

CONSTITUTION

MAINE ASSOCIATION OF SITE EVALUATORS

February 5, 1980
Revised April 19, 1990
Retyped February 16, 2001
Revised February 26, 2002

PREAMBLE

We, the Maine Association of Site Evaluators, hereby join together that we may further our profession. Together we shall strive to advance the prestige of the site evaluators through the establishment, promotion, and maintenance of both high ethical and performance standards. Although we represent several different disciplinary backgrounds, we wish to adopt a mutual attitude emphasizing the interdisciplinary nature of the field of site evaluation, and accepting the role, which each discipline can play in the enhancement of the profession. Through interaction, cooperation, and publicity, we seek to promote the ability of site evaluators to serve the public and to contribute to social and environmental well-being.

ARTICLE I – NAME

Section 1. The name of this organization shall be “The Maine Association of Site Evaluators,” hereinafter called the Association.

Section 2. The Association shall be incorporated as a non-profit organization under the laws of the State of Maine.

Section 3. The name of the Association may not be used, nor any reference to it made in any advertising, promotion, solicitation, or the like, without prior written permission of the Association.

ARTICLE II – OBJECTIVE

Section 1. The objectives of this Association shall be:

- a. The advancement of the professional, the social and the economic interests of the Site Evaluator.
- b. The improvement of public relations and the cultivation of public appreciation of the work of the Site Evaluator.
- c. The uniting of all Site Evaluators of the State into one organization.
- d. The advancement of public welfare including furtherance of the public awareness and understanding of the plumbing Code Part I, Subsurface Waste Water Disposal of the State of Maine and of the modern waste disposal processes which affect the Maine landscape and human environment.
- e. To inform members and other interested persons of current and planned site evaluation programs in Maine.
- f. The consideration of and attention to legislation affecting the Site Evaluator.

- g. The establishment and maintenance of high ethical and moral standards and practices.
- h. To provide a financial base to publish and distribute a periodic newsletter, to cover matters of technical and general interest, and to announce future association meetings.
- i. To be exclusively for charitable, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations under section 501 (c), (3) of the Internal Revenue Code of 1954 as amended.
- j. To receive and administer gifts, contributions, bequests, Section i. above.

ARTICLE III – ASSETS

Section 1. No part of the net earnings of the Association shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the Article II, above. No substantial part of the activities of the Association shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the cooperation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office, notwithstanding any other provision herein, the Association shall not carry on any activities prohibited under Section 501 (c) (3) AND section 170 (c) (2) of the Internal Revenue Code of 1954 as amended.

Section 2. Upon the dissolution of the Association, the officers shall, after paying or making provision for paying all liabilities of the Association, dispose of all the assets of the Association exclusively for the advancement of charitable, educational religious, or scientific purposes as herein. Any such assets not so disposed of shall be disposed of by the District or Superior Court where the principal office of the Association is then located for the purposes enumerated herein.

ARTICLE IV – MEMBERSHIP

Section 1. Member shall be open to any person holding a current Site Evaluator's license issued by the State of Maine. ALL MEMBERS shall be considered as voting members of the Association.

Section 2. Associate Member shall be open to any person having an interest in the art of site evaluations including, but not limited to students, local plumbing inspectors, planning board contractors. ASSOCIATE MEMBERS shall be considered non-voting members of the Association. **Licensed Site Evaluators shall not be eligible for Associate Membership.**

ARTICLE V – DUES AND FEES

Section 1. The dues of the Association shall be determined by the EXECUTIVE BOARD and stated in the By-Laws. The intent of the dues structure is for payment of Association periodicals and newsletters and administrative costs on an annual basis.

Section 2. Dues shall be due and payable by the first day of each calendar year.

ARTICLE VI – OFFICERS

Section 1. The officers of the Association shall be MEMBERS and shall be known as the EXECUTIVE BOARD and shall normally hold office from election until replaced. They shall manage the affairs of the Association.

