

STATE OF MAINE
SUPERIOR COURT
KNOX COUNTY

People for the Ethical Treatment of Animals, Inc.,
1536 16th St. NW, Washington, DC 20036

Plaintiff,

v.

City of Rockland and Rockland Festival
Corporation (the Maine Lobster Festival)

Defendants.

Case No.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

People for the Ethical Treatment of Animals, Inc. (“PETA” or “Plaintiff”), by and through its counsel, brings this action under Maine law to halt one of the most egregious violations of Maine’s animal protection statutes occurring anywhere on public land in the state: the systematic torture of approximately 16,000 live, sentient animals at the Maine Lobster Festival (the “Maine Lobster Festival” or “Festival”), held annually at Harbor Park in Rockland, Maine. Plaintiff seeks declaratory and injunctive relief to challenge the City of Rockland and Rockland Festival Corporation’s (together, “Defendants”) use of public trust lands to violate Maine’s criminal animal protection statutes and maintain a public nuisance. PETA alleges the following based on information, belief, and publicly available information.

INTRODUCTION

1. Each year since 1947, the City of Rockland (the “City”) authorizes and facilitates the mass live steaming of approximately 16,000 individual lobsters in Harbor Park, a municipal waterfront area that includes intertidal lands held in public trust by the State of Maine.

2. These sentient creatures are painfully scalded to death through prolonged exposure to superheated steam without prior stunning, mechanical destruction of the brain, or any method intended to render them insensible to pain, despite the abundance of well-established alternative slaughter methods.

3. Compounding the cruelty of the live-steaming process, the Maine Lobster Festival promotes a practice it calls “chilling,” whereby the live lobsters are refrigerated prior to being placed in the vat of superheated steam and slowly cooked alive. The Maine Lobster Festival claims on its official website that chilling a lobster will “ease anyone’s anxiety” by “put[ting] the lobster to sleep.” This method—which has been condemned by the American Veterinary Association—does not induce unconsciousness but instead only temporarily inhibits crustaceans’ motor function, and ultimately extends the time that lobsters remain alive and sensible to pain once the process of cooking them alive ensues. As the Festival’s literature admits, this practice is not designed to reduce suffering, but instead to “ease [the] anxiety” of the human cooker by creating the illusion that the lobster is insensible to pain.

4. These processes violate Maine’s requirement that any method used to kill an animal must cause “instantaneous death,” and its statutory prohibition against the “torture[.]” and “torment[.]” of sentient creatures. *See* 17 M.R.S. § 1031(1)(B), (D); § 1011(2), (26).

5. The ritual is conducted openly in public view using industrial steamers operated by volunteers, creating a municipally endorsed spectacle of animal suffering that scientific evidence confirms causes several minutes of distress, pain, and attempted escape in lobsters, who are now

overwhelmingly recognized by leading veterinary and scientific authorities as demonstrably sentient. Despite this scientific consensus, each year, the Festival solicits community volunteers to perform the “difficult job of cooking” the lobsters alive in the “World’s Largest Lobster Cooker”—a highly visible, permanent fixture embedded in the landscape of Harbor Park and used exclusively during the five-day festival solely, in the Festival’s words, for “steaming those fresh ‘bugs.’”

6. The City is responsible for this conduct by providing the land, permits, infrastructure, and year-round maintenance of permanent steaming equipment in Harbor Park, thereby transforming public land into a stage for annually-recurring, municipally sanctioned cruelty.

7. This conduct violates several statutes and legal duties. Under 17 M.R.S. § 1031(1)(B), it is a Class D crime to “kill[] or attempt[] to kill[] an animal by a method that does not cause instantaneous death.” Maine law defines “animal” to include “every living, sentient creature not a human being.” *Id.* § 1011(2). Scientific consensus confirms that lobsters meet this threshold based on their capacity for pain experience, as indicated by learned avoidance, directed attention to wounds, anxiety, long-term alteration of behavior, stress responses, and central processing of noxious stimuli.

8. The Festival also violates Maine’s prohibitions against the “torture” and “torment” of animals, which include “every act, omission or neglect . . . where unjustifiable physical pain, suffering or death is caused or permitted.” *Id.* at § 1031(1)(D); § 1011(26). Because instantaneous slaughter methods for lobsters exist and are not used, the prolonged suffering inflicted via live steaming is unjustifiable under Maine law.

9. The City's conduct further violates Maine's statutory and common law restrictions on the use of public trust resources. Harbor Park includes areas of intertidal land held in trust for lawful public purposes, including navigation, recreation, and other customary uses. *See* 12 M.R.S. § 573. By converting those areas into a venue for criminal animal cruelty, the City breaches its fiduciary duties as trustee and imposes a use that is incompatible with public trust purposes.

10. The Festival constitutes a public nuisance under Maine common law and statute by unreasonably interfering with rights common to the general public through its sustained, government-facilitated violation of state criminal law on public land.

11. Defendants' conduct causes distinct injuries to PETA members, who are excluded from using public trust resources due to their unwillingness to witness lawless animal cruelty performed at an industrial scale in a shared public space.

12. PETA brings this action on behalf of its members, including Rockland residents who are functionally excluded from Harbor Park, harbor walkways, public kayaking and canoeing facilities, intertidal lands, and related civic spaces during the Festival. These individuals cannot access public trust resources without encountering and accepting intolerable conditions: the illegal public torture and killing of thousands of individual sentient lobsters via live steaming.

13. This causes these PETA members cognizable injury: PETA members are effectively stripped of their access to public lands and community events, resulting in dual harm—the sacrifice of public trust rights and the exclusion from civic life—based solely on the Festival's core conduct.

14. PETA seeks declaratory and injunctive relief to halt future violations of Maine's animal cruelty statutes giving rise to these injuries, and to compel the City to fulfill its fiduciary duties as trustee of public trust land. The City's endorsement of criminal conduct that repels lawful

users violates Maine law governing the treatment of animals, misappropriates public trust resources, and constitutes a public nuisance.

JURISDICTION AND VENUE

15. This Court has jurisdiction over this action pursuant to 4 M.R.S. § 105. The claims arise under Maine statutory and common law, including 17 M.R.S. § 1031 (prohibiting animal cruelty), 12 M.R.S. §§ 573, 1862, and 1865 (governing public trust lands), and Maine common law doctrines governing public nuisance and the public trust.

16. Venue is proper in this Court under 14 M.R.S. § 501 because all relevant events occurred in Knox County, and all real property at issue, including Harbor Park and its intertidal lands, is located within this jurisdiction.

17. The injuries alleged herein occurred in Rockland, Maine, where the conduct challenged in this action occurs annually under municipal authorization and on property owned or held in trust by the City of Rockland.

18. This case presents a justiciable controversy suitable for declaratory and injunctive relief under Rule 57 of the Maine Rules of Civil Procedure and 14 M.R.S. §§ 5953-5954.

PARTIES

19. Plaintiff PETA is a Virginia non-stock corporation and animal protection charity under Section 501(c)(3) of the Internal Revenue Code. It is headquartered in Norfolk, Virginia.

20. PETA's missions is to "oppose[] speciesism, a human-supremacist worldview[.]" PETA "focuses its attention on the four areas in which the largest numbers of animals suffer the most intensely for the longest periods of time: in laboratories, the food industry, the clothing trade, and the entertainment business." PETA also "works on a variety of other issues, including the cruel killing of rodents, birds, and other animals who are often considered 'pests,' as well as cruelty to domesticated animals."

21. PETA has more than 10.4 million members and supporters of its organizational mission globally. Some of those members reside in Rockland, Maine and regularly use Harbor Park, including the intertidal zones, for traditional lawful public uses. Members' routine uses include peaceful marine observation, navigation, dog walking, recreation, community events, and other traditional public uses. These members are unable to use Harbor Park during the Maine Lobster Festival due to the public spectacle of animal cruelty taking place there. These members suffer distinct and cognizable injuries due to their exclusion from public trust lands and civic events during the Maine Lobster Festival, which they reasonably believe to be unlawful and morally intolerable.

