

# MAINE STATE LEGISLATURE

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L.D. 1467

(Filing No. S-242 )

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 550, L.D. 1467, "Resolve, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine."

Amend the resolve by striking out everything after the title and inserting in its place the following:

'Colwell Construction Company, Incorporated; right to bring an arbitration action. Resolved: That Colwell Construction Company, Incorporated, which has furnished labor, materials, equipment and construction services to the State through the Military Bureau, Maine National Guard, with respect to repair of fire damage at the Pine Tree Inn, Building 346, Bangor International Airport, Bangor, Maine, all work being done pursuant to a letter of intent issued by the Military Bureau dated April 20, 1982, is authorized to initiate arbitration proceedings within one year from the effective date of this resolve, against the State for damages, if any, sustained by Colwell Construction Company, Incorporated, as a result of the State's refusal to pay for the work performed by Colwell Construction Company, Incorporated, and the damages shall be limited to the reasonable value of the work performed on the project; and be it further

Resolved: That any arbitration proceeding shall be conducted according to the procedure described in the Maine Revised Statutes, Title 5, section 1749, with respect to disputes between the State and contractors doing business with the State; provided, that the arbitrators shall decide only the issues of the reasonable value of the work performed by Colwell

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COMMITTEE AMENDMENT "A " to S.P. 550, L.D. 1467

1 Construction Company, Incorporated, and the damages  
2 sustained by the company, all other issues to be de-  
3 cided, if necessary, by the Superior Court; and be it  
4 further

5 Resolved: That the Attorney General, or one of  
6 his assistants, is authorized and designated to ap-  
7 pear, answer and defend the arbitration action; and  
8 be it further

9 Resolved: That any judgment that may be recov-  
10 ered as a result of the arbitration proceedings shall  
11 be payable from the State Treasury on final process  
12 issued by the Superior Court or, if applicable, the  
13 Supreme Judicial Court, and interest and costs may be  
14 taxed for Colwell Construction Company, Incorporated,  
15 if it recovers in the action. The recovery shall not  
16 exceed \$300,000, including interest and costs.'

17 STATEMENT OF FACT

18 Pursuant to a letter of intent, Colwell Construc-  
19 tion Company, Incorporated, performed construction  
20 work for the Military Bureau. The work included re-  
21 habilitation of the Pine Tree Inn which was damaged  
22 by fire. The Pine Tree Inn was owned by the State.

23 Colwell Construction Company, Incorporated,  
24 started work on the rehabilitation and continued work  
25 until ordered to stop by the State. The rest of the  
26 work was put out to bid and Colwell Construction Com-  
27 pany, Incorporated, low-bidder, was awarded the con-  
28 tract and completed the work.

29 Colwell Construction Company, Incorporated, and  
30 the State are now disagreeing on the amount Colwell  
31 Construction Company, Incorporated, is owed by the  
32 State for the work performed prior to the stop-work  
33 order. This amendment allows Colwell Construction  
34 Company, Incorporated, to initiate binding arbitra-

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COMMITTEE AMENDMENT " A " to S.P. 550, L.D. 1467

1 tion under the Maine Revised Statutes, Title 5, sec-  
2 tion 1749, to determine the value of the work per-  
3 formed.

4 3899052585

Reported by the Majority for the Committee on  
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