

Maine Fire Company No.1
By-Laws
Accepted October 23, 2007

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Preface

The Maine Volunteer Fire Department is dedicated to providing the highest possible degree of emergency service to the residents of Maine Fire District No. 1, Town of Maine Fire Protection Districts 5 and 6, through mutual aid to the rest of the Town of Maine and vicinity by:

Providing suppression and confinement in the event of fire.

Preventing loss of life and minimizing loss of property from fire.

Providing rescue and emergency care in life-threatening situations.

Providing assistance to governmental agencies in times of need:

1. Storms or floods
2. Search and rescue
3. Auto accidents requiring watchdog, traffic control, etc.

Any individual may join the Maine Fire Company No.1 for the purpose of:

1. Serving as a firefighter in the Maine Fire Department.
2. Serving as a member to the Maine Fire Company No.1
3. Any combination of these services.

Rules, regulations and SOGs governing the Maine Fire Department are contained in other documents. These bylaws govern operations of the Maine Fire Company No. 1 consistent with the rules and regulations established by the Board of Fire Commissioners of Maine Fire District No. 1.

In these bylaws, any reference to a person, individual, or member shall apply equally to either sex.

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Code of Ethics

As required by New York State law and due to the fact that the Maine Fire Company is governed by the Board of Fire Commissioners of Maine Fire District No.1 and the fact that the Maine Fire Company does not use any public funds raised through taxes it is considered to be covered under the same adopted code of ethics of the Board of Fire Commissioners of Maine Fire District No.1.

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a fire district from having certain conflicts of interest;

WHEREAS, section 806 of the General Municipal Law, as amended by chapter 238 of the Laws of 2006, requires the governing body of each fire district to adopt a code of ethics that applies to the officers and employees of the fire district, and to the volunteer members of the fire district fire department;

WHEREAS, a code of ethics adopted by the board of fire commissioners of a fire district must set forth standards of conduct for the guidance of the officers and employees of the fire district, and the volunteer members of the fire district fire department, with respect to disclosure of interests before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable,

NOW, THEREFORE, be it resolved that the board of fire commissioners of the Town of Maine Fire District #1 hereby adopts a code of ethics to read as follows:

Code of Ethics of the Town of Maine Fire District #1

Section 1. Purpose.

Officers and employees of the Town of Maine Fire District #1, and the members of the fire district fire department, hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The board of fire commissioners recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

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Code of Ethics, continued

Section 2. Definitions.

(a) "Employee" means a paid employee of the fire district including, but not limited to, paid firefighters.

(b) "Family member" means a parent, sibling, spouse, child, uncle, aunt, first cousin, or household member.

(c) "Fire district" means the Town of Maine Fire District #1.

(d) "Interest" means a direct or indirect monetary, financial or other material benefit, but does not include any benefit arising from the provision or receipt of fire protection or other emergency services generally available to the residents of the fire district. A person is deemed to have an interest in the contracts of any firm, partnership or corporation of which he or she is an owner, partner, director, officer, employee or stockholder.

(e) "Member of the fire district fire department" or "fire department member" means a volunteer member of the fire district fire department. The official powers and duties of a fire department member refers to the individual's powers and duties under laws, under rules or regulations adopted by the board of fire commissioners, or under policies or procedures of the board of fire commissioners or the chief of the fire district fire department.

(f) "Officer" means a person serving as a paid or volunteer officer of the fire district including, but not limited to, the members of the board of fire commissioners, treasurer, secretary, and the chief and assistant chiefs of the fire district fire department.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the fire district, and to the members of the fire district fire department. The provisions of this code of ethics shall apply in addition to all laws, including article 18 of the General Municipal Law, all rules or regulations of the board of fire commissioners, and all policies and procedures of the board of fire commissioners and the chief of the fire district fire department.

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Code of Ethics, continued

Section 4. Appearance of impropriety.

No officer or employee of the fire district, and no member of the fire district fire department shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family, private business or social relationships, or any consideration other than the welfare of the fire district.

Section 5. Use of position for personal or private gain.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to any of the following groups of people:

- (1) all of the officers, employees or members of the fire district fire department;
- (2) all of the members of a fire district fire company;
- (3) all of the eligible residents of the fire district or a duly established zone of the fire district; or
- (4) the general public.

(b) No officer or employee of the fire district, and no member of the fire district fire department, may use or permit the use of fire district resources for personal purposes. Fire district resources include, but are not limited to, use of fire district personnel, or use of the fire district's money, vehicles, equipment, materials, supplies or other property.

(c) No officer or employee of the fire district, and no member of the fire district fire department, shall cause the fire district to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

(d) This section does not prohibit an officer, employee or fire department member from:

- (1) responding to a fire or other emergency;
- (2) voting to approve the fire district's annual budget;
- (3) authorizing or receiving lawful compensation for services as an officer or employee of the fire district;

Code of Ethics, continued

- (4) authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty;
- (5) authorizing or receiving lawful benefits as a fire department member including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law;
- (6) authorizing or receiving payments under a lawful fire district contract;
- (7) using fire district personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law; or
- (8) performing a mandatory function that does not require the exercise of discretion.