22. Defendant City of Rockland is a municipal corporation and political subdivision of the State of Maine. Rockland owns and operates Harbor Park and manages the intertidal zones constituting public trust lands connected thereto. The City authorizes, facilitates, and materially supports the Maine Lobster Festival, including through the provision of permits, infrastructure, year-round maintenance of a permanent lobster cooking fixture, and other public resources.

23. Defendant Rockland Festival Corporation is a Maine nonprofit corporation that organizes and operates the Maine Lobster Festival. The Festival is conducted on public land pursuant to City permits and in close coordination with the City of Rockland. Rockland Festival Corporation controls all aspects of the Festival's programming, including the live steaming of lobsters using permanent municipal infrastructure and public volunteer labor.

STATEMENT OF FACTS AND SUBSTANTIVE ALLEGATIONS

I. Maine's Sentience-Based Animal Protection Framework

24. Maine was among the earliest U.S. jurisdictions to explicitly recognize animals as "sentient" under law. By defining "animal" as "every living sentient creature not a human being,"

Maine law grounds its protections in scientifically supported concepts of animals' subjective experiences of pain and other feelings. *See* 7 M.R.S. § 3907(2); 17 M.R.S. § 1011(2). This standard reflects a commitment to evaluating animal welfare through the lens of an animal's capacity to experience suffering, rather than through species classification or taxonomic status.

25. Although Maine's statutes do not define "sentient," the term's ordinary meaning is clear: "capable of sensing or feeling," "conscious of or responsive to the sensations of seeing, hearing, *feeling*, tasting, or smelling."¹ To the extent "sentient" is a technical term, its definitions across several fields, including science, veterinary medicine, and animal law converge on the same meaning: the capacity for subjective experiences, including the ability to feel pain and other sensations with a degree of awareness.² Lobsters meet these criteria and satisfy the ordinary and technical definition of "sentient" as a matter of scientific fact. Decapod sentience has been thoroughly studied, accurately and readily determined from authoritative sources, and is now generally accepted by the scientific community. The consensus is no longer subject to reasonable scientific dispute; it is not contested among subject matter experts, nor contradicted by *any* authoritative scientific counterevidence.

¹ *See* Sentient, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/sentient> (last visited July 23, 2025).

² The general scientific meaning is "the capacity to have feelings." *See* Jonathan Birch et al., *Review of the Evidence of Sentience in Cephalopod Molluscs and Decapod Crustaceans*, London School of Economics (Nov. 2021), <https://www.lse.ac.uk/business/consulting/assets/documents/Sentience-in-Cephalopod-Molluscs-and-Decapod-Crustaceans-Final-Report-November-2021.pdf>, p. 12. In veterinary science, "sentient" means "capable of experiencing positive physical and emotional states (or feelings), including but not limited to comfort and pleasure, as well as negative states, such as pain, fear, and frustration." *See* Am. Veterinary Med. Ass'n., *Joint AVMA-FVE-CVMA Statement On The Roles Of Veterinarians In Promoting Animal Welfare*, The American Veterinary Medical Association (AVMA), the Federation of Veterinarians of Europe (FVE), and the Canadian Veterinary Medical Association (CVMA) (Apr. 2020), <https://www.avma.org/resources-tools/avma-policies/joint-avma-fve-cvma-roles-veterinarians-promoting-animal-welfare>. In the animal law context, sentience is taken to mean "the capacity to have feelings, including pain and pleasure, and implies a level of conscious awareness." *See* Brit. Veterinary Ass'n., *Why is the Recognition of Animal Sentience in Law Important?*, Brit. Veterinary Ass'n (May 2021) (adopting sentience definition established by The Global Animal Law Protect), <https://www.bva.co.uk/news-and-blog/blog-article/why-is-the-recognition-of-animal-sentience-in-law-important/>.

26. The Legislature’s choice of a sentience standard was deliberate and forward-looking. In 1987, Maine recodified its animal protection statutes, opting to incorporate this flexible scientific standard necessarily designed to accommodate new evidence about cognition and pain experience as the threshold for protection under Maine law. The Legislature never deviated from this phrasing despite decades of amendments to other provisions of Maine’s comprehensive animal welfare statutes incorporating the same sentience-based threshold.

27. The legislative record confirms that the 1987 recodification aimed to clarify the animal welfare laws, not impose limitations on their application. By using “sentience” as the definitional threshold, the Legislature ensured that Maine’s animal protection laws would apply to any species for which evidence of sentience emerged.

a. Maine law prohibits prolonged killing and torture of sentient creatures.

28. Maine law makes it a crime to kill any animal by a method that does not cause instantaneous death. Specifically, 17 M.R.S. § 1031(1)(B) prohibits any person from “kill[ing] or attempt[ing] to kill an animal by a method that does not cause instantaneous death.”

29. The term “instantaneous” creates a bright-line rule requiring immediate death without perceptible duration or delay. The Legislature’s deliberate choice of this objective temporal standard (as opposed to terms like “rapid,” “quick,” or “humane”) demonstrates a clear intent to prohibit killing methods that prolong time to death.

30. The statute includes a narrow exception for death administered by licensed veterinarians “in accordance with standards adopted by a national association of licensed veterinarians.” *Id.* at § 1031(1)(B), (C). Live-steaming lobsters cannot qualify. The American Veterinary Medical Association (“AVMA”) has concluded that “placement of nonstunned

crustaceans in boiling water”³ is “likely to be painful and distressful on the basis of the current literature on decapods.”⁴

31. In addition to non-instantaneous killing, Maine law prohibits the torture of sentient creatures. Specifically, “[a] person . . . is guilty of cruelty to animals if that person intentionally, knowingly or recklessly . . . tortures [or] torments . . . an animal.” 17 M.R.S. § 1031(1)(D). Maine law defines “cruelty,” “torture,” and “torment” collectively as “every act, omission or neglect . . . where unjustifiable physical pain, suffering or death is caused or permitted.” *Id.* at § 1011(26).

II. Lobsters Are Sentient and Satisfy Maine’s Definition of “Animal”

32. A lobster qualifies as an “animal” under Maine law because it is “a living sentient creature not a human being.” *See* 7 M.R.S. § 3907(2); 17 M.R.S. § 1011(2). Contemporary scientific evidence concludes that lobsters—who experience pain, learn from their experiences, and respond to noxious stimuli—satisfy the ordinary and scientific meaning of “sentient.”

33. Under Maine’s animal cruelty statutes, which hinge legal protection on sentience rather than enumerated species or taxonomical classifications, lobsters are unambiguously covered.

³ Steaming and boiling are similar moist-heat cooking methods whereby a live lobster is confined in a vat of boiling water until lethal core temperatures are reached throughout the lobster’s body, and so run afoul of the AVMA Guidelines for the same reason. These methods differ in that steaming—which uses prolonged exposure to the water vapor produced by boiling water as opposed to uniform submergence in the boiling liquid itself—takes longer to reach temperatures across the lobster’s body high enough to induce death, thereby prolonging the duration of pain and suffering preceding death.

The Maine Lobster Festival addresses the question “which is better, to steam or to boil?” on its official website. According to the Festival: “If you have a crowd of people, boiling is the way to go, as it’s the best method for cooking four or more lobsters at one time[.]” The Festival’s resources note “. . . the main advantage here is the high, intense heat from the boiling water. It cooks the lobster meat quickly, which makes it easier to remove from the shell.” The Festival nonetheless favors steaming, noting that a lobster who is steamed alive is “more tender as less water infiltrates the shells.” *See* Maine Lobster Festival, *What’s the Best Way to Cook Lobster: Steamed or Boiled?*, Maine Lobster Festival Blog (Dec. 14, 2020), <https://mainelobsterfestival.com/blog/2020/12/14/whats-the-best-way-to-cook-lobster-steamed-or-boiled1/> (last visited July 23, 2025).

⁴ *See* Am. Veterinary Med. Ass’n, *AVMA Guidelines for the Humane Slaughter of Animals* at 22 (2024), <https://www.avma.org/sites/default/files/2024-09/Humane-Slaughter-Guidelines-2024.pdf>.

