARTMENT BY-LAWS

ARTICLE I - NAME AND JURISDICTION

Section 1. This subdivision and subordinate unit of the Veterans of Foreign Wars of the United States shall, by virtue of Charter granted, be known as the Department of Maine, Veterans of Foreign Wars of the United States, hereinafter referred to as "Department".

Section 2. The jurisdiction of this Department shall include the entire limits of the State of Maine.

ARTICLE II - PURPOSES

Section 1. Objects: The purposes of the corporation shall be fraternal, patriotic, historical, charitable, and educational and are; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead; and to assist their surviving spouse and orphans; to maintain true allegiance to the government of the United States, and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American Freedom; and to preserve and defend the United States from all enemies.

Section 2. Authority: The supreme authority over this Department shall be vested in the National Convention of the Veterans of Foreign Wars of the United States. The Department shall at all times be governed in accordance with the Congressional Charter and By-Laws adopted by said National Convention, the mandates of the National Council of Administration, and orders of the Commander-in-Chief.

Section 3. Subject to the above provisions, this Department shall be governed by its Department Convention, Department Council of Administration, and its lawful orders of the Department Commander.

ARTICLE III - MEMBERSHIP

Membership in the Department and its Posts shall be governed by all applicable provisions of the National By-Laws.

ARTICLE IV - OFFICERS AND DUTIES

Section 1. The officers of the Department, their eligibility, method of nomination, election or appointment, installation and terms of office shall be prescribed by National By-Laws.

Section 2. The duties of all Officers shall be as prescribed by National and Department By-Laws; mandates of the Department Convention or Department Council of Administration, or by lawful orders.

Section 3. Quartermaster:

(a) In addition to the duties imposed and reports required by National By-Laws, the Department Quartermaster shall render a report in detail of the finances and membership of the Department at each meeting of the Council of Administration, and shall furnish such other information, pertaining to his/her office, as the Council may require.

(b) All vouchers submitted by the Department Adjutant will be paid in a timely manner.

Section 4. Adjutant: In addition to the duties imposed by National By-Laws, the Department Adjutant shall within thirty (30) days after the date of Department Convention each year, prepare a roster of all the Posts in the Department, and shall indicate thereon the time and place of Post meetings, and the name and mailing address of each Post Commander, Adjutant, Quartermaster and Service Officer and immediately following each Department Convention, the Department Adjutant shall include a complete roster of names and addresses of all Department Officers and District Commanders. The Department Adjutant shall furnish copies of the roster to each Post Commander, each Department Officer and Chairman, each District Commander, and each Past Department Commander. He/she shall also notify the above officers of all changes of Department Officers and their addresses as they occur via the monthly Department General Orders.

Section 5. Reports: The Department Commander, and members of the Council of Administration and Committee Chairmen shall make a report of their official activities orally and written, at each Council of Administration meeting. In the case of a Council of Administration members and Chairman are unable to attend the Council of Administration meeting; they shall forward to the State Adjutant a copy of their report at least seven (7) days prior to the meeting for reading at the meeting and inclusion in the CoA minutes. They shall also submit an annual report in writing at least thirty (30) days prior to the Department Convention to the State Adjutant for inclusion in the Annual Officers Report. They shall also submit a monthly report for inclusion in the monthly General Orders.

ARTICLE V – DEPARTMENT CONVENTION

Section 1. The Department shall hold its annual convention and the first Council of Administration on the weekend that contains a Friday, Saturday and Sunday in the month of June as approved by the Convention Committee.

Section 2. The Department shall consist of such National, Department and Post Officers as the National By-Laws may prescribe, together with the duly elected delegates and alternates from the several Posts, who shall have been elected in accordance with provisions of the National By-Laws. Each Post in good standing shall be entitled to one (1) delegate and one (1) alternate for each thirty (30) members or fraction thereof in good standing at the time of the election of delegates.

Section 3. Two (2) consecutive days shall constitute the time for holding a Department Convention.

Section 4. The Department Commander shall designate with the approval of the Council of Administration a Department Convention Chairman. The Convention Chairman shall appoint with the approval of the Department Commander such additional committee members as may be deemed necessary. Said Committee shall have charge of administration of each Department Convention.

Section 5. The following rules and regulations shall govern voting at Department Convention.

(a) The list of Post Delegates and Post Alternates (Consisting of 1 per 30 members) to be honored must bear signatures of both the Post Commander and Post Adjutant and be submitted to the Credentials Committee Chairman.

(b) At time of voting, the comrade casting the vote will have to announce his/her name for purpose of checking authenticity. This check shall be made by the Credentials Committee during roll-call vote.