Section 6. Disclosure of interest

- (a) Every officer and employee of the fire district, and every member of the fire district fire department, must disclose the nature of any interest, in any matter coming before the board of fire commissioners for action, which any of the following people have:
 - (1) the officer, employee or fire department member;
 - (2) a family member of the officer, employee or fire department member; or
 - (3) a family member of the spouse of the officer, employee or fire department member.
- (b) For purposes of this section, a “matter coming before the board of fire commissioners for action” means a motion, resolution or any other issue or question requiring a vote of the board.
- (c) The disclosure required by this section must be in writing and must be made publicly to the board of fire commissioners. The board of fire commissioners must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made.
- (d) Disclosure is not required with respect to interests in the following actions by the board of fire commissioners:

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Code of Ethics, continued

- (1) adoption of the fire district's annual budget;
- (2) authorization of lawful compensation for services as an officer or employee of the fire district;
- (3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an officer, employee or fire department member in the performance of his or her official duty;
- (4) authorization of lawful benefits to the members of the fire department including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law; or
- (5) as otherwise exempted by law, including but not limited to, the provisions of General Municipal Law §802.

Section 7. Recusal and abstention.

- (a) Except as otherwise required by law, no officer or employee of the fire district, and no member of the fire district fire department may participate in the discussion or vote on any matter, or exercise or perform any other official powers or duties in connection with any matter, when any of the following people have an interest in the matter:
 - (1) the officer, employee or fire department member;
 - (2) a family member of the officer, employee or fire department member; or
 - (3) a family member of the spouse of the officer, employee or fire department member.
- (b) In the event that subdivision (a) of this section prohibits an officer, employee or fire department member from exercising or performing his or her official powers or duties:
 - (1) if the officer has a deputy who is not prohibited by subdivision (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or

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(2) in all other cases, the officer, employee or fire department member must refer the matter to his or her immediate supervisor or, if the person does not have an immediate supervisor, the officer, employee or fire department member must refer the matter to the board of fire commissioners.

(c) When a matter is referred to a person's immediate supervisor or to the board of fire commissioners pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the immediate supervisor or the board of fire commissioners, or the immediate supervisor or board of fire commissioners may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.

(d) This section does not prohibit an officer, employee or fire department member from performing a mandatory function that does not require the exercise of discretion.

Section 8. Holding of investments in conflict with official duties.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may hold the following investments:

(1) personal investments that will be directly affected by the exercise or performance of the person's official powers and duties; or

(2) personal investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit an officer, employee or fire department member from owning any of the following assets:

(1) real property located within the fire district or any other area served by the fire district fire department;

(2) less than five percent of the stock of a publicly traded corporation that does business with the fire district; or

Code of Ethics, continued

(3) bonds or notes issued by the fire district and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may accept employment or engage in any business or professional activity which:

(1) impairs the person's independence of judgment in the exercise or performance of his or her official powers and duties;

(2) is likely to require disclosure of confidential information gained by reason of serving as an officer, employee or fire department member; or

(3) requires representation of a person or organization other than the fire district in connection with litigation, negotiations or any other matter to which the fire district is a party except pursuant to a lawfully issue subpoena or otherwise required by law.

(b) No officer or employee of the fire district, and no member of the fire district fire department, may:

(1) represent another person or organization before the board of fire commissioners or any other body or officer of the fire district with respect to any contractual, pecuniary or fiscal matters;

(2) render services to another person or organization in relation to any matter which must come before the board of fire commissioners or any other body or officer of the fire district; or

(3) render services to another person or organization in relation to any matter which is pending before the board of fire commissioners or any other body or officer of the fire district.

(c) This section does not prohibit an officer, employee or fire department member from:

Code of Ethics, continued

- (1) representing him or herself, or his or her spouse or minor children before the board of fire commissioners or any other body or officer of the fire district;
- (2) asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or
- (3) performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000 and the contract was awarded through competitive bidding or some other competitive process.

Section 10. Future employment.

(a) No officer or employee of the fire district and no member of the fire district fire department, for the one-year period after serving as such officer, employee or department member, may:

- (1) represent another person or organization before the board of fire commissioners or any other body or officer of the fire district with respect to any contractual, pecuniary or fiscal matters;
- (2) render services to another person or organization in connection with any contractual, pecuniary or fiscal matter which must come before the board of fire commissioners or any other body or officer of the fire district; or
- (3) render services to another person or organization in connection with any matter which is pending before the board of fire commissioners or any other body or officer of the fire district at the time the officer or employee leaves office.

(b) No officer or employee of the fire district, and no member of the fire district fire department, at any time after serving as such officer, employee or fire department member, may appear, practice or render services to another person or organization in connection with any particular matter in which he or she personally participated while serving as an officer, employee or fire department member except pursuant to a lawfully issued subpoena or as otherwise required by law.

Code of Ethics, continued

(c) This section does not prohibit an officer, employee or fire department member from:

- (1) representing him or herself, or his or her spouse or minor children before the board of fire commissioners or any other body or officer of the fire district;
- (2) asserting a claim against the fire district on his or her own behalf, or on behalf of his or her spouse or minor children; or
- (3) performing services pursuant to a lawful and duly authorized contract with the fire district, provided, that if the consideration payable under the contract exceeds \$1,000, the contract was awarded through competitive bidding or some other competitive process.

Section 11. Confidential Information.

No officer or employee of the fire district, and no member of the fire district fire department, who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose such information unless the disclosure is required in the course of exercising or performing his or her official powers and duties or as otherwise required by law.

Section 12. Gifts.

(a) No officer or employee of the fire district, and no member of the fire district fire department, may directly or indirectly solicit any gift, except through fundraising or charitable activities benefiting the District either in part or in whole, provided that no personal gain is realized by the officer or employee.

