

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1231

H. P. 1016

House of Representatives, March 23, 1977

On Motion of Mrs. Byers of Newcastle, referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Byers of Newcastle.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

RESOLVE, Authorizing John Carlo, Inc., to Resolve a Dispute with the State of Maine by Arbitration.

John Carlo, Inc. authorized to resolve a dispute with the State of Maine by final and binding arbitration.

Resolved: That John Carlo, Inc., a Michigan corporation located in Mount Clemens, County of Macomb, State of Michigan, which claims to be entitled to recover additional compensation and damages arising out of work performed by it in connection with the construction of a concrete paved highway in the Towns of Topsham, Bowdoin and Bowdoinham under and in addition to a contract with the State of Maine, Department of Transportation, Project No. I-95-5(44) 76 Contract 1, dated July 29, 1975, and in connection with construction of a concrete paved highway in the Towns of Bowdoinham and Richmond and the City of Gardiner under and in addition to a contract with the State of Maine, Department of Transportation, Project No. I-95-5(44) 81 Contract 2, dated August 19, 1975, and the State of Maine, which disputes said claims, are authorized to submit said claims for compensation and damages to arbitration pursuant to the procedures and with the effects described in the Maine Revised Statutes, Title 5, section 1749, concerning arbitration of disputes arising from the construction of public highways, said claims to be so submitted within one year from the effective date of this resolve. The State of Maine by this resolve waives the provisions of the final paragraph of the section and hereby consents to resolve said disputes by the arbitration.

Recovery on any award made in the arbitration shall not exceed the principal sum of \$1,500,000. The Attorney General or one of his assistants is authorized and designated to appear in answer to the claims made in the

arbitration and defend on behalf of the State of Maine. Any award which may be recovered shall be payable from the State Treasury of the State of Maine upon final process issued by the Superior Court of the State of Maine after confirmation, modification or correction of the award or, if appealed, upon final process issued by the Supreme Judicial Court or the Superior Court, as appropriate, and costs may be taxed in favor of John Carlo, Inc., and interest shall be allowed from the date of the filing of the demand for arbitration at the rate of 6% until the entry of judgment, confirming, modifying or correcting the award, if award is made therein, and at the rate of 10% from and after date of entry of such judgment. To the extent applicable, all proceedings shall be governed by the Maine Uniform Arbitration Act, Maine Revised Statutes, Title 14, section 5927, et seq.

STATEMENT OF FACT

The purpose of this resolve is to enable the State of Maine and John Carlo, Inc. to arbitrate according to Title 5, section 1749, a dispute arising from 2 highway construction contracts involving I-95 between Brunswick and Gardiner. The resolve does not require any appropriation of funds unless the arbitration authorized thereby results in findings of liability against the State of Maine. If the State of Maine were found liable, this resolve authorizes payment of damages not to exceed \$1,500,000, plus interest and costs.