

Town of Harpswell

Right to Fish Policies

Harpswell is a “working waterfront community”. Commercial fishing, lobstering, shellfish harvesting and processing, boat building, repair and service, and similar marine-related activities are at the core of what Harpswell is and should remain. These Right-to-Fish Policies serve as a guide for the Town of Harpswell and the Harpswell community in protecting the working waterfront and commercial fishing from potential nuisance complaints by aiming to prevent contention in commercial fishing zones and other areas of the community, and limiting restrictions that have the potential to adversely impact commercial fishing and marine businesses.

I. Educational Activities

It is a policy of the Town to ensure that there is adequate education and outreach to new residents about commercial fishing and marine industries that rely on the waterfront. New residents, especially those in the commercial fishing zones, should be given informational materials about living near the working waterfront. This proactive approach aims to reduce potential future conflicts and supports local businesses.

II. Funding for Activities

It is a policy of the Town to create a funding mechanism to support initiatives focused on educating new residents about commercial fishing, enhancing the town's capacity to support marine resource industries, and expanding access to the waterfront for commercial fishing activity including shellfish harvesting in the intertidal zone.

III. Periodic Review of Ordinance Provisions Governing Commercial Fishing Uses

It is a policy of the Town to maintain commercial fishing as a permissible use including appropriately scaled commercial fishing related uses as a home occupation and accessory use across all zoning districts. To implement this policy, the Town should periodically review its land use ordinances to ensure that commercial fishing related uses are preserved and maintained throughout the Town, and that provisions are adopted which unequivocally allow the storage of commercial fishing equipment, such as lobster traps, rope, and other fishing gear, on private premises throughout Harpswell.

IV. Nuisances


State law provides that a private nuisance action may not be maintained against a person engaged in a commercial fishing activity or a commercial fishing operation so long as the activity or operation is undertaken in compliance with applicable licensing and permitting requirements and

other applicable statutes, rules and ordinances (see 17 M.R.S.A. § 2807). It is the policy of the Town to support and recognize the application of this state law, as well as the legal doctrine of “coming to the nuisance” which may prevent actionable nuisance claims, in order to minimize the potential for conflict involving commercial fishing and to make residents aware of these provisions.

Adopted by the Harpswell Select Board this 11th day of July, 2024:



Kevin Johnson, Chair



Jane Covey



David T. Chipman