(b) No officer or employee of the fire district, and no member of the fire district fire department, may accept or receive any gift, or multiple gifts from the same donor, having an aggregate value of seventy-five dollars or more when:

- (1) it appears that the gift is intended to influence the officer, employee or fire department member in the exercise or performance of his or her official powers or duties;

Code of Ethics, continued

(2) the gift could reasonably be expected to influence the officer, employee or fire department member in the exercise or performance of his or her official powers or duties;
or

(3) the gift is intended as a reward for any official action on the part of the officer, employee or fire department member.

(c) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer, employee or member during the twelve-month period preceding the receipt of the most recent gift.

(d) (1) A gift from a person or organization that seeks to contract with the fire district is presumed to be a gift that is intended to influence an officer, employee or fire department member in the exercise or performance of his or her official powers or duties.

(2) A gift from a person or organization that has a contract with the fire district, or has had a contract with the fire district during the preceding twelve months, is presumed to be a gift intended as a reward for official action.

(e) This section does not prohibit:

(1) gifts made to the fire district;

(2) fund raising activities authorized by and pursuant to section 204-a of the General Municipal Law;

(3) gifts from a person with a family or personal relationship with the officer, employee or fire department member when the circumstances make it clear that it is that personal relationship, rather than the recipient's status as an officer, employee or fire department member, that is the primary motivating factor for the gift;

Code of Ethics, continued

- (4) gifts which are modest, reasonable and customary, given on special occasions, such as marriage, illness, or retirement;
- (5) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (6) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as an officer, employee or fire department member, or other service to the community; or
- (7) payments of rewards authorized by law.

Section 13. Board of Ethics.

(a) There is hereby established a board of ethics for the fire district. The board of ethics shall consist of three members, one fire district commissioner, the chief or his designee, and one fire department member. With the exception of the chief and/or his designee, the members of the board of ethics shall be appointed by the board of fire commissioners, serve at the pleasure of the board of fire commissioners, will meet from time to time as necessary, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to officers, employees and fire department members with respect to article 18 of the General Municipal Law and this code of ethics. Such advisory opinions must be rendered pursuant to the written request of any such officer, employee or fire department member under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the fire district's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the board of fire commissioners.

Code of Ethics, continued

Section 14. Posting and distribution.

(a) The board of fire commissioners must promptly cause a copy of this code of ethics, and a copy of any amendment to this code of ethics, to be posted publicly and conspicuously in each building under the fire district's control. The code of ethics must be posted within ten days following the date on which the code takes effect. An amendment to the code of ethics must be posted within ten days following the date on which the amendment takes effect.

(b) The chairman of the board of fire commissioners must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the fire district, or a member of the fire district fire department.

(c) Every officer, employee and fire department member who receives a copy of this code of ethics or an amendment to the code must acknowledge such receipt in writing. Such receipts must be filed with the secretary of the fire district who must maintain such receipts as a public record.

(d) The failure to post this code of ethics or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of an officer, employee or fire department member to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 15. Enforcement.

Any officer, employee or member who violates this code of ethics may be fined, suspended or removed from office, employment or membership in the fire department in the manner provided by law. A violation of this code is deemed "misconduct" within the meaning of section 209-1 of the General Municipal Law.

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Article I - Definitions

This article defines certain words or terms that are used in several places in these bylaws.

Department - refers to the Maine Fire Department

Company - refers to Maine Fire Company No. 1

Board or Commissioners - refers to the Board of Fire Commissioners of Maine Fire District No.1

Elect or Election - shall mean the submission of the name of a person (for membership or to become an officer) for subsequent approval by the Board, if required

Member - is any person who has been elected to membership in the Company and/or Department

Officer - is a member who has been elected to serve as one of the officers of the Company or Department

Line Officer - is an officer of the Department who has responsibility for fire suppression in the chain of command (i.e. Chief, Asst Chief, Captain, Lieutenant, but not including Fire Police officers)

District Physical – A physical required by Maine Fire District No.1 performed by Lourdes Occupational Health Department.

County Physical – Physical required by Broome County performed at the Broome County Health Department.

For the purpose of determining whether a voting member has fulfilled their obligation of attendance at drills and meetings, Half-year is defined as follows:

First Half-year --- NOV., DEC., JAN., FEB., MAR., and APR.

Second Half-year --- MAY, JUNE, JULY, AUG., SEPT. and OCT.

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Article II - Membership

Section 1 - Application procedure for a new member

1. Each new applicant must understand these bylaws and the Department SOGs (rules governing the Department if applying for the Department).
2. They must then make written application to the Company on a form provided by the Company. The applicant's signature on an application is an agreement to adhere to these bylaws (and the Department SOGs if the application is for service as a Firefighter). An application for transfer of membership from another fire department shall be handled as though it were a new application.
3. Under state law, any person who has been convicted of arson cannot become a member of a volunteer fire company. The Company must do background criminal checks to ensure that applicants have not been convicted of arson, applicants must authorize the submission of their names and other identifying information for the background check. The background check will be conducted by the Chief and/or his designee through the Broome County Sheriff's Department and/or any other law enforcement agency deemed necessary. Furthermore, a company member who is convicted of arson is immediately terminated from the company.
4. Must fill out an application card as required by the Broome County Office of Emergency Services.
5. Must consent to a County Physical. In the case of a transfer the member must provide proof of an occupational respirator physical from Lourdes within two years or agree to take a District Physical.
6. Must sign consent form to have their motor vehicle record checked prior to driving a District vehicle.