(c) The Post Commander must be present and registered in order for his/her vote to be cast. In the absence of the Commander, the Senior Vice Commander may register in his/her place. In the absence of both the Commander and Senior Vice, the Junior Vice Commander may register.

(d) The Chief Teller will submit to the Department Adjutant one certified report, signed by the tellers, of the vote tallied following each roll-call taken and said tallies (report) will be retained as a part of the Convention Records.

(e) Registration of Post Delegates and Alternates will close at 10:00 am on the day of the election of Department Officers to allow the Credentials Committee time to make official tabulations.

(f) A roll-call of a Post vote as cast by authorized Post delegates may be challenged at the call of any three officers or delegates representing three different Posts or any one member of the Credentials Committee.

(g) All monies owed to the Department, Trustee Report, Post Inspections, Copy of Bonding must be in the hands of the State Quartermaster prior to being eligible to vote. All Posts and Districts are also required to be incorporated.

Section 6. A Convention Site Selection Committee shall be appointed by the Department Commander to investigate and recommend to the Council of Administration suitable sites for Department Convention. Said Committee to consist of six (6) members as appointed by the Department Commander and two (2) present District Commanders. The Committee to receive bids for sites from the various posts as well as to investigate other possible sites; to report annually to the Council of Administration not later than the January Council of Administration meeting their recommendations for convention sites for one year from the following June. The Council of Administration will have final determination of the convention location.

ARTICLE VI - COUNCIL OF ADMINISTRATION

Section 1. The Council of Administration shall consist of such officers as the National By-Laws prescribe.

Section 2.

(a) The Council of Administration shall convene in regular session the second weekend that has a Friday, Saturday and Sunday in the months of October, January and April. The June CoA meeting shall be convened immediately on Sunday following the Department Convention.

(b) Exceptions when Easter falls on that weekend preceding Easter Sunday or under extenuating circumstances. Under an extenuating circumstance, the Council of Administration will vote to approve any change of dates.

(c) Special meetings of the Council may be called by the Department Commander at his/her discretion. A special meeting of the Council shall be called upon written request or by e-mail of a majority of Council members. In case of an emergency voting requested by the Department Commander, the vote may be requested via e-mail and the results of the action taken will be reported by the Commander at the next Council of Administration (CoA) meeting.

(d) Each Council Member shall be notified in writing of the time and place of each Council meeting at least ten (10) days prior to the date of such meeting.

Section 3. A majority of the Council Members present shall constitute a quorum for the transaction of business, provided however, that there shall be at least a majority of members present.

Section 4. The Council of Administration shall keep a full and detailed record of its proceedings.

Section 5. The duties of the Council of Administration shall be to administer the affairs of the Department in the interim between annual conventions, in accordance with National and Department By-Laws and the mandates of the Department Convention.

ARTICLE VII – DISTRICT FORMATION AND CHARTERING

Section 1. The Department shall be divided into the number of districts as voted on by the Department Convention, each of which shall be under the supervision of a District Commander.

Section 2. Assignment of Posts, Districts and geographical boundaries thereof shall be established by vote of the Department Convention. New Posts that are instituted between Department Conventions shall be temporarily assigned by the Department Commander to the District whose Commander signs the application for charter.

Section 3. Department Districts shall function within the jurisdiction and subject to the authority of the Department Convention and shall be governed by National and Department By-Laws and lawful orders.

Section 4. Elective Officers of each District shall be the Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain, Judge Advocate, Surgeon and three (3) Trustees.

Section 5. Appointive officers in each District shall be an Adjutant, Chief of Staff, Service Officer and Inspector and such additional appointive officers as the District Commander deems necessary for the proper functioning of his District.

Section 6. The District Commander shall prepare and furnish to each Post in his/her jurisdiction and the Department Adjutant a schedule of proposed District Meetings for the current year. Each schedule to indicate date, time and place of meetings. The schedule is to be furnished not later than the fifteen day (15) days after the District Convention to the Department Adjutant. Notice of changes in schedule that may become necessary must be forwarded to the Department Adjutant at least ten (10) days prior to the scheduled meeting. In case of an emergency (i.e., weather, etc.), the Department Adjutant will be notified via email or telephone call and will notify the Department Representative of said cancellation of meeting.

Section 7. Each District Adjutant in the Department shall submit a copy of each District meeting minutes to the Department Adjutant not later than seven (7) days following each District Meeting via USPS and/or email.

Section 8. Each District Commander shall hold one meeting for the purpose of promoting schools of instruction for Post officers.

Section 9. Each District shall hold meetings IAW Section 403 of the National By-Laws.

