

§2-1201. Statute of frauds**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

(1). A lease contract is not enforceable by way of action or defense unless:

(a). The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than \$1,000; or [PL 1991, c. 805, §4 (NEW).]

(b). **(TEXT EFFECTIVE UNTIL 7/01/25)** There is a writing, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term. [PL 1991, c. 805, §4 (NEW).]

(b). **(TEXT EFFECTIVE 7/01/25)** There is a record, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term. [PL 2023, c. 669, Pt. A, §26 (AMD); PL 2023, c. 669, Pt. E, §1 (AFF).]

[PL 1991, c. 805, §4 (NEW); PL 2023, c. 669, Pt. A, §26 (AMD); PL 2023, c. 669, Pt. E, §1 (AFF).]

(2). Any description of leased goods or of the lease term is sufficient and satisfies subsection (1), paragraph (b), whether or not it is specific, if it reasonably identifies what is described.

[PL 1991, c. 805, §4 (NEW).]

(3). **(TEXT EFFECTIVE UNTIL 7/01/25)** A writing is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1), paragraph (b) beyond the lease term and the quantity of goods shown in the writing.

[PL 1991, c. 805, §4 (NEW).]

(3). **(TEXT EFFECTIVE 7/01/25)** A record is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1), paragraph (b) beyond the lease term and the quantity of goods shown in the record.

[PL 2023, c. 669, Pt. A, §27 (AMD); PL 2023, c. 669, Pt. E, §1 (AFF).]

(4). A lease contract that does not satisfy the requirements of subsection (1) but is valid in other respects, is enforceable:

(a). If the goods are to be specifically manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement; [PL 1991, c. 805, §4 (NEW).]

(b). If the party against whom enforcement is sought admits in that party's pleading, testimony or otherwise in court that a lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or [PL 1991, c. 805, §4 (NEW).]

(c). With respect to goods that have been received and accepted by the lessee. [PL 1991, c. 805, §4 (NEW).]

[PL 1991, c. 805, §4 (NEW).]

(5). The lease term under a lease contract referred to in subsection (4) is:

(a). **(TEXT EFFECTIVE UNTIL 7/01/25)** If there is a writing signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified; [PL 1991, c. 805, §4 (NEW).]

(a). **(TEXT EFFECTIVE 7/01/25)** If there is a record signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified; [PL 2023, c. 669, Pt. A, §28 (AMD); PL 2023, c. 669, Pt. E, §1 (AFF).]

(b). If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or [PL 1991, c. 805, §4 (NEW).]

(c). A reasonable lease term. [PL 1991, c. 805, §4 (NEW).]
[PL 1991, c. 805, §4 (NEW); PL 2023, c. 669, Pt. A, §28 (AMD); PL 2023, c. 669, Pt. E, §1 (AFF).]

SECTION HISTORY

PL 1991, c. 805, §4 (NEW). PL 2023, c. 669, Pt. A, §§26-28 (AMD). PL 2023, c. 669, Pt. E, §1 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.