

MAINE STATE LEGISLATURE

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Minimum Lot Size Law

SYLLABUS:

The fact that 12 M.R.S.A. § 4801 as enacted by P.L. 1969, c. 365 § 1 as amended by P.L. 1971, c. 532, §§ 1, 2, the Minimum Lot Size Law, is entitled "Not served by public sewer or water supply" while the statute does not elsewhere concern itself with "water supply" has absolutely no affect upon the meaning and applicability of the Minimum Lot Size Law.

FACTS:

The Minimum Lot Size Law, 12 M.R.S.A. §§ 4801 - 4806 (P.L. 1969, c. 365 § 1 as amended by P.L. 1971, c. 532), hereinafter called the statute, nowhere speaks of "water supply" except that § 4801 is entitled "Not served by public sewer or water supply".

QUESTION:

Does the statute apply to subdivisions served with public sewers but not served by public water supplies?

ANSWER:

No.

REASONING:

The inclusion of the words "water supply" in the title to § 4801 is obviously a drafting error in view of the fact that the statute nowhere else speaks of "water supply". The phrase "water supply" in the title to § 4801 should be disregarded and the statute applied only to areas not served by a public or private community sewer.

"Abstracts of titles, chapters and sections, and notes are not legal provisions." 12 M.R.S.A. § 71:10. . . . nor can the title add to or extend the operation of the act. . . . The title of a statute is not controlling, is not of much significance. . . . 82 C.J.S. Statutes § 350.

ESM/ec

NOT A FORMAL OPINION