

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

tion 448-A and in which a child support obligation was established by an order issued by a court of this State or by an administrative decision issued by the department pursuant to section 498-A, an obligor or an obligee may request the department to review the support order for compliance with the State's child support guidelines pursuant to this subchapter. In cases in which a support obligation is not assigned to the department under section 512 and the department does not provide services pursuant to section 448-A, a request to review a support order is made by applying to the department for child support services and indicating on the application for services a desire to have a child support order reviewed.

3. Administrative order modification; support modification. Following a review of an administrative child support order, the department may take action to modify the administrative order pursuant to section 498 or 498-A. Following a review of a court order of child support, the department may file a motion to modify support pursuant to section 319.

4. Adoption of rules. The department shall adopt rules governing the review of support orders consistent with this subchapter and shall comply with the federal Family Support Act of 1988, 42 United States Code, Chapter 7, Part D.

5. Schedule of fees. The department may adopt by rule a schedule of fees for the services it provides under this section.

Sec. 6. 22 MRSA §4007, sub-§6 is enacted to read:

6. Child support guidelines. Prior to a hearing under section 4035, each parent shall file income affidavits as required by Title 19, sections 312 and 314. If a child is placed in the custody of the department, the court shall order child support from each parent according to the guidelines pursuant to Title 19, chapter 7, subchapter I-A, designate each parent as a nonprimary care provider and apportion the obligation accordingly.

Income affidavits and instructions must be provided to each parent by the department at the time of service of the petition. The court may order a deviation pursuant to Title 19, section 317. Support ordered pursuant to this section must be paid directly to the department pursuant to Title 19, section 777-A, subsection 3. The failure of a parent to file an affidavit does not prevent the entry of a final protection order. A parent may be subject to Title 19, section 314, subsection 1, paragraph D for failure to complete and file income affidavits.

See title page for effective date.

CHAPTER 841

H.P. 1629 - L.D. 2292

An Act Concerning the Bureau of Intergovernmental Drug Enforcement

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 2 MRSA §6, sub-§5, as amended by PL 1989, c. 612, is further amended to read:

5. Range 86. The salaries of the following state officials and employees ~~shall be~~ are within salary range 86:

Director of Labor Standards;

Deputy Chief of the State Police;

Director of State Lotteries;

State Archivist;

Director of Maine Geological Survey;

Executive Director, Maine Land Use Regulation Commission;

Director of the Risk Management Division;

~~Chairman~~ Chair, Maine Unemployment Insurance Commission;

Director of the Bureau of State Employee Health;

Child Welfare Services Ombudsman;

Director of the ~~Bureau of Intergovernmental Drug Enforcement~~ Maine Drug Enforcement Agency;

Deputy Director, Operations, Retirement System;

Deputy Director, Investments, Retirement System;

Deputy Director, Administrative and Legal Affairs, Retirement System; and

Executive Director, Maine Science and Technology Commission.

Sec. 2. 5 MRSA §7-B, as amended by PL 1991, c. 618, §1 and affected by §7, is further amended to read:

§7-B. Use of state vehicles for commuting

No state-owned or state-leased vehicle may be used by any employee to commute between home and work,

except for those vehicles authorized and assigned to a law enforcement official within the following organizational units: Bureau of State Police; ~~Bureau of Intergovernmental Drug Enforcement~~ Maine Drug Enforcement Agency; Office of the State Fire Marshal; Bureau of Liquor Enforcement; Division of Motor Vehicles; Bureau of Marine Patrol; Bureau of Forestry; Division of Forest Fire Control; Bureau of Warden Service; and Bureau of Parks and Recreation.

Sec. 3. 5 MRSA §200-A, as enacted by PL 1967, c. 58, §1, is amended by adding at the end a new paragraph to read:

The Attorney General has exclusive responsibility for the direction of any criminal investigation of an official holding a partisan public office when the alleged crime is a violation of Title 17-A, chapter 25 or when, in the Attorney General's opinion, the alleged crime may affect the official's performance in office. As used in this section, the term "partisan public office" means an office in which, prior to an election to fill the office, the candidate must declare membership in a political party, or an office filled by the appointment of the Governor, the President of the Senate or the Speaker of the House of Representatives. Any law enforcement agency investigating an alleged crime that may result in formal charges against an official holding partisan public office shall, as soon as practicable, notify the Attorney General of the investigation. The Attorney General may, after review, designate any law enforcement agency to complete the investigation and direct its completion.