Article II – Membership, Section 1, continued

7. Each application will be read at the next regular Company business meeting, and then tabled until the following regular Company business meeting. At that time a simple majority affirmative vote of the members present will elect the applicant to a six month probationary period. After the six month probationary period is up a vote at a regular Company meeting shall be conducted of the applicant member, a simple majority affirmative vote of the members present will elect the applicant to full membership.
A, none majority vote, shall constitute another vote of the members present to either terminate the applicants membership in the Company or grant the applicant an extension of the probationary period for another six months (this can only be once). Either vote will need a majority of votes from the members present. If the probationary period is extended for six months only one vote shall be allowed at the end of this extension, a vote to accept or deny the applicant's membership to the Company.
8. All applications for membership in the Company must, after being accepted by the Company, be approved by the Board. The Board must only act on all votes of the Company regarding membership if it was a vote to accept the applicant to full membership or to a probationary period/s. An applicant cannot be considered a member until the Board has voted. The Board must act on the applicant's membership within forty days of written notice from the Company's Secretary, regarding the decision of the status of the applicant's membership in the Company. If the Board has not acted within forty days on an applicant's membership after receiving the said written notice, the applicant will have been considered to have been voted to membership by the Board, to the Company. After consideration by the Board, the Company Secretary will notify the applicant of its decision.

Article II – Membership, continued

Section 2 – Leaves of Absence and Resignations

1. Any member wishing to take a leave of absence or resign shall do so in writing to the Company.
2. Any member returning from a leave of absence
 - A. Must present a letter to the Company at any regular meeting and can be reinstated by a majority vote of the members present.
 - B. Must be approved by the Board.
 - C. Must meet all of the requirements in Article II, Section 1 and Article II, Section 3 paragraph 3. If a leave of absence is less than one year the background check in Article II, section 1, paragraph 3 will be waived.
3. After a period of five years of a leave of absence if the member does not, in writing, request to be an active member their leave of absence shall be considered a resignation from the Company. At which point, if they want to return they will be processed as a new member.
4. Anyone who has resigned must be treated as a new member upon returning as per Article II, Section 1.

Article II – Membership, continued

Section 3 - General Requirements for All Members

1. All members, regardless of the class of membership must by state law, reside within the fire district or within territory outside the fire district that receives protection by the fire district. If a member moves his/her residence outside these territories, his/her membership in the company terminates automatically unless the member, in a written request to the Secretary, requests the Company authorize continued membership. The written request to the Secretary shall indicate where the member plans to change his/her residency and explain how such member will still be able to provide service as a volunteer firefighter in the District and/or territory outside of the District (example, employment in the District etc.). The Company must then vote on the request of the member to retain their membership in the Company. The Company must approve the request with a minimum affirmative, two-thirds majority vote of the members present at a regular scheduled meeting of the Company. Again the Board must also vote on the action that the Company has decided in this matter in the same way as set forth in Article II, section 1, paragraph 8. Even when the Company votes to continue the membership of the non-resident and the Board approves the Company's affirmative vote, the non-resident's membership can still terminate if the member is unable or unavailable to render service as a volunteer fireman.
2. The percentage of non-resident members in the Company can never exceed 45%.
3. Obey all orders and directions from the officers in charge of the drill, emergency, or Company - sponsored activity or event.
4. Shall take an active part in at least two of the fundraising projects of the Company.
5. Must receive a District Physical as provided by the Board every two years.
6. Must consent to a Motor Vehicle Record check as deemed necessary by the Board to drive District vehicles.

Section 4 – Qualifications for Membership

1. By New York Sate law, a person cannot be an active member of more than one volunteer fire company at a time. This prohibition does not apply if a person holds an inactive status with another fire company for the following purposes - inactive, honorary, life, or social member.

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Article II – Membership, continued

Section 5 – Applicant Member

1. All new applicants must serve a 6 month probationary period.
2. During the probationary period, the applicant member must attend and participate fully in 9 drills and 3 meetings as a Department member, or
3. 3 meetings as a Company applicant member.
4. Applicant members shall not be eligible to vote on any measure or in any election during the probation period.

Section 6 - Apprentice Member

1. Any member between the ages of 16 and 18 shall be designated an apprentice member.
2. Any application to become an apprentice member must contain the signature of the applicant's parent(s) or legal guardian(s).
3. An apprentice member must fulfill the general requirements for all members, outlined above.
4. Additional requirements and limitations of apprentice member are outlined in the Department SOG.
5. At no time shall an apprentice member drive District vehicles.
6. Shall at least successfully complete the NYS Scene Support Class at their earliest convenience.

Article II – Membership, continued

Section 7 - Voting Member – Department

1. All voting members - department must fulfill the following minimal requirements
 - a. All shall attend and participate fully in nine drills and three meetings per half-year.
 - b. Shall take an active part in at least two of the fundraising projects of the Company.
 - c. Any member leaving either a meeting or a drill prior to the close of the meeting or a drill without permission of the officer in charge shall not be counted as present for that occasion. This includes participating in cleanup and putting equipment back in service after drill and alarms.
 - d. Shall obey all orders of the Department Officers in command at fires, parades, drills, fundraising, etc.
 - e. Shall participate in at least the N.Y.S. Scene Support Operation's class.
 - f. All minimum class work must be completed within three years of Board approval.
2. Any member failing to meet these requirements shall be subject to suspension or dismissal. These requirements may be waived on an individual basis upon written request from a member to the Company President or the Presidents designee. The President or designee will refer each request to the Membership Committee for a recommendation, and then the Company shall make a decision concerning the request.
3. Voting Member – Department may vote for and hold Department and Company offices as per the qualifications set forth in Article III.