ARTICLE VIII - CONTROL OF FUNDS

No officer, group of officers, committee or individual member shall expend or commit Department funds, or in any way obligate the Department without prior authority and then only, in cases of expenditure of Department funds, the Department Adjutant will draw a voucher and present it to the Department Quartermaster, who will then make out a check signed by him. All expenditures will be signed by the State Commanders to prove reviewing of the expenditures.

ARTICLE IX - RESOLUTIONS

All resolutions shall be typewritten and forwarded as to reach the Department Adjutant at least sixty (60) days prior to the convening date of the Department Convention for review by the Department By-Laws Committee and published in the General Orders for all Posts to review. Any resolution of any emergency nature may be presented from the floor of the Department Convention.

ARTICLE X - MISCELLEANOUS

Section 1. Department Headquarters shall be located at the same address of the incumbent Department Adjutant.

Section 2. The books of the Department Quartermaster and those of any Department Assistant Quartermaster who have control of any Department funds, shall be audited once each quarter by the Department Auditing Committee and a report of same submitted to the next meeting of the Council of Administration.

Section 3. Reserve Fund: That a minimum of five hundred dollars (\$500.00) be set aside each year and placed in a reserve fund! This fund to be drawn upon only in an emergency by two-thirds (2/3) affirmative vote of the members of the Council of Administration! This fund not to exceed one-half (1/2) of the current year's total budget!

Section 4. Travel Allowance: Amount to be spent on travel allowance shall be established by the Budget Committee with the approval of the Council of Administration.

Section 5. National Convention: The travel allowance for the Department Commander while attending the National Convention shall be as follows: Transportation: Commercial jet coach, round trip fare from nearest airport to Commander's home to site of convention. Hotel Room: will be for the length of the National Convention plus one day. Rates will be for double occupancy rates prevailing at the hotel that is assigned to Maine at the Convention. Per Diem: Will be at the prevailing rate as established by the IRS for the particular year and area. Number of days of Per Diem will be the length of time of the National Convention plus two (2) days.

(a) The Senior Vice Commander's travel allowance while attending the National Convention shall be 90% of the total allowed for the Department Commander.

(b) The Junior Vice Commander's travel allowance while attending the National Convention shall be 80% of the total allowed for the Department Commander.

(c) The Immediate Past State Commander's travel allowance while attending the National Convention shall be 80% of the total allowed for the Department Commander.

Section 6. Per Capita Tax: Per capita tax shall be established at \$.50 per National Dues increase. With a precedence set on 1 January 2013 at \$9.50; 6.5% of every dollar shall be earmarked for Rehabilitation and Service Account for our VSO.

(a) If the National organization, through their National Convention, changes their By-Laws to allow an increase in per-capita dues, then the Department of Maine will automatically raise their dues by \$.50 per each National total per-capita dues increase, hence forth. 6.5% of every dollar collected for the State per capita shall be earmarked for the Rehabilitation and Service Account VSO.

Section 7. Quartermaster Bonds: The Department Quartermaster shall be authorized to make necessary negotiations with a commercial bonding agency to provide bonds for all Posts, Districts, and Department. Each Post and District is liable to purchase the proper amount of bond either from the State Quartermaster or a Bonding Company of their choosing. They must also provide a copy of proof of bonding to the State Quartermaster by 31 December of each year.

Section 8.

(a) Any and all canteens or bars located so as to be part of any Veterans of Foreign Wars facility and/or premises owned or rented by the Veterans of Foreign Wars shall close and remain closed during any Veterans of Foreign Wars Post, Districts or Department Meeting or formal installation.

(b) Post and Districts of the Veterans of Foreign Wars of the United States shall be incorporated within the State where they are located as prescribed in the Manual of Procedure.

(c) No unit chartered by the Veterans of Foreign Wars of the United States and no activities, clubrooms, holding companies or units sponsored or conducted or operated by, for or in behalf of any such chartered unit, shall separately from the Post, incorporate under the laws of the state for any purposes what so ever unless the Articles of incorporation of such chartered unit and any incorporated activity, clubrooms, holding companies or units sponsored, conducted or operated by, for or in its behalf shall include those provisions specified in the Manual of Procedure. Chartered units failing to comply with provisions of this section or failing to cause compliance by activities, clubrooms, holding companies or units sponsored, conducted or operated by, for or on behalf of such chartered unit shall be subject to suspension or revocation of charter.