Sec. 4. 25 MRSA §2901, as amended by PL 1989, c. 648, §2, is further amended to read:

§2901. Department; commissioner

There is created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State, to consist of the Commissioner of Public Safety, in this chapter called "commissioner," who ~~shall be~~ is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as created and established: the Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Maine Highway Safety Commission, the Bureau of Highway Safety and the ~~Bureau of Intergovernmental~~ Maine Drug Enforcement Agency.

Sec. 5. 25 MRSA §2902, sub-§4, as amended by PL 1989, c. 648, §3 and c. 700, Pt. A, §101, is repealed and the following enacted in its place:

4. Maine Highway Safety Commission. The Maine Highway Safety Commission, as authorized by Title 5,

section 12004-I, subsection 83, is under the direction of the Commissioner of Public Safety and advisory to the Governor. The commission consists of not more than 25 members selected by the Governor from state, civic and industrial organizations and individuals with interests relating to highway safety. The Commissioner of Public Safety, the Commissioner of Transportation, the Commissioner of Human Services, the Commissioner of Education, the Secretary of State and the Attorney General serve as ex officio members. The ex officio members shall appoint persons in major policy-influencing positions as their designees to represent them at meetings of the commission with voting privileges. The commission members shall serve at the pleasure of the Governor and are entitled to compensation in accordance with Title 5, chapter 379. The commission shall stimulate active support for highway safety measures and programs and advise the Department of Public Safety regarding these issues. The commission shall annually report its findings and recommendations, including any necessary implementing legislation, to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government;

Sec. 6. 25 MRSA §2902, sub-§6, as amended by PL 1989, c. 648, §4, is repealed.

Sec. 7. 25 MRSA §2902, sub-§6-A is enacted to read:

6-A. Maine Drug Enforcement Agency. The Maine Drug Enforcement Agency, which is under the direction of the Director of the Maine Drug Enforcement Agency; and

Sec. 8. 25 MRSA §2952, sub-§§2 to 6 are enacted to read:

2. Agency. "Agency" means the Maine Drug Enforcement Agency.

3. Assistant director. "Assistant director" means the Assistant Director of the Maine Drug Enforcement Agency.

4. Board. "Board" means the Maine Drug Enforcement Agency Advisory Board.

5. Commissioner. "Commissioner" means the Commissioner of Public Safety.

6. Director. "Director" means the Director of the Maine Drug Enforcement Agency.

Sec. 9. 25 MRSA §2953, as enacted by PL 1987, c. 411, §5, is amended to read:

§2953. Policy

The Legislature finds that the distribution of scheduled drugs into, out of and within the State presents an

unprecedented threat to the health and safety of this State. To meet this threat, this Act is established to develop a statewide drug enforcement program and strategy based ~~upon principals~~ on principles of integration and unification at all levels of law enforcement, including federal, state, county and municipal levels and ~~including both~~ prosecutorial as well as investigative agencies.

Sec. 10. 25 MRSA §2954, as amended by PL 1987, c. 666, §6, is further amended to read:

§2954. Maine Drug Enforcement Agency Advisory Board

In order to develop, coordinate and carry out a statewide drug enforcement program and strategy, there is established ~~an Intergovernmental~~ the Maine Drug Enforcement Policy Agency Advisory Board which shall consist of the Attorney General; the Chief of the Maine State Police; the United States Attorney for the District of Maine; ~~3 other members appointed by the Governor for terms of 2 years, one of whom shall be a representative of municipal law enforcement, one of whom shall be a representative of the sheriffs of the respective counties and one of whom shall be a representative of the district attorneys of the respective counties; and the commissioner who shall serve ex officio.~~ The board shall provide advice, consultation and direction for the drug law enforcement effort within the State. This effort shall include the integration and coordination of investigative and prosecutorial functions in the State with respect to drug law enforcement. The board shall also make recommendations to the Legislature as it determines to be appropriate for the implementation of an effective drug law enforcement program. The board consists of the Attorney General or a designee; the Chief of the State Police; a state law enforcement officer selected by the Governor with the advice of the Chief of the State Police; a district attorney selected by the Governor with the advice of the Maine Prosecutors Association; the United States Attorney for the District of Maine or a designee; 3 municipal police chiefs selected by the Governor with the advice of the Maine Chiefs of Police Association; a county sheriff selected by the Governor with the advice of the Maine Sheriffs' Association; the Commissioner of Corrections or a designee; and 2 citizens, one of whom has experience with drug treatment and education programs, appointed for 2-year terms by the Governor.

The board shall provide advice and consultation to the Commissioner of Public Safety for the drug law enforcement effort within the State. This effort must include the integration and coordination of investigative and prosecutorial functions in the State with respect to drug law enforcement. The board shall also make recommendations to the Legislature as it determines to be appropriate for the implementation of an effective drug law enforcement program.