Article II – Membership, continued

Section 8 - Voting Member – Company

1. All voting members- - Company, must fulfill the following minimal requirements;
 - a. Shall attend and participate fully in three meetings per half-year.
 - b. Shall take an active part in at least two of the fundraising projects of the Company.
 - c. Any member leaving a meeting prior to the close of the meeting without permission of the company officer in charge of the meeting shall not be counted as present for that occasion. This includes participating in fundraising events.
 - d. Shall obey all orders of the Company Officers in command at parades, fundraising, etc.
2. Any member failing to meet these requirements shall be subject to suspension or dismissal. These requirements may be waived on an individual basis upon written request from a member to the Company President or the Presidents designee. The President or designee will refer each request to the Membership Committee for a recommendation, and then the Company shall make a decision concerning the request.
3. Voting Member – Company may vote for and hold Company offices as per the qualifications set forth in Article III.

Article II – Membership, continued

Section 9 – Company Life Members

1. A two thirds affirmative vote by the members present at a regular Company meeting may elect a member who has twenty years of service in the Maine Fire Department as a Company Life Member.
2. Company Life Members may vote for and hold Company offices as per the qualifications set forth in Article III.
3. Company Life Members have no rights in the Department unless they are a Department Voting Member.
4. The President is required to update the Life Member plaque in the meeting room as new Company Life Members are added.

Section 10 - Honorary Members

1. An Honorary Member is any person (not a current member of the Company) so elected by a two- thirds majority vote of the members at a regular Company meeting.
2. An Honorary Member has no rights or privileges in the Company or Department.
3. The President is required to update the Honorary Member plaque in the meeting room as new Honorary Members are added.

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Article III – Officers and Elections

Section 1 - Department Officers, elected

1. Chief – 33
2. 1st Assistant Chief - 33A
3. 2nd Assistant Chief - 33B (this position will only be filled if there are sixteen or more active department members on the date of the election)
4. 1st Captain
5. 2nd Captain (this position will only be filled if there are sixteen or more active department members on the date of the election)

Section 2 – Company Officers, elected

1. President
2. Vice President
3. Secretary
4. Treasurer

Section 3 – General requirements to elected offices

1. At no time shall a member hold any two department or company offices simultaneously with the exception of secretary or treasurer.
2. A member may hold a department or company office simultaneously.
3. A member who is a Commissioner may not also be Chief or Assistant Chief of the Department (State Law).
4. All elected officers terms will be for a period of one year starting January 1st, upon approval by the Board.
5. Should any elected officer be unable to fulfill his duties for any reason they shall immediately resign their position.
6. At the discretion of the President a special election will be held to fill any vacated position during the year. Any officer elected in this way will serve only the unexpired vacated term.

Article III – Officers and Elections, continued

Section 4 – Appointed Officers Department

1. The Chief has the sole right to appoint a Department Voting Member to any position he deems necessary. Examples, Lieutenant, Fire Police Captain, Safety Officer, Training Officer, Maintenance Officers, etc.

Section 5 – Appointed Officers Company

1. The President shall appoint chairpersons to all of the committees listed in Article V. Examples, sunshine, membership, ethics, etc.

Section 6 - Eligibility to Vote in Department Elections

1. Must have met the requirements of Department - voting member, or
2. Must have been exempted of the requirements of the Department – voting member after a majority vote of the members present at the time of elections after hearing the recommendations of the membership committee.

Section 7 - Eligibility to Vote in Company Elections

1. Must have met the requirements of Department - voting member, or
2. Must have met the requirements of the Company – voting member, or
3. Must have been exempted of the requirements of the Company – voting member after a majority vote of the members present at the elections after hearing the recommendations of the membership committee, or
4. Must be a life member.

Article III – Officers and Elections, continued

Section 8 - Eligibility to Run For Department Officer

General: All candidates for elected department positions shall have needed qualifications as required by FEMA that will enable the department to apply for FEMA grants at the time of the current regulations and voting date.

Captain:

1. Must be a voting member of the Department for the previous year, and
2. Must have must have been a Lieutenant for one full year, and
3. Successfully completed an Incident Command Course as provided by NYS OFC and/or FEMA.

Assistant Chief:

1. Must be a voting member of the Department for the previous year, and
2. Must have must have been a Captain for one full year, and
3. Must be a qualified operator of all Department apparatus
4. By November 1, 2008 candidate/s shall have successfully completed FEMA/NIMS training ICS 300 and/or any other required command classes that are required by the Federal Government, the State of New York or the County of Broome.

Chief:

- 1 Must be a voting member of the Department for the previous year, and
- 2 Must have must have been an Assistant Chief for one full year, and
- 3 Must have been a Department voting member for five years.
- 4 Must attend or send designee to the Western Broome Chief's and the Broome County Chief's meetings.
- 5 By November 1, 2008 candidate/s shall have successfully completed FEMA/NIMS training ICS 300 and/or any other required command classes that are required by the Federal Government, the State of New York or the County of Broome.

Article III – Officers and Elections, continued

Section 9 – Eligibility to run for Company Office

In order to run for any Company office a Member must:

1. Have been a Company voting member for at least one year, and
2. Have been a Company voting member for the previous year in which he/she is running.
3. Be at least eighteen (18) years old.