Section 2. The Officers of the Association shall number eight, which shall be as follows:

- a. President
- b. Vice President
- c. Secretary
- d. Treasurer
- e. Three Directors
- f. Immediate Past President (Ex Officio)

Section 3. The President, Vice President Secretary and Treasurer shall be elected to one year terms at the Annual meeting by a majority vote of those present providing there is a quorum.

Section 4. The three Directors shall be elected to three-year terms. At the first Annual meeting, three directors shall be elected by a majority vote of those present providing there is a quorum. A draw of straws shall determine which director elect shall serve for 1, 2, and 3 years. At each succeeding Annual meeting a single director shall be elected for the three-year term.

Section 5. The immediate Past President shall serve as Board Member (Ex Officio).

Section 6. Vacancies on the EXECUTIVE BOARD shall be filled as follows:

- a. Election at Annual Meeting.
- b. Vice President ascending to President.
- c. Election by EXECUTIVE BOARD for other unexpired terms.

Section 7. An officer may be removed from office for due cause (a) upon a unanimous vote of the remainder of the Board or (b) by a vote of 2/3 of the membership roster at a regular or special meeting.

ARTICLE VII – MEETINGS

Section 1. The Association shall hold an Annual Business Meeting each year. The purpose this meeting shall be to elect officers, receive and approve financial reports, and conduct any other business as may legally come before the meeting.

Section 2. Written notice stating the place, day, and hour of the Annual meeting as determined by the EXECUTIVE BOARD and By-Laws of the Association shall be mailed to each MEMBER (at his last known address) in good standing, not later than 30 days prior to the appointed day.

Section 3. Regular meetings shall be held as determined by the Executive Board and as stated in the By-Laws. Notice of such meetings shall be given each MEMBER by mail at least 10 days in advance.

Section 4. Special meetings may be called by a majority vote of the Executive Board or by petition of 25% of the voting membership presented to the Executive Board. The request shall state the purpose or purposes of the proposed meeting. Notification shall be the same as required for regular meetings.

Section 5. A quorum shall be 25% of the VOTING MEMBERS.

ARTICLE VIII – COMMITTEES

Section 1. Standing Committees of the Association shall be as follows:

- a. Nominating Committee
- b. Program Committee
- c. Publication Committee
- d. Finance Committee
- e. Performance Standards Committee
- f. Legislative Committee
- g. Code Committee

Section 2. Special Committees shall be appointed as required or voted by the Membership or the Executive Board.

Section 3. Specific duties of the standing committees shall be defined in the By-Laws.

Section 4. Standing and special committee members shall be appointed by the President with the approval of the Executive Board.

Section 5. Each committee shall be comprised by 3 or more MEMBERS or ASSOCIATE MEMBERS.

ARTICLE IX – AMENDMENTS

Section 1. Amendments to this Constitution may be initiated by: (1) A majority affirmative vote of the total membership of the Executive Board of the Association; or, (2) A majority vote of MEMBERS present at an annual meeting of the Association; or (3) A petition of fifteen (15) MEMBERS of the Association in good standing.

Section 2. An amendment initiated by methods (2) or (3) of Section 1 of this Article, shall be reviewed by the Executive Board for editing and clarification, to accomplish the intent of the sponsors.

Section 3. A proposed amendment shall be submitted to the Membership of the Association, by mail ballot, at such reasonable time after initiation as the board may determine. All ballots shall be returned to the Secretary of the Association, in sealed envelopes, within the prescribed time, which shall not be later than thirty (30) days after distribution to the Membership. Ballots shall remain sealed until counted by the Board in formal session.

Section 4. The proposed amendment shall become a part of the constitution and supersede any other part preceding, with which it is in conflict, if a majority of the number of legal ballots returned are in favor of adoption of the amendment and a minimum of fifty (50) percent of the MEMBERS, plus one (1) MEMBER, have returned legal ballots.