34. This conclusion requires no judicial policymaking or expansion of legislative intent. It flows directly from a plain-text application of Maine’s statutory definition of “animal” and the overwhelming scientific consensus that lobsters are sentient. Under Maine law, if a creature is sentient, they are protected. Courts are not tasked with determining which species the legislature intended to include, but rather with applying the statute as written to animals who meet the sentience threshold established by science.

a. Maine’s statutory language and structure confirm that lobsters are “animals.”

35. Maine courts interpret statutes according to their plain and ordinary meaning and look to the broader legislative structure and history to resolve ambiguities and avoid construction that would lead to illogical or inconsistent results. *See Stromberg-Carlson Corp. v. State Tax Assessor*, 765 A.2d 566, 569 (2001).

36. The statutory definition of “animal” is unambiguous: it includes every “living sentient creature not a human being.” *See* 7 M.R.S. § 3907(2); 17 M.R.S. § 1011(2).

37. The term “sentient” is not defined in Maine law, but its ordinary and scientific meaning—capable of sensing or feeling—is well established.

38. The structure of the broader statutory framework confirms this interpretation. In 7 M.R.S. § 3972, the Legislature expressly excluded lobsters from the general definition of “animal” for the limited purpose of that provision, which mainly addresses unlawful uses of animals in contests. Specifically, the exclusionary provision states: “**For the purposes of this section**, ‘animal’ does not include lobsters or shellfish.” *Id.* at § 3972(2) (emphasis added). If lobsters were categorically excluded from the general statutory definition of “animal” elsewhere in the cruelty code, this carveout would be superfluous. *See Cobb v. Board of Counseling Professionals Licensure*, 896 A.2d 271, 275 (2006) (noting that all words in a statute are to be given meaning, and none are to be treated as surplusage if they can be reasonably construed).

39. Legislative history further confirms that Maine’s animal protection framework was designed to simplify the application of coverage, not limit it. In 1987, Maine recodified its animal protection laws to “organize current law into a more useable text and to remove ambiguities, inconsistencies and duplication” in coverage, using “sentient creature” as the threshold for legal protection. *See* J. Standing Comm. on Agric., 113th Leg., 1st Sess., at 4 (Me. June 1987).

40. Moreover, the Legislature’s decision in 1989 to adopt an express exclusion for lobsters in 7 M.R.S. § 3972(2), just two years after Maine recodified its animal welfare laws, confirms legislative awareness that lobsters were not somehow categorically excluded from the general statutory definition of “animal.”

41. Accordingly, the plain meaning of the statutory text, its structural context, and legislative history all lead to the same conclusion: lobsters are presently included in Maine’s general statutory definition of “animal” if they are “sentient creature[s]”—which they are.

b. Historical misconceptions have yielded to a contemporary scientific consensus that lobsters are sentient.

42. Historically, lobsters were mistakenly believed to be incapable of pain experience and subjective experience. This erroneous belief stemmed from their decentralized nervous systems and the absence of a vertebrate-style brain. But the assumption that sentience is tied to anatomical similarity with mammals is now overwhelmingly discredited, as experts now understand the capacity for pain is not confined to animals with specific brain structures, but should be assessed functionally, based on evidence of perception, behavior, and learning.⁵

⁵ *See, e.g.*, Robert W. Elwood, *A History of Pain Studies and Changing Attitudes to the Welfare of Crustaceans*, *Animals*, 2025, 15, 445 at 12; Robert W. Elwood, *Evidence for Pain in Decapod Crustaceans*, 21 *Animal Welfare* 23 (2012), <https://www.cambridge.org/core/journals/animal-welfare/article/abs/evidence-for-pain-in-decapod-crustaceans/> (summary and excerpts available at <https://fishcount.org.uk/welfare-of-crustaceans/evidence-for-pain-in-decapod-crustaceans/>); Robert W. Elwood & Laura Adams, *Electric Shock Causes Physiological Stress Responses in Shore Crabs, Consistent With Prediction of Pain*, 11 *Biol. Letters* (2015), <https://royalsocietypublishing.org/doi/10.1098/rsbl.2015.0800>; Jonathan Birch et al., *Review of the Evidence of*

43. In recent years, waves of peer-reviewed research have dismantled the outdated view that decapod crustaceans (including lobsters) lack the capacity for sentience, finding that lobsters exhibit key indicators of pain experience and subjective awareness—including complex nervous systems, nociceptive processing (neural pain receptors), learned behavioral avoidance, long-term changes in behavior, signs of anxiety, and physiological stress responses.⁶

44. In 2021, the United Kingdom commissioned an independent report from a team of philosophers and scientists led by the London School of Economics to assess whether decapods should be legally recognized as sentient. The report evaluated more than 300 scientific studies and concluded that decapod crustaceans, including lobsters, demonstrate “substantial evidence of sentience.”⁷ As a result, the United Kingdom enacted the Animal Welfare (Sentience) Act, which acknowledged decapod crustaceans as sentient beings entitled to legal protection.

45. Accordingly, government bodies and leading experts on animal neurobiology and cognition around the world agree that the question of lobster sentience is settled.

c. Lobsters’ neurobiological structures demonstrate they are sentient.

46. This consensus displaces old, folkloric beliefs about lobsters, who were previously misunderstood as biologically “primitive” animals. Contemporary research reveals their nervous systems are in fact intricate and functionally integrated. Each lobster possesses a ventral nerve cord containing ganglia (clusters of neurons often referred to as “mini-brains”), which are interconnected by nerves that run through the length of the lobsters body at the midline. Lobsters

Sentience in Cephalopod Molluscs and Decapod Crustaceans, London School of Economics (Nov. 2021), <https://www.lse.ac.uk/business/consulting/assets/documents/Sentience-in-Cephalopod-Molluscs-and-Decapod-Crustaceans-Final-Report-November-2021.pdf>; Andrew Crump et al., *Sentience in Decapod Crustaceans: A General Framework and Review of the Evidence*, 32 *Animal Sentience* 1 (2022), <https://www.wellbeingintlstudiesrepository.org/cgi/viewcontent.cgi?article=1691&context=animsent>; Eleftherios Kasiouras et al., *Putative Nociceptive Responses in a Decapod Crustacean: The Shore Crab (Carcinus Maenas)*, 13 *Biology* 851 (2024), <https://www.mdpi.com/2079-7737/13/11/851>.

⁶ See *id.*

⁷ See Birch, *supra* note 2, at 8.

have enlarged ganglia, with functional compartmentalization, in the head which form the brain.⁸ This neural architecture allows lobsters to process sensory information, coordinate motor activity, and generate complex, centralized responses to noxious stimuli.⁹ They also have two closely-linked large anterior ganglia that function as the main brain. This brain is complex and has separation of functional units, similar to a vertebrate brain.¹⁰

47. Numerous peer-reviewed studies have confirmed that lobsters and closely related decapods experience pain. These animals possess nociceptors—specialized neurons that detect potentially damaging stimuli—and exhibit learned avoidance behaviors after negative experiences, both of which are well-established indicators of sentient capacity.¹¹

48. Decapods, which include lobsters, also demonstrate a high degree of neurological integration across their body segments. They are able to localize harmful stimuli and respond with behaviorally appropriate and targeted reactions, like rubbing—further evidence of centralized processing that is consistent with pain.¹² Previously disregarded incorrectly as reflexive or random responses, these behaviors reflect processing of input in the brain and an organized neural network that supports subjective experience.¹³

49. Moreover, decapods exhibit physiological stress responses when exposed to noxious conditions. For example, studies have documented elevated lactate levels (a recognized biological marker of distress), in decapods subjected to noxious stimuli.¹⁴ These biological markers of distress mirror those used to assess pain and suffering in vertebrates.¹⁵

⁸ See *Welfare During Killing of Crabs, Lobsters and Crayfish*, FishCount.org.uk, <https://fishcount.org.uk/welfare-of-crustaceans/welfare-during-killing-of-crabs-lobsters-and-crayfish> (last visited July 23, 2025).

⁹ See *id.*, Crump, *supra* note 5, at 12-14, Birch, *supra* note 2, at 8.

¹⁰ See Birch, *supra* note 2, at 48.

¹¹ See Kasiouras, *supra* note 5, at 10-13.

