**§2-1212. Implied warranty of merchantability**

**(1).**  Except in a finance lease, a warranty that the goods will be merchantable is implied in a lease contract if the lessor is a merchant with respect to goods of that kind.

[PL 1991, c. 805, §4 (NEW).]

**(2).**  Goods to be merchantable must at least:

(a). Pass without objection in the trade under the description in the lease agreement; [PL 1991, c. 805, §4 (NEW).]

(b). In the case of fungible goods, be of fair average quality within the description; [PL 1991, c. 805, §4 (NEW).]

(c). Be fit for the ordinary purposes for which goods of that type are used; [PL 1991, c. 805, §4 (NEW).]

(d). Run, within the variation permitted by the lease agreement, of even kind, quality and quantity within each unit and among all units involved; [PL 1991, c. 805, §4 (NEW).]

(e). Be adequately contained, packaged and labeled as the lease agreement may require; and [PL 1991, c. 805, §4 (NEW).]

(f). Conform to any promises or affirmations of fact made on the container or label. [PL 1991, c. 805, §4 (NEW).]

[PL 1991, c. 805, §4 (NEW).]

**(3).**  Other implied warranties may arise from course of dealing or usage of trade.

[PL 1991, c. 805, §4 (NEW).]

SECTION HISTORY

PL 1991, c. 805, §4 (NEW).

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.