



# HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Maureen Terry presenting  
LD 471, An Act to Make Necessary Changes to State Law  
Before the Joint Standing Committee on State and Local Government*

Senator Nangle, Representative Stover and esteemed members of the Joint Standing Committee on State and Local Government, my name is Maureen Terry, and I represent House District 108. I am here to introduce **LD 471, "An Act to Make Necessary Changes to State Law."**

The amendment before you strikes and replaces the language from the original bill. After speaking with the Secretary of State, I felt it was important to improve the process to approve the design of our state flag.

This new amendment is tied to Public Law 2023, Chapter 487, which was enacted this year. Chapter 487 established the design outline for the new flag, giving the sole authority to approve the final design to the Secretary of State. Following approval of the Secretary, the voters will then have the ability to either approve or not the design chosen by the Secretary. Chapter 487 says the referendum will take place "in the month of November following passage of this Act," which means November of this year.

The amendment before you does not change the design elements from Chapter 487 or the fact that the new design would still go to the voters.

The new language, however, would establish a nine-person commission that would work together to make a final recommendation to the Secretary of State. Rather than placing this responsibility on the Secretary, having a commission would ensure that diverse perspectives are taken into account.

While it seems that November is far away and there would be enough time to go finalize a flag design, in all reality the timeline is much shorter. Given the fact the legislators appointed to the

commission will be unable to fully participate until after the Legislature adjourns, at which point they will still have other commitments to juggle, including their own constituent work, full-time jobs and other duties. Moreover, the Secretary of State, who would oversee the commission, will need to administer another election in June and prepare for what may be the most contentious election in the history of our country. Pushing the referendum to 2026 would allow for a better process than can be executed this year.

The redesign of our state flag is an important task and one that must be done in collaboration with others and not rushed.

Thank you for your time.

Amend this bill by striking out the title and inserting the following:

**An Act to Establish the Maine State Flag Commission**

Amend the bill by striking out everything after the title and inserting the following:

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Public Law 2023, chapter 487 requires a referendum question be sent to the voters in November, 2024 asking whether the voters favor replacing the current official flag of the State with the former state flag, commonly known as the Pine Tree Flag; and

**Whereas,** Public Law 2023, chapter 487 requires the Secretary of State approve the design of the former state flag to be voted on in November, 2024; and

**Whereas,** a potential new state flag that would replace the current flag should be designed and approved after robust public input from diverse constituencies, a process that requires time and thoughtful deliberation; and

**Whereas,** establishing a commission with a two year timeline for deliberation and review and a referendum vote on the flag in 2026 would more fully involve the public on an important piece of state history; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. P.L. 2023, chapter 487, section 3** is amended to read:

This Act must be submitted to the legal voters of the State at a statewide election held in the month of November ~~following passage of this Act, 2026~~. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor making the former state flag, replaced as the official flag of the State in 1909 and commonly known as the Pine Tree Flag, the official flag of the State?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

**Sec. 2. Commission established.** The Flag Commission, referred to in this resolve as "the commission," is established to assist the Secretary of State approve the design of the former state flag, repealed as the official state flag in 1909, to be subject to referendum question pursuant to Public Law 2023, chapter 487, section 3.

**Sec. 3. Commission membership.** The commission consists of 9 members as follows:

1. The Secretary of State, or the Secretary of State's designee;
2. The State Archivist, or the State Archivist's designee;
3. A representative with expertise in vexillology appointed by the Secretary of State;
4. A representative with expertise in graphic design appointed by the Secretary of State;
5. A representative of a statewide organization that promotes arts and culture in the State, appointed by the President of the Senate;
6. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature; and
7. Two members of the House of Representatives appointed by the Speaker of the House, including one member from each of the 2 parties holding the largest number of seats in the Legislature

**Sec. 4. Appointment terms.** The appointed members serve until June 30, 2026. A vacancy shall be filled in the same manner as the original appointment.

**Sec. 5. Appointments; chair; convening of commission.** The commission shall develop and coordinate the design of the State of Maine flag.

**Sec. 6. Staff.** The Secretary of State may employ administrative staff to serve the commission.

**Sec. 7. Meetings.** The commission will determine the frequency of meetings, which may include a public hearing.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.