3 MRSA, 151
Legislative Confirmations

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May 17, 1978

Honorable Joseph Sewall
President of the Senate
Box 433
Old Town, Maine 04468

Dear Senator Sewall:

This responds to your request of May 12, 1978. In that letter you ask if Senate action on June 2, 1978, regarding certain recommendations for confirmation submitted by the Committee on Labor would be valid and appropriate to confirm or override the recommendations of the Labor Committee. We answer in the affirmative.

The question you pose results from legislative consideration of two nominations to the Maine Labor Relations Board. The nominations in question were submitted by written notice of the Governor on February 15, 1978. The Joint Standing Committee on Labor recommended confirmation of those nominations on May 4, 1978. The Senate meets June 2, 1978, to consider recommendations of various committees regarding pending nominations. 3 M.R.S.A. § 151 specifies that votes of the Senate be taken no later than 45 days from the Governor's written notice of the nomination. That 45-day period has passed in this case. However, we do not believe that the fact that the 45-day period specified in 3 M.R.S.A. § 151 prevents the Senate from validly considering and confirming or overriding the Committee on Labor's recommendations.

Attached hereto is an opinion dated April 11, 1978, in which we generally discussed the status of the Maine Labor Relations Board nominations which were then pending before the Committee on Labor. As noted in that opinion, since § 151 contains no sanction specifying that the nomination be disapproved, approved

or moved to the next step in the process when a time limit is not met, the nominations must be deemed still pending. Therefore, the nominations, having been acted upon by the Committee on Labor, may now be considered pending business in the Senate for action as the Senate deems appropriate.

I hope this information is helpful.

Sincerely,

Joseph E. Brennan

JOSEPH E. BRENNAN
Attorney General

JEB/ec
Enclosure
cc: Honorable James B. Longley
Legislative Leadership
Honorable Samuel W. Collins, Jr.
Honorable Cecil H. McNally
Honorable David W. Bustin