Section 5. Unless otherwise provided, the amendment shall become effective as of the date that the performance of all requisites of amending have been certified to by the Executive Board.

ARTICLE X – BY-LAWS

Section 1. The Board shall prepare and adopt a series of By-Laws which shall govern all procedures under this Constitution, including those of the Board and of the Committees.

Section 2. The By-Laws may be amended by a 2/3 vote of a quorum, provided however, that the text of the proposed amendment shall be furnished to each MEMBER at least 10 days before the meeting at which a vote on the amendment will be taken.

ARTICLE XI – LIABILITY AND GRIEVANCES

Section 1. No officer, director, committee member, or other MEMBER working in the name of the Association shall be held liable as a result of Association activities.

Section 2. Grievances concerning any aspect of Association activities shall be referred to the Executive Board for consideration.

ARTICLE XII – EFFECTIVE DATE

Section 1. This constitution of the Association shall become effective upon accepting vote of 2/3 of the eligible MEMBERS present and voting at the charter meeting.

Section 2. The foregoing Constitution of the Maine Association of Site Evaluators, Inc., is hereby adopted, pursuant to 13-B MRSA 601, by the undersigned Incorporators of the Association of Maine Site Evaluators, Inc.

Dated: _____

*

Richard A. Manthorne, P.E.

William W. Rideout, Jr.

Ralph S. Baker

Roger Timmons

Gregory Perkins

Albert Frick

Lionel D. Kelley, P.E.

*See copy of original signatures attached

BY-LAWS

MAINE ASSOCIATION OF SITE EVALUATORS

ARTICLE I – OFFICER’S DUTIES

Section 1. **PRESIDENT:** It shall be the duty of the President to preside at all business meetings and enforce all by-laws and regulations of the association. The President shall be the Chairman of the Executive Board. He shall appoint the Chairman of each Standing Committee, subject to the approval of the Executive Board Members.

Section 2. **VICE PRESIDENT:** It shall be the duty of the Vice President to assist the President in the discharge of his duties and in his absence to officiate in his stead. The Vice President shall be a Member of the Executive Board.

Section 3. **SECRETARY:** It shall be the duty of the Secretary to keep the minutes of the Association; to keep a record of all meetings of the Association and Executive Board in the books belonging to the Association; to keep a correct roll of Members of the Association; to keep a suitable record of correspondence concerning Association business; to communicate with Association Members as requested by the Executive Board. In case of his inability to attend any meeting he shall send any necessary books or papers to the place of meeting. He shall make a general report of the condition of the Association at the annual meeting. He shall be a Member of the Executive Board. He shall notify the Membership of the annual meeting.

Section 4. **TREASURER:** It shall be the duty of the Treasurer to collect all monies payable to the Association; to have custody of all funds of the Association; to deposit same in such bank as may be designated by the Executive Board; to make disbursements ~~upon approval by at least three Members of the Executive Board~~; to retain vouchers or if a checking account is maintained, cancelled checks covering all disbursements; to keep in the books belonging to the Association a correct amount of his receipts and disbursements and present a summary thereof at the annual meeting. He shall provide each Member in standing with an appropriate Membership ticket. He shall give such bond as shall be required by the Executive Board, the premium thereof to be paid by the Association. He shall be a Member of the Executive Board.

Rev. 4/90

Section 5. **DIRECTORS:** It shall be the duty of the Directors to provide administrative continuity through each change in officers and to vote the best interests of the Association as Members of the Executive Board.

ARTICLE II – MEMBERSHIP

Section 1. Any **MEMBER** or **ASSOCIATE MEMBER** not remitting renewal dues to the Treasurer by **the first Tuesday in February** of each

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calendar year shall be considered to have resigned Membership in the Association.

Section 2. Any MEMBER or ASSOCIATE MEMBER resigning Membership by Section 1 above shall be considered a new MEMBER upon future application for Membership in the Association.

Section 3. Potential MEMBERS of the Association shall submit an application for Membership to the Secretary for processing.