The board, in addition to these responsibilities, with shall provide advice to the commissioner, shall direct,

~~coordinate and oversee~~ regarding the integration of law enforcement officers from county, municipal and all state law enforcement agencies, into the bureau.

Sec. 11. 25 MRSA §2955, as amended by PL 1991, c. 154, §§1 and 2, is further amended to read:

§2955. Maine Drug Enforcement Agency

~~The commissioner, in conformity with the advice consultation and direction of the board, shall establish and operate within the Bureau of Intergovernmental Drug Enforcement~~ Maine Drug Enforcement Agency such regional investigative task forces as ~~he the commissioner~~ the commissioner determines, in consultation with the board, are required for effective drug law enforcement throughout the State.

The investigative component of each task force ~~shall be~~ is comprised of law enforcement officers drawn from municipal, county and state law enforcement agencies, who, during the period in which they serve in the task force, ~~shall must~~ be placed on a temporary assignment by their employing law enforcement agencies and in the nonclassified positions within the bureau as established. All ~~bureau~~ bureau agency investigative personnel shall not be state employees, as defined in Title 26, section 979-A, subsection 6. All ~~bureau~~ agency investigative personnel shall act in accordance with ~~such rules as may be promulgated by the commissioner and subject to,~~ polices and procedures established by the board commissioner. In determining the number, areas of responsibility and investigative complement of these task forces, the commissioner shall take into account geography, population, the need for service and the advice, ~~consultation and direction~~ provided by the board.

1. Director. ~~The bureau shall be~~ agency is managed by a director who shall report to the commissioner. The director must be an experienced law enforcement officer. ~~The director shall be appointed by the commissioner from a list of at least 3 persons recommended by the board and shall serve at the pleasure of the commissioner~~ Chief of the State Police, the Maine Sheriffs' Association and the Maine Chiefs of Police Association may each nominate one candidate as director for submission to the Maine Drug Enforcement Agency Advisory Board. The advisory board shall submit one of the 3 nominations to the commissioner, who may appoint that person with the approval of the Governor. If the commissioner or the Governor does not approve of the candidate submitted, each of the nominating groups is requested to submit an additional nomination. Eligibility for this appointment shall is not be dependent upon the parent law enforcement agency, if any, of the person selected. If the person selected is currently an employee of any state, county or local law enforcement agency, the person shall must be placed on a temporary assignment by the person's employing agency. The director shall report reports directly to the commissioner, notwithstanding any existing

command structure of the person's employing agency. Notwithstanding any other provision of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as director.

2. Assistant director. The director of the ~~bureau~~ shall be agency is assisted by an assistant director. The assistant director must be an experienced law enforcement officer and may exercise any of the powers of the director as the director may delegate. The assistant director ~~shall be~~ is appointed by and ~~serve~~ serves at the pleasure of the commissioner ~~acting upon the recommendation of the board.~~

Eligibility for the selection ~~shall is not be~~ dependent upon the parent law enforcement agency, if any, of the person selected. The assistant director ~~shall be~~ is compensated in a manner equivalent to that of a captain in the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person ~~shall must~~ must be placed on a temporary assignment by the person's employing agency. The assistant director ~~shall report~~ reports directly to the director, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as assistant director.

2-A. Commanders. There ~~shall may be~~ 2 regional no more than 3 commanders within the ~~bureau~~ agency who may exercise any powers the director may delegate. Each ~~regional~~ commander must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner and ~~shall serve~~ serves at the pleasure of the director. The appointment of ~~regional~~ commanders ~~shall is not be~~ dependent upon the parent law enforcement agency, if any, of the person selected. ~~Regional commanders shall be~~ Commanders are compensated from the budget of the ~~bureau~~ agency in a manner equivalent to that of a lieutenant in the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person ~~shall must~~ must be placed on a temporary assignment by the person's employing agency. A ~~regional~~ commander ~~shall report~~ reports directly to the director or assistant director, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as ~~regional~~ commander.

3. Task force investigative supervisors. Each task force ~~shall be~~ is supervised by a task force investigative supervisor. Each supervisor must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner and ~~shall serve~~ serves at the pleasure of the director. The appointment of supervisors ~~shall is not be~~ dependent upon the parent law enforcement agency, if any, of the person selected. Supervisors ~~shall be~~ are compensated from the budget of the ~~bureau~~ agency in a manner equivalent to that of a sergeant assigned to the ~~drug unit~~ of the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person ~~shall must~~ must be placed on a temporary assignment by the person's employing agency. A supervisor ~~shall report~~ reports directly to the ~~regional~~ assistant director or a commander, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as supervisor.