¹² See *id.*

¹³ See *id.*

¹⁴ See Elwood, *Stress Responses in Shore Crabs*, *supra* note 5.

¹⁵ See *id.*

d. Lobsters exhibit behavioral markers of pain and cognitive engagement.

50. In addition to their neurobiological and physiological capacity, lobsters display a wide range of behavioral responses that satisfy well-established scientific criteria for sentience. These include rapid learned avoidance of harmful stimuli, protective motor responses, prolonged escape efforts, and motivational trade-offs, which demonstrate non-reflexive, central decision-making, in response to noxious conditions.¹⁶

51. Decapod crustaceans, like lobsters, exhibit rapid learned avoidance that reflects memory formation and anticipatory decision-making. In one study, decapods subjected to noxious stimuli learned to avoid the area from which the noxious stimuli emanated and retained this avoidance over repeated trials.¹⁷ This form of spatial discrimination learning demonstrates sentient cognition. It reflects not only pain experience but also behavior consistent with subjective experience, such as motivational processes aimed at reducing future suffering.¹⁸

52. Lobsters and other decapods also engage in motivational trade-offs in the presence of threats.¹⁹ They will accept a risk of predation to escape noxious or potentially painful stimuli by leaving highly-prized shelters, which indicates that they will choose to pay to avoid such stimuli. When exposed to boiling water, decapods exhibit violent thrashing, clawing at the sides of their container, and autotomy (voluntarily shedding of limbs) in an attempt to escape, indicating the highly aversive nature of the pain induced by exposure to boiling water, and demonstrating

¹⁶ See Lynne U. Sneddon et al., *Defining and Assessing Animal Pain*, 97 *Animal Behav.* 201, 207-08 (2014), <https://animallawconference.org/wp-content/uploads/2014/08/Defining-Animal-Pain-by-Sneddon-et-al.pdf>; Crump, *supra* note 5, at 16-18.

¹⁷ See Barry Magee & Robert Elwood, *Shock Avoidance by Discrimination Learning in the Shore Crab*, 216 *J. Exp. Biol.* 353 (2013), <https://journals.biologists.com/jeb/article/216/3/353/11942/Shock-avoidance-by-discrimination-learning-in-the>.

¹⁸ See Elwood, *Stress Responses in Shore Crabs*, *supra* note 5, at 20-22.

¹⁹ See Crump, *supra* note 5, at 12-13; Elwood, *Stress Responses in Shore Crabs*, *supra* note 5.

that escape from the noxious stimuli is a very high priority.²⁰ These prolonged, organized, contextually appropriate, and goal-directed responses show that lobsters are sentient.

e. Legal and scientific authorities agree that lobsters are sentient.

53. A scientific consensus around decapod sentience has been reached across international and domestic legal frameworks. Following the publication of a comprehensive review commissioned by the U.K.'s Department for Environment, Food & Rural Affairs concluding that decapods (and cephalopods) are sentient, the U.K. government initiated reforms to place decapod crustaceans, including lobsters, within the protective scope of the U.K.'s animal protection laws. In 2022, the U.K. enacted the Animal Welfare (Sentience) Act, formally recognizing lobsters as sentient beings.

54. Other jurisdictions have similarly recognized the need to protect decapods from needlessly painful, prolonged, and cruel deaths. In 2018, Switzerland banned the live boiling of lobsters and mandated that they be stunned before slaughter through powerful electrical impulses that stop all neural functions, or rendered insensible by swift mechanical destruction of the brain. Austria, Norway, and New Zealand have enacted similar statutory protections and regulatory guidance limiting the infliction of unnecessary suffering on lobsters and other decapods. In 2024, the Dutch parliament voted to ban the live boiling of crabs and lobsters, citing unnecessary suffering and recognizing decapods' capacity for pain.

55. The United States' leading veterinary authority agrees. The AVMA's 2024 Guidelines for the Humane Slaughter of Animals recognizes that scientific evidence of decapods'

²⁰ See Stephanie Yue, *The Welfare of Crustaceans at Slaughter*, Humane Soc'y Inst. for Sci. & Pol'y 3 (2008), https://www.wellbeingintlstudiesrepository.org/hsus_reps_impacts_on_animals/4/; Stuart Barr et al., *Nociception or Pain in a Decapod Crustacean?*, 75 *Animal Behaviour* 745 (2008), <https://www.sciencedirect.com/science/article/abs/pii/S0003347207004332>. Crump, *supra* note 5, at 12-13; Elwood, *Stress Responses in Shore Crabs*, *supra* note 5.

complex neurophysiology and behavioral responses contradicts prior speculation about lobsters, and demonstrates they “do in fact feel pain.”²¹ The guidelines cite behavioral and physiological data indicating that crustaceans experience pain and distress during live boiling and emphasize that “placement of nonstunned crustaceans in boiling water” is “likely to be painful and distressful.”²² The AVMA concludes that boiling non-stunned lobsters is an “unacceptable method[]” of slaughter.²³

56. These recognitions by governments, scientific institutions, and authoritative veterinary associations reflect a unified consensus: lobsters are sentient creatures capable of pain and suffering. Their treatment is unquestionably subject to legal scrutiny in Maine. The Festival’s practice of subjecting lobsters to prolonged killing and unnecessary suffering stands in direct conflict with this body of scientific and legal recognition and the legal obligations imposed by Maine law.

f. Industry claims cannot supersede legal and scientific authority.

57. Despite the overwhelming scientific consensus and growing international recognition of decapod sentience, the Maine Lobster Festival continues to disseminate outdated and scientifically unsupported claims. On its website, the Festival refers to lobsters as “bugs” and claims they “do not have the capability of processing the sensation of pain” because they have “primitive central nervous system[s]” and “no brain.”²⁴ These unsupported assertions directly contradict overwhelming scientific consensus.

²¹ See AVMA, *supra* note 4, at 21.

²² *Id.* at 22.

²³ *Id.*

²⁴ See Maine Lobster Festival, *Volunteering*, <https://mainelobsterfestival.com/info/volunteer/> (last visited July 23, 2025) (advertising a volunteer opportunity to be “part of the team at the Lobster Cooker, steaming those fresh ‘bugs’ as the lobster community call them”, *What’s the Best Way to Cook Lobster: Steamed or Boiled*, *supra* note 3).

58. Legal determinations of sentience must be grounded in statutory language and contemporary scientific consensus, not industry marketing or economically motivated misinformation. Maine has chosen to define “animal” as any “living sentient creature not a human being,” and nothing in its cruelty statutes exempts lobsters from protection simply because their suffering is economically convenient to ignore.

59. The Festival’s continued promotion of scientifically discredited speculation does not immunize it from legal liability. Under 17 M.R.S. § 1031(1)(B) and (D) it is a criminal offense to subject a sentient animal to torture or to kill them by a method that does not cause instantaneous death. The Festival’s mass steaming of lobsters without stunning, targeted destruction of the nervous system, or any mitigation of suffering violates both of these provisions.

III. Municipally Endorsed Violations of Maine’s Animal Protection Statutes at the Maine Lobster Festival

60. Each year, the City issues permits authorizing the Festival to conduct an illegal mass killing of sentient animals in public view by methods that violate Maine’s prohibition on torture and non-instantaneous death. The Festival’s signature act—packing hundreds of live lobsters at a time into industrial steamers and slow cooking them alive—is promoted as a public celebration of Maine cultural traditions. By knowingly approving, facilitating, and promoting this practice on public land, the City is directly responsible for the unlawful killing of sentient creatures in violation of Maine law.

61. The City issues these permits for use of Harbor Park, a municipally owned park containing intertidal lands impressed with the public trust. The City also promotes the Festival on its official municipal website, assists with logistical planning, and provides police, sanitation, and emergency services for the event.

62. The Festival’s method of steaming thousands of lobsters alive without any attempts to mitigate their suffering violates Maine’s core statutory protections for sentient animals. The City’s approval of the Festival—combined with its provision of essential infrastructure and promotion—enables, perpetuates, and institutionalizes this systematic, annually-reoccurring criminal animal cruelty.

a. Defendants systematically violate Maine’s prohibition against non-instantaneous killing.