Section 10 – Nominations for Offices

1. Nominations for Department and Company Officers shall be made at the regular November meeting or from the floor at the time of the elections.
2. No one may add or remove names nominated for office after the close of nominations at the November meeting.
3. To remove your name you must make it known you want your name removed at the reopening of the office you have been nominated for (if you cannot attend you may submit, in writing, to the President or presiding Board member your wish to be removed).
4. The Membership Committee may cross out a name that is found to be unqualified, but they may not remove the name until the nominee has been notified and given the opportunity to provide proper certifications. If the Membership Committee crosses off a name the member crossing off the name will place their initials at the end of the line they drew through the name.

Article III – Officers and Elections, continued

Section 11 – Absentee Ballots

1. Absentee ballots will be provided for those members who are unable to attend the elections.
2. A locked container, ballots, and blank envelopes, along with a list of nominees, will be provided at the Fire Station after the November meeting. An absentee ballot will be considered valid only if:
 - A. The ballot contains only the names of the members nominated as described above for the offices indicated in the nominations, and
 - B. No more than one name is indicated for each office, and
 - C. The ballot is placed in a blank sealed envelope, and
 - D. This sealed envelope is placed in another sealed envelope with the member's signature on the outside, and
 - E. This combination is placed in the locked container provided.
3. This container will be opened by the presiding officer at the elections, the envelopes containing the Member's signature will be discarded, and the presiding officer will cast votes according to the absentee ballots (in addition to his own vote).

Section 12 – Elections

1. Elections shall be on the first Saturday in December at 7:00 PM.
2. The President or presiding officer shall read this section to the members present before elections start.
3. A minimum of at least two-thirds total members combined department and company voting members (including absentee ballots) shall constitute a quorum.
4. Persons arriving late are allowed to vote at the beginning of the next office. They may not start voting in the middle of an office. As of the time of the re-closing the nominations late arrivals must wait until the reopening of nominations of the next office.
5. All questioning of eligibility to run for office and to vote must be expressed prior to the beginning of the first office to be voted on.
6. Elections will be by secret ballot.

Article III – Officers and Elections, continued

Section 12 – Elections, continued

7. Only one office will be voted on at a time, Department offices first, then Company offices.
8. Elections for each office shall be by majority vote.
9. In the event there are more than two candidates running for a given office, and a majority is not obtained, the candidate with the least number of votes will drop out and the procedure continued until a majority is obtained.
10. If the last two candidates are still tied after three ballots, the President will flip a coin to determine the winner.
11. This shall be the procedure followed by the presiding officer during elections:
 - A. Attendance taken of all members present and absentee ballots
 - B. Read the eligibility to run for Office roster created at the November business meeting. No changes to this list may be made at this time.
 - C. Nominations for Chief
 - D. Vote for Chief
 - E. Nominations for 1st assistant Chief 33A
 - F. Vote for 1st assistant Chief 33A
 - G. Nominations for 2nd assistant Chief 33B (if needed)
 - H. Vote for 2nd assistant Chief 33B
 - I. Nominations for 1st Captain
 - J. Vote for 1st Captain
 - K. Nominations for 2nd Captain (if needed)
 - L. Vote for 2nd Captain
 - M. Nominations for President
 - N. Vote for President
 - O. Nominations for Vice President
 - P. Vote for Vice President
 - Q. Nominations for Secretary
 - R. Vote for Secretary
 - S. Nominations for Treasurer
 - T. Vote for treasurer

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Article IV – Duties of Officers

Section 1 - Department Officers

Duties of Department Officers are specified in the Department SOGs

Section 2 - Company Officers

President:

1. To enforce the Company bylaws.
2. To preside at all Company business and special meetings.
3. To call meetings when required.
4. To appoint members to all committees.
5. Attend or send a designee to the Broome County Firefighters Association meetings

Vice President:

1. To perform the duties of President in his absence.
2. To be in charge of all fund-raising activities.
3. To keep a list of Members' attendance at fund-raising activities.

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Section 2 - Company Officers, continued

Secretary:

1. To keep an accurate and complete account of the proceedings of all Company business and special meetings.
2. To keep a record of the member attendance at all Company business and special meetings.
3. To keep an accurate account of all moneys received or disbursed by the Company, based on the report received from the Treasurer.
4. To post a copy of the minutes of any regular or special meeting of the Company not more than ten days following the meeting.
5. To provide to the Board a copy of the minutes and any information they request regarding records of the Company.
6. Post attendance record of all Department and Company members monthly.
7. Secretary or designee must provide 6 month attendance records to the Membership Committee not later than one week from the end of April and October.
8. Post no latter than the Thursday following the November business meeting the roster of members eligible to vote in the Officers elections for the coming year.

Section 2 - Company Officers, continued

Treasurer:

1. To maintain Savings and Checking accounts at a bank determined by the Company.
2. To receive all moneys due the Company, and deposit these moneys in the appropriate Company bank account within three working days of such receipt.
3. To pay all bills of the Company when authorized by the membership at a regular or special meeting.
4. To keep an itemized list of all receipts and disbursements of the Company. To report these receipts and disbursements at each regular monthly Company business meeting and provide a copy of this list to the Company Secretary.
5. To present an annual report of receipts and disbursements of the Company at the Company business meeting in December.
6. The only persons allowed to sign Company checks shall be the President, Vice President and the Treasurer.

