

SUPREME JUDICIAL COURT OF MAINE

State of Maine v. Jake M. White

2017 ME 219 (2017) · No. Han-17-73 · Decided November 28, 2017

SUMMARY

The Maine Supreme Judicial Court affirmed judgments for Jake M. White in a fishing-license prosecution and related forfeiture proceeding. The court held that the evidence did not compel findings that White lacked a valid Passamaquoddy tribal commercial lobster-fishing license or that the Tribe failed to provide required notice to the Maine Department of Marine Resources.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	November 28, 2017
DOCKET	Han-17-73
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed judgments entered after a consolidated jury-waived trial in two cases: one judgment finding in favor of White on a complaint for fishing without a valid license, and another denying the State's petition to forfeit lobsters seized from White's boat.
STANDARD OF REVIEW	Because the State bore the burden of proof at trial, it had to demonstrate on appeal that the evidence compelled the trial court to enter judgments in its favor. Because neither party requested additional findings of fact, the appellate court inferred that the trial court made the findings necessary to support its judgments.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion
PARTIES	State of Maine v. Jake M. White

TOPICS

- appellate procedure
- standard of review
- evidence
- statutory interpretation
- indian affairs

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence compelled a finding that White did not possess a commercial lobster fishing license issued by the Passamaquoddy Tribe.
2. Whether the evidence compelled a finding that the Passamaquoddy Tribe failed to file a copy of White's tribal license with the Commissioner of the Maine Department of Marine Resources.
3. Whether the lobsters seized from White's boat were subject to forfeiture.

HOLDINGS

1. The evidence did not compel the trial court to find that White lacked a commercial lobster fishing license issued by the Passamaquoddy Tribe.
2. The certification stating that the Department of Marine Resources had no record of a license was evidence of the stated information but did not conclusively establish that the Tribe failed to provide proper notice.
3. The lobsters were not subject to forfeiture because the State failed to prove that White's fishing activity was unlawful.

KEY QUOTATIONS

“Because the burden of proof at trial rested on the State, the State must demonstrate here that the evidence compelled the court to enter judgments in its favor.” (¶ 2)

“the certification is merely “evidence” that the information in it is correct; the statute does not provide that certification conclusively establishes what it states.” (¶ 5)

FACTUAL BACKGROUND

White possessed or presented evidence of a commercial lobster fishing license issued by the Passamaquoddy Tribe. The State introduced a sworn certification stating that the Maine Department of Marine Resources had no record of a license issued to White, but other evidence showed that the Tribe intended to notify the Department of White's tribal license and that a tribal official told White he was permitted to fish before the alleged offense date. The trial court found for White on the fishing-license charge and denied forfeiture of the lobsters seized from his boat.

PROCEDURAL HISTORY

The Hancock County Unified Criminal Docket entered judgments for White after a consolidated jury-waived trial. The State appealed, arguing that the evidence did not support the judgments. The Supreme Judicial Court of Maine affirmed both judgments.

DISPOSITION

affirmed

CASES CITED

- Philbrook v. State, 2017 ME 162, ¶ 9, 167 A.3d 1266
- Pelletier v. Pelletier, 2012 ME 15, ¶ 20, 36 A.3d 903
- Mutual Life Insurance Co. v. Hillmon, 145 U.S. 285, 298-300 (1892)
- State v. Atwood, 2010 ME 12, ¶¶ 27-31, 988 A.2d 981
- State v. Cugliata, 372 A.2d 1019, 1027-29 (Me. 1977)

OPINION

PER CURIAM.

MAINE SUPREME JUDICIAL COURT Reporter of Decisions Decision: 2017 ME 219 Docket: Han-17-73 Submitted On Briefs: October 24, 2017 Decided: November 28, 2017 Panel: SAUFLEY, C.J., and MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ. STATE OF MAINE v. JAKE M. WHITE PER CURIAM [¶1] The State appeals from judgments entered in two cases in the Unified Criminal Docket (Hancock County, R. Murray, J.) after a consolidated jury-waived trial.

In one case, the court found in favor of Jake M. White on the State’s complaint alleging that White had fished without a valid fishing license. See 12 M.R.S. § 6421(1)(A) (2016). In the second case, the court denied the State’s petition for forfeiture of property, namely, lobsters seized from White’s boat. See 12 M.R.S. § 6207 (2016).

We affirm the judgments. [¶2] The State’s contentions on appeal amount to assertions that the evidence did not support the judgments. Because the burden of proof at trial rested on the State, the State must demonstrate here that the evidence compelled the court to enter judgments in its favor. See Philbrook v. State, 2017 ME 162, ¶ 9, 167 A.3d 1266. Further, because neither party requested that the court issue further findings of fact, we infer that the court made the findings necessary to support its judgments.

See Pelletier v. Pelletier, 2012 ME 15, ¶ 20, 36 A.3d 903. [¶3] In the circumstances of this case, to establish a violation of section 6421(1)(A), the State was required to prove either (1) that White did not possess a commercial lobster fishing license issued by the Passamaquoddy Tribe, or (2) that the Tribe did not file a copy of White’s tribal license with the Commissioner of the Maine Department of Marine Resources.

See 12 M.R.S. § 6302-A(1), (3)(A), (5) (2016). The evidence did not compel the trial court to find in the State’s favor on either of these issues. [¶4] With respect to the first issue, because the court was presented with testimonial and documentary evidence that the Tribe had issued a commercial

lobster fishing license to White, the court was not compelled to conclude that White did not have a tribal license. [¶5] As to the second issue, the State presented a sworn certification, issued pursuant to 12 M.R.S. § 6205 (2016), that DMR did not have a record of a license issued to White.

The court was not required to find that the information in the certification was true, however, because, pursuant to 3 section 6205, the certification is merely “evidence” that the information in it is correct; the statute does not provide that certification conclusively establishes what it states. Additionally, the court was presented with evidence that the Tribe intended to notify DMR of White’s tribal license and that a week later— before the alleged offense date—a tribal official told White that he was allowed to fish.

The statement of an intention to perform an act permits a finding that the declarant acted in accordance with the expressed intention. See *Mut. Life Ins. Co. v. Hillmon*, 145 U.S. 285, 298-300 (1892); *State v. Atwood*, 2010 ME 12, ¶¶ 27-31, 988 A.2d 981; *State v. Cugliata*, 372 A.2d 1019, 1027-29 (Me. 1977); see also *Field & Murray*, *Maine Evidence* § 803.3 at 461, 474-75 (6th ed.

2007). Therefore, on this record the court was not compelled to find that the Tribe had not provided proper notice of White’s tribal license to the Commissioner. [¶6] For these reasons, the court did not err by concluding that the State had not met its burden of proving that White’s fishing activity was unlawful. Consequently, the court also did not err by concluding that the lobsters seized from White’s boat were not subject to forfeiture.

The entry is: Judgments affirmed. 4 Matthew J. Foster, District Attorney, and Heather A. Staples, Asst. Dist. Atty., Prosecutorial District VII, Ellsworth, for appellant State of Maine Jake M. White did not file a brief Ellsworth District Court docket number CV-2016-149 Hancock County Unified Criminal Docket docket number VI-2016-385 FOR CLERK REFERENCE ONLY