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Meaning of "not over 21 years of age" for War Orphans and Widows Education Eligibility

This replies to your memorandum of March 24, 1975, concerning this subject.

You refer to former 20 M.R.S.A. § 3211, now 37-A M.R.S.A., Chapter II, Subchapter III, Section 50-B, which reads, in pertinent part:

> ". . . and which children have graduated from high school and are not over 21 years of age at time of first entering a vocational school or an educational institution of collegiate grade shall be eligible for benefits under this subchapter; . . ."

You ask whether or not a person who has not yet reached the twenty-second birthday is eligible for benefits under this statutory provision. The answer to that question is affirmative.

The phrase "not over 21 years of age" appears to have been used in its ordinary sense, i.e., that one is not over 21 until he reaches his 22nd birthday. See Wilson v. Mid-Continent Life Ins. Co. of Okla. City, 159 Okl. 191, 14 P.2d 945; Watson v. Loyal Union Life Assn. of Muskogee, 143 Okl. 4, 286 P. 888; Allen v. Baird, 20 Ark. 975, 188 S.W.2d 505.

The Legislative purpose of aiding the higher education of children of veterans killed in action, died of service-connected disability, or living but having a total, permanent, service-connected disability, also suggests that the Legislature intended that this statute should be liberally construed.

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