**§2-1208. Modification, rescission and waiver**

**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

**(1).**  An agreement modifying a lease contract needs no consideration to be binding.

[PL 1991, c. 805, §4 (NEW).]

**(2). (TEXT EFFECTIVE UNTIL 7/01/25)**  A signed lease agreement that excludes modification or rescission except by a signed writing may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

[PL 1991, c. 805, §4 (NEW).]

**(2). (TEXT EFFECTIVE 7/01/25)**  A signed lease agreement that excludes modification or rescission except by a signed record may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

[PL 2023, c. 669, Pt. A, §32 (AMD); PL 2023, c. 669, Pt. E, §1 (AFF).]

**(3).**  Although an attempt at modification or rescission does not satisfy the requirements of subsection (2), it may operate as a waiver.

[PL 1991, c. 805, §4 (NEW).]

**(4).**  A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

[PL 1991, c. 805, §4 (NEW).]

SECTION HISTORY

PL 1991, c. 805, §4 (NEW). PL 2023, c. 669, Pt. A, §32 (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 Legislature and is current through October 15, 2024
. 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.