4. Task force investigative agents. The investigative complement of each task force ~~shall be~~ is comprised of task force investigative agents. Agents may be selected from municipal, county and state law enforcement agencies within the State and other state agencies, provided the prospective agent ~~has been~~ is certified pursuant to section 2803 ~~2803-A~~, subsection 1; or may be other experienced law enforcement officers, provided each ~~has been~~ is certified pursuant to section 2803 ~~2803-A~~, subsection 1. Agents ~~shall be~~ are selected and appointed at the discretion of the director with the concurrence of the commissioner from among those persons nominated by the chief administrative officer of a prospective agent's employing agency and other experienced law enforcement officers who apply. Agents ~~shall~~ serve at the pleasure of the director. Agents ~~shall~~ receive compensation, paid from the budget of the ~~bureau~~ agency, equivalent to that of a detective in the State Police, with respect to both regular and overtime compensation with the additional credit given to seniority based upon law enforcement experience. If the person selected as an agent is currently an employee of any municipal, county or state law enforcement agency, or any other state agency, the person ~~shall must~~ must be placed on a temporary assignment by the person's employing agency. An agent ~~shall report~~ reports directly to the task force supervisor, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provisions of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as an agent.

Any person employed as a senior agent or special agent investigator within the State Police may be temporarily assigned to the ~~bureau~~ agency. During such temporary

assignment, the State Police ~~shall retain~~ retains the positions of senior agent and special agent investigator.

5. Authority of agency officers. The director, assistant director, ~~regional~~ commanders, supervisors and agents are vested at the discretion of the commissioner with the following:

A. The authority throughout the State to arrest pursuant to Title 17-A, section 15;

B. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal process, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They have the same rights as sheriffs to require aid in executing the duties of their office; and

C. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve civil process in all matters relating to investigations or violations of Title 17-A, chapter 45 or actions arising under or initiated pursuant to Title 15, chapter 517.

6. Task force attorneys. The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of their assistants and special assistants as they determine to be appropriate to each of the task forces or to the bureau agency generally. The attorneys ~~shall must~~ be available to the bureau agency officers for purposes of ongoing consultation and advice on the propriety and legal consequences of methods of investigation and are responsible for coordinating, with the ~~regional~~ commanders and supervisors, the prosecutorial and investigative priorities of the task forces ~~in conformity with the advice, consultation and direction provided by the board and the policies, practices and procedures of the bureau.~~ The Attorney General shall appoint one assistant attorney general as a full-time coordinator of drug prosecution matters. That assistant attorney general is responsible to coordinate the efforts of each of the attorneys assigned to the agency.

7. Compensation; State Police personnel. Notwithstanding any other provision in this section, ~~Maine~~ State Police officers, senior agents and special investigative agents who are temporarily assigned to the bureau will agency continue to be paid from the budget of the Bureau of State Police, except that any additional compensation arising from such temporary assignment ~~shall must~~ be paid from the budget of the bureau agency.

Sec. 12. 25 MRSA §2956, as amended by PL 1987, c. 666, §10, is further amended to read:

§2956. Authority of commissioner

1. Rules. The commissioner ~~may shall, with the~~ shall, with the advice of the board, adopt rules, practices and policies respecting the administration of the ~~bureau agency~~. The rules, practices and policies of the ~~bureau shall agency~~ must be in conformity with state law and ~~with the advice, consultation and direction provided by the board and~~ shall must accomplish the goal of an integrated drug enforcement effort. These rules, practices and policies may include:

A. The qualifications, hiring, term of service and disciplinary standards for commanders, supervisors and agents;

B. Protection as to financial and employment security for any law enforcement officer selected as any official of the bureau agency with respect to the person's position with any municipal, county or state law enforcement policy or political subdivision;

C. Standard operating procedures for the ~~bureau~~ agency;

D. Procurement procedures; or

E. Procedures for dissemination of records.

2. Grants and property. The commissioner may accept grants and property decreed forfeit by any court of competent jurisdiction.

3. Contracts or agreements. The commissioner may enter into contracts and agreements with municipal, county and state law enforcement agencies to accomplish the goal of the bureau agency and carry out the rules, policies and practices of the ~~board agency~~.

Sec. 13. 25 MRSA §2957, as enacted by PL 1987, c. 411, §5, is amended to read:

§2957. Confidentiality

Notwithstanding any other provisions of law, the investigative records of the ~~bureau shall be and agency~~ are ~~declared to be confidential and all meetings of the board, as well as meetings of the bureau shall not be~~ subject to Title 1, sections 401 to 410 confidential.

Sec. 14. 25 MRSA §2958 is enacted to read:

§2958. Prosecution protocol

The Attorney General, after consultation with the 8 district attorneys, the United States Attorney for the District of Maine and the board, shall establish by rule a protocol that governs the selection of the state or federal court system for prosecution of drug cases investigated by the agency.

Sec. 15. 29 MRSA §946-C, sub-§1, ¶B, as enacted by PL 1991, c. 444, §5, is amended by amending subparagraph (8) to read:

(8) A Department of Public Safety vehicle operated by a liquor enforcement officer for the purpose of enforcing section 1312-B or Title 28-A, a state fire inspector or a ~~Bureau of Intergovernmental Drug Enforcement~~ Maine Drug Enforcement Agency officer;

Sec. 16. Transition. The Maine Drug Enforcement Agency is the successor in every way to the powers, duties and functions of the Bureau of Intergovernmental Drug Enforcement and shall carry out the duties and responsibilities previously assigned to that bureau. All grants, money, property, assets, appropriations, contracts and agreements pertaining to the Bureau of Intergovernmental Drug Enforcement are transferred to the Maine Drug Enforcement Agency on the effective date of this Act. All accrued assets, balances, appropriations, allocations, transfers, grants, revenues, contracts or other available funds in an account or subdivision of an account of the Bureau of Intergovernmental Drug Enforcement are transferred to the Maine Drug Enforcement Agency.

All records, property and equipment of the Bureau of Intergovernmental Drug Enforcement become the property of the Maine Drug Enforcement Agency on the effective date of this Act.

The Director of the Maine Drug Enforcement Agency has the authority to enter into such contracts or agreements or apply for such grants, modification to grants or money as may be necessary to carry forth the work of the Bureau of Intergovernmental Drug Enforcement. Nothing in this Act may be construed to violate any requirements of any granting agency, including, but not limited to, those received from the federal Bureau of Justice Assistance.

The director has the authority and discretion to establish the location of the regional offices and choose the sergeants supervising these offices. These sergeants must be selected from current offices and employees. Investigative agents now employed by the bureau remain employed as investigators with the Maine Drug Enforcement Agency unless these employees have not worked for their sponsoring agencies prior to assignment to the bureau. All time periods related to such agents' employment begin on the effective date of this Act.

See title page for effective date.

CHAPTER 842

S.P. 894 - L.D. 2299

An Act Relating to Legislative Confirmation Hearings

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §151, 5th ¶, as enacted by PL 1975, c. 771, §11, is amended to read:

The ~~Joint Standing Committee~~ joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public. Notice of the hearing ~~shall~~ must be published in the state paper at least 7 days before the hearing. The notice ~~shall~~ must contain the time and place of the hearing, the name of the nominee, the office to which ~~such~~ that person has been nominated and a general description of the duties of that office. At the hearing, the committee shall take written or oral testimony which ~~shall~~ must be limited to relevant comments and questions regarding the qualifications of the nominee to carry out the duties of the office. The hearing must be held within 30 days of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives, except that hearings on judicial nominations and Workers' Compensation Commission nominations must be held by the joint standing committee having jurisdiction over judiciary matters within 35 days of the Governor's written notice.

Sec. 2. 3 MRSA §151, 6th ¶, as amended by PL 1989, c. 25, is further amended to read:

The committee shall recommend confirmation or denial by majority vote of committee members present and voting. The vote of the committee ~~shall be~~ is taken only upon an affirmative motion to recommend confirmation of the nominee. A tie vote of the committee ~~shall be~~ is considered a recommendation of denial. The vote ~~shall~~ must be taken no later than 30 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House of Representatives, except that the vote on judicial nominations and Workers' Compensation Commission nominations must be taken no later than 35 days from the date of the Governor's written notice. The committee vote ~~shall be~~ is by the yeas and nays.

Sec. 3. 3 MRSA §151, 7th ¶, as enacted by PL 1975, c. 771, §11, is amended to read:

The chairman of the committee shall send written notice of the committee's recommendation to the President of the Senate. The committee's recommendation ~~shall be~~ is reviewed by the Senate, which shall vote by the yeas and nays on every such recommendation. Upon review and vote by the Senate, the committee's recommendation ~~shall become~~ becomes final action of confirmation or denial unless the Senate by vote of 2/3 of those members present and voting overrides the committee's recommendation. The vote of the Senate ~~shall~~ must be taken no later than 45 days from the date of the Governor's written notice of the nomination to the President of the Senate and the Speaker of the House