63. In Maine, it is a crime to kill any animal by a method that does not cause them instantaneous death. Being steamed alive is the antithesis of instantaneous death.

64. Scientific literature confirms that lobsters subjected to boiling exhibit prolonged escape behaviors, remain sensible to pain, and exhibit signs of physical and psychological suffering for several minutes before dying.²⁵ The AVMA states in its guidelines on humane lobster killing methods that decapod crustaceans likely remain sensible for “at least 2.5 minutes” after being submerged in boiling water, and likely longer for chilled crustaceans, during which time they experience prolonged pain and distress.²⁶

65. Despite this authoritative guidance, resources on the Festival’s website falsely promote “one method of preparing the lobster that will ease anyone’s anxiety and sedate the lobster”—specifically, “chill[ing] it in the freezer (without freezing it) for 10-15 minutes before cooking,” which “put[s] the lobster to sleep.”²⁷

²⁵ See Yue, *supra* note 20, at 3-4; AVMA, *supra* note 4, at 22-23; Henrik Lauridsen & Aage Kristian Olsen Alstrup, *Boiling Time to Estimated Stunning and Death of Decapod Crustaceans of Different Sizes and Shapes*, *Animals* 2024, 14, 3277 at 10; NPR, *British Study: Lobsters Might Experience Feelings, Including Pain*, <https://www.npr.org/2021/11/30/1059990259/british-study-lobsters-might-experience-feelings-including-pain> (Nov. 30, 2021) (Lobsters submerged in boiling water survive and exhibit neurological activity for two to three minutes and that their “nervous system response carries on very intensely during that time[.]”).

²⁶ See AVMA, *supra* note 4, at 23.

²⁷ See, *MaineLobsterFestival.com*, *What’s the Best Way to Cook Lobster*, *supra* note 3.

66. Worse still, the use of steam rather than boiling water prolongs the duration of suffering. Steam transfers heat less efficiently than boiling water, meaning lobsters take longer to reach temperatures that induce death. Industry resources cited on the Festival’s own website state that steaming increases cooking time by roughly 20 percent compared to boiling.²⁸

67. Defendants cannot claim ignorance of available alternatives that are more instantaneous. The same industry sources the Maine Lobster Festival cites acknowledge the preferability of methods that “give lobsters as pain-free and dignified death [*sic*] as possible.”²⁹ By choosing an egregiously cruel method known to inflict prolonged suffering on thousands of individual sentient creatures, Defendants violate Maine’s statutory prohibitions on non-instantaneous killing.

b. Defendants’ conduct violates Maine’s prohibition against torture.

68. Maine law prohibits the torture and torment of animals. Specifically, a person is guilty of cruelty if they “intentionally, knowingly or recklessly ... [t]orture[], torment[], ... cruelly beat[] or intentionally mutilate[] an animal.” 17 M.R.S. § 1031(1)(D). “Cruelty,” “torture,” and “torment” are further defined to include “every act, omission or neglect . . . where unjustifiable physical pain, suffering or death is caused or permitted.” *Id.* § 1011(26).

69. The live steaming of lobsters falls squarely within this statutory definition because it causes prolonged and extreme physical pain and suffering leading to death and serves no discernable purpose beyond convenience and public spectacle. To steam a lobster alive is to subject a live animal to prolonged exposure to superheated vapor, which penetrates the exoskeleton and

²⁸ See LobsterAnywhere.com, *Cooking Live Lobster at Home: Steam or Boil*, <https://lobsteranywhere.com/cooking-lobster/#cooking-live-lobster-at-home-steam-or-boil> (last visited July 23, 2025).

²⁹ See *id.*, *How to Kill Lobster Without Feeling Bad*.

cooks internal tissues, while the lobster, as a sentient individual, remains neurologically active and sensible to pain, and suffers for several minutes.³⁰

70. Maine’s statutory definition of “torture” hinges on whether the pain or suffering is “unjustifiable.” The availability of alternative methods for more instantaneous slaughter renders the prolonged and intense suffering inflicted by live steaming entirely unjustifiable. The AVMA, which identifies live boiling of non-stunned lobsters as an “unacceptable method[]” of slaughter, recommends several more instantaneous alternatives that minimize suffering.³¹ These include electric stunning, ventral midline splitting (which destroys the central nervous system), and rapid mechanical destruction of the brain ganglia.³²

71. Defendants have made no effort to implement any of these alternatives. Instead, they rely on unpaid volunteers to load hundreds of live lobsters into open-air, industrial-size steamers where the lobsters remain alive and sensible to pain, anxiety, and distress for several minutes while they are gradually scalded to death. According to firsthand accounts, the process is slipshod, chaotic, and emotionally jarring even for those who volunteer to be “lobster cooks.”³³ The method, which maximizes convenience and public spectacle, is slower, more painful, and more distressing than any recognized alternative. This deliberate choice, despite the abundance of more instantaneous methods, constitutes unjustifiable cruelty under 17 M.R.S. § 1031(1)(B), (D).

³⁰ See AVMA Guidelines, *supra* note 4, at 22; see also NPR, *supra* note 25.

³¹ See AVMA Guidelines, *supra* note 4, at 22.

³² See *id.*

³³ See Alex Acquisto, *What It’s Like to Kill Hundreds of Lobsters a Day*, Bangor Daily News (Aug. 14, 2017), <https://www.bangordailynews.com/2017/08/14/news/what-its-like-to-kill-hundreds-of-lobsters-a-day/> (lobster cooker routine consisted of “picking up the lobsters and turning them on their backs to see if their limbs or antennae move; then transferring them to metal open-top cages[,]” then “dragg[ing] that cage down the conveyor belt where, using an electric pulley system, two hooks attached to the cage and lifted it down into the steam tank[,]” then cranking the temperature to 750 degrees. After eight minutes “discolored foam with bits of lobster detritus start[] to bubble up[.]” After thirteen minutes “many of the lobsters eye holes [are] empty. Disembodied limbs and white, gelatinous residue . . . [are] spread across many of the bodies, which look[] bloated.”)

c. No affirmative defense excuses Defendants' conduct.

72. Defendants cannot invoke Maine's narrow statutory exemption for agricultural operations, which provides an affirmative defense for conduct involving animals "kept as part of an agricultural operation and in compliance with best management practices for animal husbandry." 17 M.R.S. § 1031(2)(D).³⁴

73. The Maine Lobster Festival's use of unpaid volunteers to steam live lobsters en masse on public property for the benefit of corporate sponsors and tourism bears no resemblance to a bona fide agricultural operation. It is not regulated by the Maine Department of Agriculture, nor does it involve animal husbandry of any kind. The animals are not raised or maintained in accordance with any standard practices for agriculture. They are trucked in and handled, tortured, and served exclusively by volunteers at a municipal festival held in a public park.

d. Prosecutorial inaction necessitates judicial intervention.

74. Despite the clarity of Maine's statutory language and the overwhelming scientific evidence for lobster sentience, state prosecutors in Maine have repeatedly refused to enforce 17 M.R.S. § 1031 when acts of cruelty involve lobsters. To do so, these state actors have relied on flawed legal reasoning, misconstrued legislative history, and applied an impossibly high evidentiary bar that exists nowhere else in science or law.

75. In 2013, Knox County District Attorney Geoffrey Rushlau declined to investigate a complaint concerning the mistreatment of lobsters at Linda Bean's Maine Lobster facility (a lobster processor who supplies lobsters for the Festival). *See* Letter from Geoffrey Rushlau, D.A., to PETA (Sept. 27, 2013), attached as **Exhibit 1**. He asserted that the term "sentient" in 17 M.R.S.

³⁴ Additional statutory exemptions exist for research, control or elimination of rodents and common pests, and use of live animals as bait. 17 M.R.S. § 1031(2)(A)-(C). However, these exemptions are clearly inapplicable to the instant Complaint.

§ 1011(2) was undefined, lacked judicial interpretation, and had no definitive legislative history affirming its application to invertebrates, claiming (without providing any support): “What is clear is that our animal welfare laws in 1973, as today, describe conduct involving vertebrate species. Nothing I found suggests they were or are meant to apply to invertebrate species.”

76. He further reasoned that “harvesting of lobsters and crabs was a significant industry in 1973, as today, and any Legislature would consider the effect on that industry before expanding the reach of the animal welfare laws.” Rushlau speculated, again without citing any authority, that if the Legislature intended to protect lobsters, crabs, and other marine animals, “which have been fished for over the centuries,” he “would expect there to have been a significant discussion and a record of that discussion,” which he could not locate. *See Ex. 1.*

77. The analysis ignored the Legislature’s deliberate choice to define “animal” not by a static list of species but by a dynamic scientific standard. It also misconstrued Maine’s principles of statutory construction, which do not require legislative debate to give effect to the plain language of statutory directives. *See Stromberg*, 765 A.2d at 569.

78. Rushlau’s construction also added several requirements that the legislature did not create. Maine courts refuse to add language or requirements to a statute that the Legislature did not expressly include. *See id.* The Legislature did not include a requirement that a sentient creature must be a vertebrate to qualify for protection, nor did it make the economic role of a particular species a factor in the applicability or enforcement of Maine’s anti-cruelty statutes.

79. In 2019, Hancock County District Attorney Matthew Foster declined to pursue another cruelty complaint regarding lobsters on similar grounds. *See* Statement by D.A. Matthew Foster (Jan. 11, 2019), attached as **Exhibit 2**. He similarly asserted that it was “not clear that the Legislature intended to include lobsters in the definition of ‘animals,’” emphasized the “lack of

conclusive science” on lobster sentience, and concluded that “[w]ithout *definitive science* . . . there is no basis for prosecution under the cruelty to animals statutes.” *Id.* (emphasis added).

80. This analysis was similarly flawed. Although Foster did not define the terms “conclusive science” or “definitive science,” the current state of the “science” supporting lobster sentience, including the overwhelming expert consensus on precisely this issue, is capable of meeting even the most demanding legal standards for scientific reliability. And regardless, insistence on absolute unanimity or perfect scientific certainty is not a standard recognized anywhere in Maine law. Such a threshold misunderstands both the nature of scientific inquiry and the legal standards applicable to civil and criminal enforcement. *See State v. Reckards*, 113 A.3d 589, 591-92 (2015).

81. The law instead requires reasoned judgment based on the best available evidence, particularly when the legislature has incorporated an evolving scientific concept like “sentience” into a statutory definition. *See Id.* Lobster sentience easily meets this threshold as well.

IV. The Festival Constitutes a Violation of the Public Trust

82. Harbor Park, the site of the Festival, is a waterfront public space that includes both upland areas owned and controlled by the City and intertidal lands—the shoreland between the high- and low-tide lines—which are held in trust for the public by the State of Maine and managed under the City’s stewardship. These intertidal areas are public trust resources subject to longstanding restrictions and public use protections under Maine common law and statute, which preserve public rights of access and use of intertidal zones and prohibit municipalities from using them in ways that interfere with public trust uses.

83. Maine has codified and expanded common law public trust protections in 12 M.R.S. § 573(1)(A)-(C), which guarantees public access to intertidal land for navigation, recreation and for any “other trust rights . . . recognized by the Maine common law and not specifically abrogated

by statute.” Separately, 12 M.R.S. § 1862(2) proscribes uses of public lands that “unreasonably interfere with customary or traditional public access ways to or public trust rights in, on or over the intertidal or submerged lands and the waters above those lands.”

84. As trustee of Harbor Park’s intertidal lands, the City has a continuing fiduciary obligation to safeguard those lands for lawful public uses. Maine’s public trust doctrine imposes a clear duty not to convert, lease, or allow the use of public trust lands for purposes that violate law or impair public trust uses. *See Opinion of the Justices*, 437 A.2d 597, 610 (Me. 1981); Me. Const. art. IX, § 23; 12 M.R.S. § 1865(1).

85. Each year during the Festival, the City fences off Harbor Park and converts it into a commercialized event space explicitly designed to promote the commercial interests of Maine’s lobstering industry. This transformation forecloses public access to intertidal areas, boat launches, shoreline walking paths, and recreational spaces.

86. These exclusions extend beyond the five-day event. Indeed, Festival operations occupy the park and adjacent public lands for two weeks during setup and breakdown, a time frame some local officials have called “excessive” and “too much time that the parks are not accessible to the public.”³⁵

87. At the center of the Festival, in the heart of Harbor Park, stands the “World’s Largest Lobster Cooker”—a large, permanent fixture located immediately adjacent to intertidal lands, including a public kayak and canoe ramp. This industrial steamer, which remains in place year-round, is used only during the Festival. During the festival it is operated by volunteers

³⁵ See Stephen Betts, *Debate on Maine Lobster Festival Park Use Continues to Steam*, Bangor Daily News (Apr. 26, 2016), <https://www.bangordailynews.com/2016/04/26/news/debate-on-maine-lobster-festival-park-use-continues-to-steam/>.

untrained in slaughter methods for the exclusive purpose of killing animals by illegal, unjustifiably cruel, torturous, non-instantaneous means.

88. The presence of this permanent fixture underscores the City's institutional involvement in conduct that violates Maine's animal cruelty statutes. The City's maintenance of this infrastructure on public trust land contravenes the fiduciary principle that trust property must not be used to facilitate unlawful or exclusionary activities. It also violates 12 M.R.S. § 1862(2)(A)(6)(a)-(c), which prohibits the leasing or permitting of permanent structures on state-owned intertidal land that interfere with public trust uses. Defendants' use excludes lawful users, facilitates ongoing criminal cruelty, and undermines the public purpose for which Maine's trust lands are held.

89. This conduct repels and excludes lawful public users of the park, including PETA members. One such member, a longtime Rockland resident, regularly uses Harbor Park and the intertidal zone to engage in peaceful marine observation, aesthetic enjoyment, dog walking, and to launch their kayak into Rockland Harbor. During the Festival, they cannot access shoreline paths or launch their kayak from the public rampway without passing directly by the lobster cooker and witnessing the live steaming—a spectacle they find intolerable and prohibitively distressing based on their awareness of well-established contemporary scientific fact.

90. The public rampway serving as an intertidal launch point routinely used by the PETA member to launch their kayak, which becomes functionally inaccessible to the PETA member during the Festival due to its proximity to the lobster cooker, is designated below:



91. PETA's members cannot access Harbor Park, including the intertidal launch point, during the event, and are thus effectively stripped of their legal right to use Maine's intertidal waters for navigation and recreation. *See* 12 M.R.S. § 1862(2)(A)(6)(a) (municipal land use may not cause unreasonable interference with navigation on submerged and intertidal lands). The public trust doctrine does not authorize municipalities to condition access to intertidal lands on exposure to unlawful and morally objectionable conduct.

V. The Maine Lobster Festival as Currently Constituted Is a Public Nuisance

92. Under Maine law, a public nuisance is defined as an unreasonable interference with a right common to the general public. *See Eastern Maine Medical Center v. Walgreen Co.*, 331 A.3d 380, 391 (2025).

93. Conduct that systematically violates other legal duties, including illegal and negligent conduct, is presumptively unreasonable. *See Foley v. H.F. Farnham Co.*, 135 Me. 29, 188 A. 708, 710 (1936).

94. The municipally endorsed mass torture and prolonged killing of live sentient animals on public trust land is presumptively unreasonable because it systematically violates criminal statutes and fiduciary duties requiring the City to hold Harbor Park and the intertidal lands in trust for the public. Well beyond the general interference caused by Festival traffic, noise, and other inconveniences, PETA members are morally, aesthetically, and practically barred from accessing public space solely because of the municipally endorsed spectacle of mass animal torture taking place there.

a. The festival interferes with rights common to the public.

95. Members of the public have longstanding rights to access and enjoy Harbor Park and its adjacent intertidal lands for navigation, marine observation, walking, kayaking, and other public uses protected under Maine common law and statute.

96. Maine residents also possess constitutional, common law, and statutory rights to equal protection of the laws and to access and enjoyment of public lands without being subjected to municipally endorsed violations of criminal law promoted as civil celebration. *See Me. Const. art. I, §§ 1, 6-A; Opinion of the Justices*, 437 A.2d at 610. When a municipal government facilitates systematic violations of animal cruelty statutes on public land, it not only erodes public trust but

also denies a specific group of people the ability to use shared resources without experiencing compelled moral, aesthetic, and emotional harm.

97. During the Festival, public access is significantly disrupted. Harbor Park is converted into a commercial venue for approximately two to three weeks, during which time shoreline areas are fenced off, obstructed by equipment and personnel, and rendered unusable for ordinary public purposes. Amenities such as kayak racks, boat ramps, and walking paths are blocked or rendered functionally useless for traditional activities. For individuals for whom the public steaming of sentient animals is intolerable and prohibitively distressing, the public lands become not only physically obstructed but also functionally inaccessible.

98. For these PETA members, the impact is direct, acute, and annually recurring. Accordingly, the City's endorsement of this conduct on land held in trust for public use renders Harbor Park unusable for them during the Festival and excludes them from a space they would otherwise lawfully access and enjoy.

b. That interference is unreasonable.

99. Defendants' conversion of Harbor Park from a public waterfront into a venue for the mass public torture of sentient animals renders their interference with public rights substantial and unreasonable. The event is a recurring, government-endorsed spectacle of criminal cruelty, conducted on public trust lands, using infrastructure permanently embedded in the physical landscape of Harbor Park.

100. Under Maine law, conduct that violates another legal duty is presumptively unreasonable in a public nuisance analysis. *See* 17 M.R.S. § 2802 (providing that courts may enjoin or abate public conduct that is injurious to public health or morals or interferes with public rights), *Foley v. H.F. Farnham Co.*, 135 Me. 29, 188 A. 708, 710 (1936) (holding violations of public

duties that cause harm to public rights or uses may constitute a public nuisance without the need for additional proof of fault).

101. The Festival's interference with these rights is unreasonable under these principles because it systematically, publicly violates Maine's criminal animal protection statutes, forcing affected PETA members to forfeit their rights to equal use and enjoyment of the land. The City may not promote and participate in activities that violate criminal law and repel a class of lawful public users. This two-week period of sustained, government-enabled criminal conduct and maintenance of a permanent structure on the land is not the type of temporary, incidental disruption the law sometimes tolerates.

102. No valid public interest justifies the scope or nature of the Festival's interference with public rights. While the event may generate local revenue or civic pride for some, economic convenience and cultural nostalgia are not legal defenses to public nuisance. The continued refusal to implement more instantaneous alternative slaughter methods (such as electrical stunning or destruction of brain ganglia) further underscores the unreasonableness of the interference.

c. PETA members are injured in a manner distinct from the general public.

103. These PETA members suffer legally cognizable injuries that are qualitatively distinct from the general inconvenience experienced by festivalgoers and residents indifferent to or unaware of the suffering inflicted by the Festival's unlawful killing methods. These members are uniquely burdened by the City's promotion of conduct that violates criminal law and offends their deeply held scientific, ethical, and moral convictions.

104. Unlike members of the general public indifferent to the festival's core conduct, who may only be inconvenienced by traffic, crowds, or reduced public access typical of any community festival in Harbor Park, PETA's members are forced to choose between exercising their public trust rights and avoiding direct exposure to animal torture.

105. For example, one PETA member regularly uses Harbor Park and its intertidal lands for quiet marine observation, dog walking, and kayaking two to three times per week year-round. During the Festival, these activities become impossible. Physical fencing, festival infrastructure, and the central placement of the World’s Largest Lobster Cooker obstruct access to their usual routes. The smells, sights, and sounds of animal torture render the area unusable. The public kayak ramp and adjacent intertidal launch point, which one PETA member uses frequently, become functionally inaccessible due to their close proximity to the lobster cooker.

106. Because of this effective prohibition, PETA members have been compelled to decline invitations to participate in community events held at the Festival due to the trauma associated with witnessing live animal steaming. They wish to participate in Rockland’s civic life and have done so at other events, such as the North Atlantic Blues Festival. However, because of the cruelty central to the Maine Lobster Festival, they are effectively excluded from one of the City’s most prominent community gatherings.

107. The City’s participation in this unlawful conduct, through permits, infrastructure, and public resource allocation, injures PETA members as taxpayers and civic participants and implicates these members’ rights under due process and equal protection guarantees and public trust protections. *See Me. Const. art. I, § 6-A; 12 M.R.S. § 573.*

108. Moreover, festival operations take over Harbor Park and adjacent public trust lands for two to three weeks each year, including setup and breakdown.³⁶ Beyond that, the permanent installation of the “World’s Largest Lobster Cooker” serves as a year-round reminder of the City’s promotion of criminal animal cruelty. For a number of PETA members, these harms go well

³⁶ *See Betts, Debate on Maine Lobster Festival Park Use, supra* note 35.

beyond general traffic, noise, and inconvenience. They are substantial, recurring, and entirely incompatible with traditional public use.

109. As a result, PETA members are deprived of meaningful access to public lands, compelled to subsidize conduct they reasonably believe violates Maine’s criminal statutes, and alienated from full participation in civic life.

FIRST CAUSE OF ACTION

VIOLATION OF THE PUBLIC TRUST DOCTRINE

110. The State of Maine holds Harbor Park—including its intertidal areas—in trust for the benefit of the public. These public trust lands support core public rights, including fishing, fowling, navigation, and recreational or aesthetic uses recognized under both common law and statute. *See McGarvey v. Whittredge*, 28 A.3d 620, 634-36 (Me. 2011); 12 M.R.S. § 573(1). Maine law permits parties private to seek declaratory and injunctive relief to enforce public trust protections. *See McGarvey*, 28 A.3d at 635.

111. As trustee of these lands, the City bears a continuing fiduciary duty to preserve and maintain public access for lawful and beneficial public purposes. This obligation prohibits the use of public trust property in ways that unlawfully restrict access, interfere with protected uses, or violate state law. *See Opinion of the Justices*, 437 A.2d at 611; 12 M.R.S. §§ 573, 1862, 1865.

112. The City breaches this duty by licensing and promoting an event that excludes members of the public from meaningful use of trust lands due to the unavoidable morally and legally offensive conduct occurring there—namely, the mass steaming of live lobsters in violation of Maine’s animal cruelty statutes at 17 M.R.S. § 1031(1)(B) and (D).

113. Defendants’ violations of Maine’s animal cruelty statutes constitute evidence of the City’s breach of its duty as trustee to protect public trust resources within the intertidal areas of

Harbor Park, causing harm to public trust resources and impairing public rights guaranteed under 12 M.R.S. § 573.

114. The City's fiduciary obligations do not permit it to convert intertidal trust lands into a fenced commercial arena for the mass execution of sentient animals by methods prohibited under state criminal law. Such use forecloses both traditional and evolving public purposes, including navigation by kayak, peaceful marine observation, and aesthetic enjoyment of coastal lands.

115. Members of Plaintiff PETA are effectively barred from accessing or using Harbor Park and associated public trust resources during the Festival. The central placement of the lobster cooker and the public spectacle of live animal steaming render these public resources inaccessible to them.

116. The City's ongoing authorization, maintenance, and support of this conduct, including the presence of a permanent commercial cooking apparatus on or adjacent to intertidal land, constitutes a breach of its fiduciary obligations under Maine's public trust doctrine.

SECOND CAUSE OF ACTION

PUBLIC NUISANCE

117. Under Maine law, a public nuisance is defined as an unreasonable interference with a right common to the general public. *See Charlton v. Town of Oxford*, 774 A.2d 366, 377 (Me. 2001).

118. Conduct that violates public rights, breaches legal duties, or causes significant public harm—especially when sustained or systematic—constitutes a public nuisance. *See Foley*, 188 A. at 710; 17 M.R.S. § 2802.

119. The Maine Lobster Festival, as currently constituted and supported by the City of Rockland, constitutes a public nuisance. Each year, the Festival converts Harbor Park—public

trust land—into a site for the public torture and non-instantaneous killing of thousands of sentient animals in violation of 17 M.R.S. § 1031(1)(B) and (D).

120. Defendants’ violations of 17 M.R.S. § 1031(B) and (D) constitute evidence of unreasonable conduct creating a public nuisance affecting the health, safety, welfare, and public morals of the community by permitting and facilitating animal cruelty in public trust areas, and such statutory violations establish public nuisance under Maine law. *See Foley*, 188 A. at 710; 17 M.R.S. §2802.

121. This municipally-endorsed event substantially and unreasonably interferes with the public’s ability to use Harbor Park for peaceful recreation, navigation, and aesthetic enjoyment, and excludes members of the public who cannot witness conduct that violates state animal protection laws.

122. The Festival’s illegal public cruelty violates the rights of PETA members and the general public to access shared coastal lands without being subjected to acts that offend conscience, violate statutory protections, and undermine confidence in the rule of law.

123. Because the Festival’s conduct constitutes an ongoing and government-enabled breach of criminal and public land-use laws, it meets the statutory and common law standards for abatement as a public nuisance 17 M.R.S. § 2802; *Foley*, 188 A. at 710.

PRAYER FOR RELIEF

Plaintiff prays for relief as follows:

124. For a declaration that the public steaming of live lobsters, as conducted at the Maine Lobster Festival, violates 17 M.R.S. § 1031(1)(B) and (D) by causing unjustifiable pain and failing to cause instantaneous death;

125. For a declaration that the City of Rockland's authorization and support of the Maine Lobster Festival constitutes a violation of its fiduciary duties as trustee of intertidal public trust lands under Maine law, including 12 M.R.S. §§ 573, 1862, and 1865;

126. For a declaration that the Maine Lobster Festival, as currently constituted and conducted on public land, constitutes a public nuisance under Maine common law and 17 M.R.S. § 2802;

127. For issuance of a permanent injunction prohibiting Defendants from steaming, or allowing the steaming of, live lobsters in Harbor Park or on any other intertidal or submerged lands held in public trust, unless and until instantaneous slaughter methods that eliminate or substantially reduce suffering are employed;

128. That Plaintiff's right to seek preliminary injunctive relief pursuant to M.R.C.P. 65 be preserved, the issuance of which Plaintiff reserves the right to seek by separate motion not contemporaneous with the filing of this Complaint

129. For grant of such further relief, including equitable relief, as this Court may deem just and proper.

Date: July 24, 2025

Respectfully submitted,



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(202) 483-7382; (202) 540-2208 (fax)
[*Application to appear *pro hac vice* forthcoming]

*Counsel for Plaintiff People for the Ethical Treatment
of Animals, Inc.*

Exhibit 1

GEOFFREY A. RUSHLAU
DISTRICT ATTORNEY

ERIC J. WALKER
DEPUTY DISTRICT ATTORNEY

PATRICIA A. MADOR
CHRISTOPHER R. FERNALD
ANDREW B. WRIGHT
LINDSAY D. JONES
JONATHAN R. LIBERMAN
JEFFREY E. BAROODY
KATIE A. SIBLEY
ASSISTANT DISTRICT ATTORNEYS



STATE OF MAINE

OFFICE OF THE DISTRICT ATTORNEY
DISTRICT SIX
KNOX, WALDO, LINCOLN AND SAGadahoc COUNTIES

PLEASE REPLY TO:

- ☒ KNOX COUNTY COURTHOUSE
62 Union Street
Rockland, ME 04841
Tel: 207-594-0424
Fax: 207-594-0434
- ☐ WALDO COUNTY COURTHOUSE
137 Church Street
Belfast, ME 04915
Tel: 207-338-2512
Fax: 207-338-6792
- ☐ LINCOLN COUNTY COURTHOUSE
P.O. Box 249
Wiscasset, ME 04578
Tel: 207-882-7312
Fax: 207-882-4323
- ☐ SAGADAHOC COUNTY COURTHOUSE
752 HIGH STREET
BATH, ME 04530
TEL: 207-443-8204
FAX: 207-443-8208

September 27, 2013

Dan Paden
P.E.T.A.
501 Front St.
Norfolk, VA 23510

RE: Your Complaint Regarding "Linda Bean's Maine Lobster"

Dear Mr. Paden:

I have reviewed the material you delivered to the Rockland Police Department and to my office on September 19, 2013. My review is limited right now to the threshold question of whether Maine's Cruelty to Animals law, found at 17 M.R.S. Section 1031, applies to the conduct you describe. If the law applies I would then have to determine whether additional investigation by the Rockland Police Department is necessary. If the law does not apply, further investigation by the police is not necessary.

As you know, criminal statutes are interpreted narrowly, to ensure that the only conduct prosecuted as a crime is that conduct which the legislature intended to criminalize. Also, criminal statutes must be clear in their application so that a reasonable person knows what conduct is prohibited. If it is not apparent that a person's conduct is criminal, because the statute in question does not clearly regulate that conduct, the person should not be charged.

Our Cruelty to Animals statute applies only to conduct involving "animals," which is defined for purpose of the law in 17 M.R.S. Section 1011(2). The definition includes the word "sentient." That word is not defined. There does not appear to be a decision from the Maine Supreme Court interpreting the meaning of "sentient." I have traced the origin of the term to determine what the Legislature intended it to mean. Until 1973 the animal welfare laws applied to "brute" creatures. In 1973, by Chapter 37: An Act Relating to Cruelty to Animals, the Legislature substituted the word "sentient" for the word "brute." Nothing in the legislative record explains the reason for that substitution. It is not clear whether the Legislature intended to expand the range of animals protected, limit the range, or leave it unchanged.

What is clear is that our animal welfare laws in 1973, as today, describe conduct involving vertebrate species. Nothing I found suggests they were or are meant to apply to invertebrate species.

Further, harvesting of lobsters and crabs was a significant industry in 1973, as today, and any Legislature would consider the effect on that industry before expanding the reach of the animal welfare laws. If the Legislature intended these laws to apply to lobsters and crabs, or to other marine animals, both vertebrate and invertebrate, which have been fished for over the centuries, I would expect there to have been a significant discussion and a record of that discussion.

The 1973 law was enacted without debate. With that as the record, I see no indication that the Legislature intended lobsters and crabs to be included within the definition of sentient creatures.

Because it is far from clear that the Legislature intended to include lobsters and crabs within this definition, and the opposite intention is more likely, I conclude that the conduct you describe in the materials submitted is not prosecutable under Maine's Cruelty to Animals statute. I will not ask the Rockland Police Department to conduct any additional investigation, nor file a complaint based on your investigation.

Sincerely,

Geoffrey Rushlau,
District Attorney

GR/kl

cc: Chief Bruce Boucher,
Rockland Police Department

Exhibit 2

PRESS RELEASE

DA Foster Finds No Merit in PETA Complaint

After careful consideration, District Attorney Matthew Foster has decided that the complaint by PETA against Maine Fair Trade Lobster in Gouldsboro, Maine will not be prosecuted.

Mr. Foster concluded that precedent from 2013 in District 6 (Knox County), where a nearly identical claim was made by PETA against another lobster processing facility using the same, or similar processing methods as Maine Fair Trade Lobster currently uses, supported a decision not to prosecute.

In 2013, the District Attorney for Knox County declined to prosecute the case citing his position that it was not clear that the Legislature intended to include lobsters in the definition of “animals” for the purposes of the cruelty to animals statutes. District Attorney Foster’s position in this case is that the same analysis applies.

District Attorney Foster noted the lack of conclusive science on the subject of whether or not a lobster is sentient. Without definitive science, Mr. Foster has determined that there is no basis for prosecution under the cruelty to animals statutes.

District Attorney Foster’s investigation also found that Fair Trade Lobster Company’s activities are regulated and overseen by two Maine State Agencies. The Department of Marine Resources and the Department of Agriculture. District Attorney Foster has not been made aware of any deficiencies or concerns by either of those agencies regarding the processing methods used by Fair Trade Lobster Company.

District Attorney Foster stated that he takes animal cruelty very seriously and prosecutes offenders to the fullest extent of the law. District Attorney Foster appreciates and commends the PETA organization’s continuing dedication to fighting for the rights of all creatures, but in this case the conduct does not qualify under the statutes for prosecution.