ARTICLE III – DUES AND FEES

Rev. 4/90

Section 1. The annual dues of the Association shall be **Twenty-five Dollars (\$25.00)** for MEMBERS.

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Section 2. The annual dues of the Association shall be **Fifteen Dollars (\$15.00)** for ASSOCIATE MEMBERS.

Section 3. Membership applications processed after September 1 of the calendar year shall be subject to one half the annual dues.

ARTICLE IV – EXECUTIVE BOARD

Section 1. The Executive Board shall handle the affairs of the Association. Its duties shall include, but shall not necessarily be limited to:

- a. Establishment of dues and fees, payment schedules, and any reimbursements deemed appropriate.
- b. Confirmation and termination of Membership in the Association. Termination may occur only upon expulsion by a two-thirds vote of the Executive Board, unless such termination occurs as the result of resignation.
- c. Filling of vacancies, pending the next annual meeting, of the Executive Board.
- d. Appointment of a By-Laws Committee from the Executive board and from the Membership at large; the purpose of said Committee shall be to make any recommendation for amendments to these By-Laws for consideration by the MEMBERS at the annual meeting or at a special meeting, specifically called for that purpose.
- e. Confirmation of Committee Member appointments made by the President.

ARTICLE V – COMMITTEE DUTIES

Section 1. NOMINATING COMMITTEE: The Nominating Committee shall be appointed at least 60 days in advance of the annual meeting. Its duties shall include:

- a. Selecting at least 2 candidates for each vacancy to be filled.

- b. Securing approval of candidates to place their name in nomination.
- c. Acting as tellers and reporting the official ballot count to the Membership.
- d. Making its report at the annual meeting.

Section 2. PROGRAM COMMITTEE: The program Committee shall be responsible for:

- a. Making the arrangements for the meetings at dates as directed by the Executive Board including location, meals and speakers.
- b. Conducting meetings on a sound financial basis.

Section 3. PUBLICATION COMMITTEE:

- a. It shall be the duty of the Publication Committee to compile, edit and distribute to all MEMBERS and ASSOCIATE MEMBERS a quarterly communication of the Association.
- b. The Committee shall endeavor to keep within its annual budget.

Section 4. FINANCE COMMITTEE:

- a. The Finance Committee shall work with the Treasurer in presenting an annual balance budget to the Executive Board.
- b. It shall be responsible for recommendations to the Executive Board for any special fund drives and dispensation of any gifts, grants, etc.

Section 5. PERFORMANCE STANDARDS COMMITTEE:

- a. The Performance Standards Committee shall promote the highest degree of honesty, integrity, and skill possible in the discipline of the site evaluations.

Section 6. LEGISLATIVE COMMITTEE:

- a. The Legislative Committee shall actively pursue knowledge of any legislation affecting the association and report same to the Executive Board for action.
- b. The Committee shall appear, when directed by the Executive Board, before Legislative Committees to express the views of the Association in pending Legislation.
- c. The Committee shall appear when requested by a Legislative Committee before that committee for the purposes of providing

technical information concerning the Site Evaluator discipline.
Opinions other than technical fact shall not be rendered.

Section 7. CODE COMMITTEE:

- a. The Code Committee shall be responsible for cooperation between the Association and the Department of Human Services, State of Maine, in matters relating to Site Evaluation and Plumbing Code.
- b. It shall endeavor to provide as much communication as possible to the MEMBERS concerning Code changes.
- c. It shall draft and propose, through the Executive Board, changes to the Code suggested by the Membership.

ARTICLE VI – EFFECTIVE DATE

Section 1. These By-Laws shall become effective upon acceptance of a two-thirds vote of the eligible MEMBERS present and voting at the Charter Meeting.*

Dated: _____

Richard A. Manthorne, P.E.

William W. Rideout, Jr.

Ralph S. Baker

Roger Timmons

Gregory Perkins

Albert Frick

Lionel D. Kelley, P.E.

*See copy of original signatures attached