

ANGELA BATSON

v.

NANCY PERKINS

Argued September 21, 2004

Decided October 21, 2004

Panel: SAUFLEY, C.J., and RUDMAN, ALEXANDER, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Angela Batson appeals from a summary judgment entered in Superior Court (York County, *Fritzsche, J.*) in favor of Nancy Perkins in this action for damages sustained by Batson when she fell down a stairway in premises owned by Perkins in which Batson was a guest. Contrary to Batson's contentions, the parties' statements of material fact demonstrate that there was no hidden defect in the stairway and that Perkins did not expressly agree to maintain the leased premises in good repair. *Nichols v. Marsden*, 483 A.2d 341, 343 (Me. 1984). Furthermore, Batson cannot recover under the common law implied warranty of habitability for premises leased for a temporary purpose because Batson was not a tenant and there is nothing in the statements of material fact to establish that the premises were

uninhabitable or that Perkins breached the implied warranty. *See Young v. Povich*, 121 Me. 141, 143-45, 116 A. 26, 27-28 (1922). Lastly, we decline the invitation to overrule *Cole v. Lord*, 160 Me. 223, 202 A.2d 560 (1964).

The entry is:

Judgment affirmed.

Attorney for appellant:

Attorney for appellee: