



*Department of the Secretary of State*

Shenna Bellows  
Secretary of State

**JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT**

Testimony of Shenna Bellows Secretary of State

Testifying in Favor of  
L.D. 471 "An Act to Establish the Maine State Flag Commission"

*March 7, 2024*

Senator Nangle, Representative Stover and Members of the Joint Standing Committee on State and Local Government, my name is Shenna Bellows, Secretary of State, and I am providing testimony in favor of L.D. 471 as amended.

I am grateful to the sponsor for bringing this bill before the committee.

Following the passage of Public Law 2023, chapter 487, we reached out to the Office of the Minnesota Secretary of State to discuss the process they underwent redesigning their new flag and state seal. From that conversation, we learned Minnesota had worked within a commission of 14 members – which included a diverse range of perspectives and voices – and maintained a robust meeting schedule, with weekly meetings lasting 15 weeks. Our biggest takeaways from that conversation were that we needed to ensure we had sufficient time to get through the process and that the final decision could not rest on one person.

Given the timing of the enactment of the flag bill, this would mean our flag process and referendum would all have to happen this year. In addition to all of the work that is carried out across the entire department – including routine, daily work and implementing changes resulting from the Legislature – we are also in a major election year. This means it would be difficult to also take on the obligations of Public Law 2023, chapter 487. I think we can all agree that for something as important as the redesign of our state flag, there should be ample time around the process.

L.D. 471 would allow for a more thoughtful and deliberate process by moving the referendum to November 2026, building in more time for decision-making. Moreover, we believe it is critical that any and all decisions be done in collaboration with stakeholders – and not rest on a single person, even if it is the Secretary of State. L.D. 4731 establishes a nine-person commission who would use the flag description from Public Law 2023, chapter 487 as a guideline in order to make a determination on the final design. We believe this would be a more representative approach to the process.

I thank you for the opportunity to present testimony, and I would be happy to answer any questions.

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.