(d) Any Employee's hired by a Post and or District are their sole responsibility and fall under the By Laws of that Post and or District, the only mandate by the organization is all employees will be bonded that handle funds. No Post and or District may hire any Employees on behalf of the **Veterans** Of Foreign Wars, only on behalf of their Post and or District. All State and Federal Laws must be adhered to by the Post and or District hiring said employees. The Department of Maine and National Veterans Of Foreign Wars do not hire nor control employees of a Post and or District. The hiring and

removal or laying off of employees in a Post and or District is the sole responsibility of that Post and or District that hired them.

(e) Any Canteen, Club, or Gaming operated by a Post and or District are the sole responsibility of that said Post and or District, and proper license's, insurances and or operations of said benefits to their members must fall under all State and Federal Laws and guide lines along with their Post By Laws.

(f) Any Post or District owning and/or operating directly or by reason of holding company or other entity substantially controlled by the Post or District or its members, a canteen , clubroom or other facility available to members or guest must maintain general liability insurance, including, if necessary or appropriate, liquor liability insurance. Such insurance must be of a type and amount sufficient to protect the Post and or District, and must also name, as additional insured, the Veterans of Foreign Wars of the United States and the Department of Maine Veterans of Foreign Wars.

(g) The Department of Maine VFW does not lend money or extend credit to any chartered unit. It is in no manner responsible for the debts or any other liability incurred by any chartered unit or any clubroom, canteen, facility or other fund-raising activity operated by it. As unincorporated associations or corporations, they are responsible for their own debts and liabilities. To the extent that the Department of Maine VFW is threatened with or sustains damage arising from a debt or liability incurred by a chartered unit, the Department of Maine VFW *will* recover such damages and any costs and expenses incurred from such chartered unit or persons responsible for such debt or liability.

Section 9. Consolidation of two or more Posts: Two or more Posts in the Department of Maine may consolidate as provided for in Section 209 of the National By-Laws and Manual of Procedures.

Section 10. Notification in Writing: Not withstanding the provisions herein, written notification can include the use of any carrier including the use of e-mails with return receipt notification.

Section 11. Maine Veterans Coordinating Committee (MVCC): As a member of the MVCC, the committee will consist of five (5) delegates (Commander, Sr. Vice Commander, Jr. Vice Commander, Judge Advocate and Veterans Service Office Representative and (5) alternates as appointed by the State Commander.) Only items supporting the welfare and betterment of our members and veterans in general be supported. The members will not assist or volunteer in any way, shape or form information or support of any topics that are against what we stand for. Inputs for the MVCC meeting will be emailed to all Council members and Past State Commanders upon receipt for their information. The Department of Maine will also pay its annual dues for membership as prescribed by the MVCC Committee.

Section 12. Chairman appointed to the following committees (Homeless Veterans, all Maine Veterans Cemeteries, Togus Beal House, Togus Advisory and Maine Veterans Coordinating Committees) will provide a copy of their respective meeting minutes to the State Adjutant for file immediately upon receipt and forwarding to all Council members and Past State Commanders for their information.

Section 13: Procurement: The State Quartermaster is responsible for all procurement and is authorized to assign others for the purpose of procuring.

Section 14: Department Representative to District Meetings: The Department Representative and/or Designated Department Representative will upon completion of the District meeting complete the Department Representative Report of his visit.

ARTICLE XI – AUXILIARY

The Department President shall, within thirty (30) days after induction into office, submit to the Department Commander an itemized report of the financial and membership status of the Department Auxiliary for information and for submission by the Department Commander to the Department Council of Administration.

ARTICLE XII – AMENDMENTS

Section 1. These By-Laws may be amended by Department Convention, by two-thirds (2/3) affirmative vote of the delegates present; provided however, that the amendments shall not be considered unless a copy of same shall have been forwarded thru channels to all Post Commanders and all Council Members at least ten (10) days prior to convening date of the Department Convention as outlined in Article V, Section 1, above.

Section 2. Amendments to those By-Laws shall become effective only upon review of the Commander-in-Chief. Whenever these By-Laws or subsequent amendments may be found to be in conflict with the present or any future National By-Laws, the latter shall prevail and be binding upon this Department as though written herein.

ATTESTED BY:

Andre L. Dumas

Andre L. Dumas
State Adjutant

Richard A. Farris

Richard A. Farris
State Commander

PASSED BY:
Department Convention 6-10-17
SENT FOR REVIEW
FOR THE COMMANDER-IN-CHIEF

REVIEWED
FOR THE COMMANDER-IN-CHIEF

REVIEWED JUN 19, 2017
FOR THE COMMANDER-IN-CHIEF

Kevin C. Jones

KEVIN C. JONES
ASSISTANT ADJUTANT GENERAL
BY DAVID E. PROHASKA, DIRECTOR
ADMINISTRATIVE OPERATIONS