Article V - Committees

Section 1 - Membership

1. The Membership Committee shall consist of two voting members one from the department and/or from the company and the Vice President.
2. The President will appoint members to this committee in January of each year, and appoint replacements whenever any member cannot fulfill their obligation. The Department training officers will be nonvoting advisory members of this committee.
3. The committee shall at the end of each half-year (Article I) meet to compile a list of, and notify those members who have not met the voting membership requirements.
4. To meet in the first week of November to determine who is eligible to run for Department and Company offices and who is eligible to vote in the December elections based on half-year evaluations of the attendance records.
5. The committee may call any member for information. The Membership Committee meeting will be a closed door meeting. Any person called to provide information will wait outside meeting area until summoned. After the committee has attained all the information they need the person will be excused from the room.
6. The Membership committee shall then make a recommendation to the Company as to the decision they have made regarding requests to vote and/or run for office by members not meeting the requirements as stated in Voting Members – Department and Company no later than the opening of the November Company business meeting.
7. The membership committee shall also be responsible for checking references on new applicants.
8. The membership committee shall also be responsible for tracking the length of service of each member. A report of years of service shall be provided at the October business meeting to first be sure the candidates running for offices have the correct amount of years of service and secondly to determine the correct award for a member to be presented at the next installation dinner.

Article V – Committees, continued

Section 2 - Firefighter of the Year

The purpose of this committee is to recognize and honor a member for an outstanding contribution to the Department or Company each year. The committee shall consist of (in addition to the Vice President) two members appointed by the President in January of each year. The committee may select a firefighter:

1. For an exceptional or heroic act in the line of duty.
2. For outstanding performance or devotion to duty.
3. For any other outstanding contribution in connection with the Fire Service.

The only requirement for this award is that the recipient must have been a member in good standing (as defined in Article II) during the entire year. Suggestion forms for firefighter of the year will be made available on election night to be filled out and given to the firefighter of the year committee.

Section 3 - Ethics

1. A committee shall be appointed by the President to investigate a grievance brought by the Company or a member via the President against a member for a possible violation of Company bylaws.
2. The member initiating the grievance and the member against whom the grievance is filed may not be on the committee. The committee consists of three voting members selected from both the Company and/or Department.
3. The Committee shall elect a chairperson and a secretary.
4. This committee may call any member for information. The committee secretary shall, in writing, present their findings and recommendations to the President and Company members at the next regular Company business meeting for discussion and to take action on the grievance.
5. The Ethics Committee and Company shall follow the procedures as set forth in Article VIII – Grievances, Suspensions and Expulsions.

Article V – Committees, continued

Section 4 - Sue Ebert Scholarship Award

One scholarship for \$500 to be presented by Maine Fire Company to a student entering a two or four year college, or a trade school

Purpose

This scholarship is intended for a student showing the greatest effort at continuing his/her education and community service accomplishments.

Rules for Applying

1. Applicant must be a student expecting to graduate and continuing his/her education in the next semester.
2. Applicant must provide proof of acceptance into either a two or four year college.
3. Applicant must be a resident of Maine Fire Districts 1, 5, or 6.
4. Applicant must fill out an application provided by Maine Fire Company and returned to the Maine Fire Company by May 31 of the current school year. These applications can be obtained through the Maine-Endwell Guidance Counselor's Office or Maine Fire Company.
5. Applicants denied may reapply if continuing his/her education.

Awarding of Scholarship

Applications will be reviewed by the scholarship committee. All deliberations of the committee will be held confidential.

Article V – Committees, continued

Section 4 - Sue Ebert Scholarship Award, continued

The scholarship committee consists of the following Personnel: Vice President of Maine Fire Company 1st Assistant Chief 33A of Maine Fire Department and Vice chairperson of the Board of Fire Commissioners Maine Fire District #1. In the case of a conflict of interest, a designee may be appointed. Recommendations will be made by the scholarship committee to the Maine Fire Company.

Dispensing of funds will occur upon receipt of the fall schedule to the Maine Fire Company, a five hundred dollar, one time disbursement shall be made.

The Maine Fire Company reserves the express right to interpret all rules herein.

The Maine Fire Company reserves the express right to amend the scholarship program by a majority vote of the Maine Fire Company.

Section 5 – Parade Committee

1. The President shall appoint a Chairperson to the Parade Committee.
2. All parade participants shall be Company and/or Department voting members.
3. The driver of the antique must be a qualified operator of at least one of the department apparatus.
4. The Chairperson shall receive permission from the Board to participate in parades.

Section 6 – Sunshine Committee

1. The President shall appoint members and a chairperson to the Sunshine Committee.
2. The Sunshine Committee shall send flowers, fruit basket etc. for the death of, major surgery or accident of a member and/or their spouse and family members.
3. The Sunshine committee shall make an attempt to send cards to members and past members in their times of need.
4. A majority vote of the Company can override 1 and 2 above to send a gift to someone they feel is appropriate.

Article V – Committees, continued

Section 7 – Auxiliary Committee

1. The President shall appoint members and a chairperson to the Auxiliary Committee.
2. The Auxiliary Committee shall be responsible for refreshments as deemed necessary by the Chief and/or commanding Officer.
3. The Auxiliary Committee shall keep up to date food in the kitchen as well as care for the kitchen.
4. The Auxiliary Committee shall have the right to spend \$75.00 per incident for supplies without Company approval.

Article VI – Drills and Meetings

Section 1 - Drills

1. Drills shall be held every Monday at 9:00 and every Tuesday at 19:00 with the exception of Company meeting night, membership permitting.
2. The Chief and or designee have the right to call a drill, training and/or work detail as they deem necessary.
3. A \$50.00 award each shall be presented to the two individuals with the best attendance to drills at the Installation Dinner.
4. Chief Officers are excluded from number three above.

Section 2 - Regular Meetings

1. Regular Company meetings shall be held on the fourth Tuesday of every month at 1900hrs (7:00pm).
2. The Company President, with concurrence from the training officers, may change this date to avoid conflict with holidays. A quorum of at least two thirds of the combined Company and/or Department voting members is required in order to conduct business.

