

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

STATE OF MAINE

Inter-Departmental Memorandum Date October 17, 1974

To Robert Washburn, Director

Dept. Veterans Services

From David Roseman, Assistant

Dept. Attorney General

Subject Institutions of Collegiate Grade under 37-A M.R.S.A. § 50-J - § 50-M

SYLLABUS:

Under the term "institutions of collegiate grade" as used in the War Orphans and Widows Statute, 37-A M.R.S.A. § 50-J - § 50-M, benefits cannot be given to persons pursuing their education beyond the undergraduate, bachelor degree level.

FACTS:

In May, 1971, a veteran was determined by the Veterans Administration to have a total disability, permanent in nature, resulting from a service-connected disability. At that time, the daughter of that veteran was completing her first year at the University of Maine. She subsequently received benefits under the War Orphans Program and graduated with a bachelor's degree. She wishes to pursue a course of study which will lead to a master's degree, and seeks additional benefits under the program.

QUESTION AND ANSWER:

Under the term "institutions of collegiate grade" as used in the War Orphans Program, can benefits be given to persons pursuing their education beyond the undergraduate, bachelor degree level? No.

REASONS:

37-A M.R.S.A. § 50-L provides in applicable part:

"All children qualifying as orphans and widows qualifying under this subchapter, and the wives and children of those members of the Armed Forces described. . . , shall be admitted to state supported post-secondary vocational schools or institutions of collegiate grade free of tuition."

Although the word "college" has occasionally been used to denote an institution for professional or post-graduate study, the term is ordinarily used to denote an undergraduate school with a four year course of study which leads to a bachelor's degree. In re Kelley's Estate, 33 N.E.2d 62, 63 (N.Y., 1941); Epstein v. Kuvin, 95 A.2d 753 (Superior Court of N.J., 1953).

Robert Washburn, Director
Page 2
October 17, 1974

In determining whether it was the intent of the Legislature to give the phrase "institutions of collegiate grade" the meaning in which it would be commonly understood (as including only undergraduate study), or a broader meaning (as including study beyond the undergraduate level), reference should be made to the purpose and objectives of the legislation. Vesanen v. Pohjola, 140 Me. 216, 36 A.2d 575 (1944); In re Comstock's Case, 129 Me. 467, 152 A. 618 (1930). 37-A M.R.S.A. § 50-K "Purposes and distribution" states in applicable part:

"In order to assist any person qualifying as an orphan or as a widow, wife or child of a veteran or member of the Armed Forces . . . in securing higher education, the bureau shall pay, for any person which it finds eligible for such assistance, a maximum of \$300 per year, for a period of time not exceeding 8 semesters of attendance nor exceeding 6 consecutive academic years from the date of first entrance, towards the cost of such higher education."

It is significant that the Legislature provided assistance only for the time normally required to secure an undergraduate, bachelor's degree. In doing so, the Legislature has seemingly made clear that the purpose of this statute was to provide aid solely for undergraduate, bachelor level study.

DAVID ROSEMAN
Assistant Attorney General

DR:mfe