Article VI – Drills and Meetings, continued

Section 3 - Special Meetings

1. Special meetings may be called by the Company President for any specific purpose.
2. It is the President's responsibility to give as much advance notice of a special meeting as possible by posting a notice on the Fire Station bulletin board and the Maine Fire website.

Section 4 - Rules and Agenda for Regular Meetings

The following will govern the conduct of regular meetings:

1. The President shall preside at all meetings.
2. If the President is absent the presiding officer shall be the next Company Officer in line (Vice President, Secretary or Treasurer).
3. No member shall be entitled to speak unless recognized by the presiding officer.
4. Only one member shall have the floor at a time.
5. No motion may be voted on unless it has been moved, seconded, and stated by the presiding officer.
6. A secret ballot on any motion shall be held if required by a member.
7. "Robert's Rules of Order" will be referred to in order to resolve any question of procedure.

Article VI – Drills and Meetings, continued

Section 5 - Order of Business for Regular Meetings

The order of business for all Regular meetings is as follows:

1. Call to order
2. Salute to the flag.
3. Minutes of previous meeting
4. Treasurer's report
5. Applications for Membership
6. Communications and bills
7. Reports of Officers
 - A. Chief
 - B. 1st Asst. (33-A)
 - C. 2nd Asst. (33-B)
 - D. Fire Captains, Lieutenants, Truck Officers
 - E. Fire Police Captain and Lieutenant
 - F. Other Officers
8. Reports of Committees
9. Unfinished business
10. New business
11. Information of general interest
12. Additional for November business meeting:
 - a. Membership Committee shall report any findings that they have regarding ineligibility of a member to vote and/or run for Company and/or Department offices.
 - b. Any member that has been deemed ineligible by the Membership committee to vote and or run for office shall be allowed to request to override their decision either by letter or in person at this time only. A majority positive vote of the members present shall deem an ineligible member to become eligible.
 - c. The Secretary shall update the list of eligible members to vote and post no latter than two days following the meeting and copy the President.
 - d. Nominations for Company and Department offices shall be opened.
13. Meeting adjourned.

Article VII- Amendments to these By-Laws

1. Any voting – member of the Company and/or Department in good standing may propose an amendment to these bylaws.
2. The proposed amendment must be presented in writing at a regular Company meeting, but no vote will be made at that time, it will be tabled and posted for review for one month.
3. The proposal will then be read again at the following regular meeting and a vote taken, the amendment must pass by majority vote of the members present.
4. The proposal must then be approved by the Board before it becomes effective.

Article VIII – Grievances, Suspensions and Expulsions

1. A notice of grievance should be served upon the aggrieved member, in writing, five days before a meeting of the Ethics Committee by the committee's secretary, prior to consideration of said grievance.
2. Said member shall be given an opportunity to explain or defend their actions.
3. Upon completion of the Ethic's Committee's investigation the secretary of the committee shall, in writing, provide to the President and members the charges presented and their findings at the next regularly scheduled meeting of the Company. The accused member shall also be allowed to address the Company regarding the grievance at this same meeting.
4. After the presentation and any further discussion, the Company shall then decide the outcome of the aggrieved member. The members present must by a majority secret vote, dismiss the grievance, suspend the aggrieved member or expel the aggrieved member from the Company.
5. The By-Laws shall at no time interfere with the authority of the Board to remove members and officers of the Company and/or the Department for incompetence, misconduct or absenteeism from emergencies, stand-bys, trainings, drills and/or meetings.

Article IX – Insurance

1. All Department members are covered by workers compensation as set by New York State's Volunteer Firefighters Benefit Law (VFBL) while on duty with the Department.
2. Company members only are not covered by workers compensation insurance, however; the District carries an additional, limited accident insurance on all members.

Article X – Awards

1. Awards for combined Department and Company length of service will be presented as follows:
 - A. 5 - Years of service, a service pin.
 - B. 10 – Years of service, a service pin and a plaque and/or gift not to exceed one hundred dollars.
 - C. 15 – Years of service, a service pin.
 - D. 20 – Years of service, a service pin and a plaque and/or gift not to exceed two hundred dollars.
 - E. 25 – Years of service, a service pin.
 - F. 30 – Years of service, a service pin and a plaque and/or gift not to exceed three hundred dollars.
 - G. 35 – Years of service, a service pin.
 - H. 40 – Years of service, a service pin and a plaque and/or gift not to exceed four hundred dollars.
 - I. 45 – Years of service, a service pin.
 - J. 50 – Years of service, a service pin and a plaque and/or gift not to exceed five hundred dollars.
2. Awards for Company only length of service only will be presented as a service pin starting at five years and every five years there after.
3. With a majority vote of the members present at any regularly scheduled meeting the Company may elect to make an award other than stated above to whom ever they deemed necessary.

Article XI – Cemetery Grave Markers

1. The President shall appoint a member to place grave markers with flags on all Life members' graves in the Maine Cemetery. This shall be done prior to Memorial Day and they shall be removed by October 1st of each year.
2. An attempt shall be made to provide family members of Life members a grave marker and flag if the past Life members' grave is in another cemetery.

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By-Law and Code of Ethics acknowledgement:

I (print name) _____ have received a copy of the By-Laws and Code of Ethics of the Maine Fire Company No.1 dated October 23, 2007. As a member I will read and follow these By-Laws and the Code of Ethics.

Signed _____

Date _____