



Residency and Access to Commercial Shellfish Licenses

A guide for municipal shellfish programs in Maine



Authors

Caitlan Vultaggio and Virginia Hawkins (Resilience Corps – Greater Portland Council of Governments), Jessica Gribbon Joyce (Tidal Bay Consulting), Emily Farr and Marissa McMahan, Ph.D (Manomet), and Anthony Sutton, Ph.D (University of Maine)

Acknowledgments

Lead authors Caitlan Vultaggio and Virginia Hawkins worked with the Casco Bay Regional Shellfish Working Group to conduct interviews and research, and develop this guidance document. Dr. Anthony 'Tony' Sutton with the University of Maine was a contributing author. The authors and editors would like to acknowledge members of the Casco Bay Regional Shellfish Working Group, who suggested further research into residency requirements that ultimately led to this guidance document.

We would like to express our gratitude to the individuals who were interviewed to gather information from municipal shellfish programs, and the harvesters who have been a part of discussions around residency requirements. These six interviewees are anonymous, and neither the names nor towns are attributed to them. The information from these interviews is not representative of other towns or individuals, and is presented for context only.

The information in this report is accurate as of the time of publication. The authors recognize that municipal ordinances and license allocations are constantly changing; therefore, license numbers and ordinance language in this report may become dated shortly after publication.

Cover photo: Cutler harbor by Emily Farr.

October 2023

Table of Contents

1. Introduction	4
1.1 Industry Pressures: Climate Change, Loss of Intertidal Access, and Gentrification of the Coastline	4
1.2 Casco Bay Regional Shellfish Working Group's Efforts to Preserve Coastal Access	5
2. Current Landscape of Shellfish Management	6
2.1 Shellfish Co-Management and License Allocations in Maine	6
2.2 Problem Statement	7
3. Current Landscape of the Housing Market	8
4. Current License Allocations and Residency Requirements in Casco Bay and Other Coastal Towns	10
4.1 License Allocations	10
4.2 Residency Requirements	12
5. Case Studies of Towns in the Casco Bay Regional Shellfish Working Group Region	13
5.1 Considerations for Changing Residency Requirements	14
6. Facilitating Conversations Around Residency Requirements	15
6.1 Understand Town Ordinances and the Process of Change	15
6.2 Key Considerations	15
6.3 Draft Ordinance and Present to the Town	16
7. Conclusion	16
8. References	17

1. Introduction

In 2022, wild harvested shellfish represented Maine’s second most valuable fishery, with the combined value of soft-shell and hard-shell clams (or quahogs) totaling \$20.3 million (Maine DMR 2022). The fishery also has significant cultural importance. Shellfish harvesting has sustained people for thousands of years, starting with the Wabanaki, and is a part of many people’s livelihoods today. Currently, wild shellfish are co-managed by the Maine Department of Marine Resources (DMR) and municipalities.

In December 2022, the [Casco Bay Regional Shellfish Working Group](https://www.cascobayregionalshellfishworkinggroup.org/) (Working Group) convened a meeting to discuss potential projects that address current issues facing multiple communities.¹ Meeting participants included municipal shellfish committee members, town employees, harvesters, dealers, State representatives, and other stakeholders. They suggested analyzing residency requirements for commercial shellfish licenses and exploring why towns are considering changes to their shellfish ordinances, and what information is needed to inform those discussions. Research and outreach to answer these questions started in spring of 2023, and consisted of reviewing shellfish ordinances, conducting interviews, and collecting information on license allocations and other housing data.

Through development of this document, we learned about towns that revised residency requirements to allow harvesters to adapt to increasing coastal housing costs and move into municipalities with more affordable housing while keeping their shellfish license. Revising shellfish ordinances is an approach that towns could use to quickly respond to the lack of affordable housing in coastal communities where long-term solutions, like creating more affordable properties, could take years to implement. We also learned that some towns who have considered changes ultimately decided to pursue other avenues to this issue rather than changing ordinances.

The audience for this document is primarily municipal shellfish/marine resource committees, town councils/select boards, municipal staff, and commercial shellfish license holders. Secondary audiences include the Maine DMR, municipal committees exploring affordable or workforce housing, and research organizations or nonprofits that provide technical assistance to municipal shellfish programs.

1.1 Industry Pressures: Climate Change, Loss of Intertidal Access, and Gentrification of the Coastline

Shellfish harvesters along Maine’s coastline are dealing with the cumulative effects of climate change, the loss of intertidal access, and gentrification of the coastline. Warming ocean temperatures have led to an explosion of the invasive European green crab, a voracious predator of soft-shell clams. Warming waters also have less oxygen and nutrients which can lead to more hypoxic (low oxygen) events that can affect shellfish (Gulf of Maine Research Institute and USDA Northeast Climate Hub, n.d.). Ocean acidification is also affecting shellfish, impeding the ability of calcifying organisms, like mussels and clams, to produce shells (Gil 2018). Sea level rise is causing mudflats to change, with historic harvesting areas, roads, and docks subject to being completely submerged or altered. Climate change is also increasing the frequency and intensity of storms and rainfall events, resulting in more water quality closures due to increased runoff, bacteria, and biotoxins (Maine Climate Council 2020). Sea level rise and coastal flooding are also affecting public access by submerging or damaging boat ramps and harvesting areas. The Maine Climate Council predicts that coastal flooding and storm surge impacts will be ten times more frequent with one foot of sea level rise, and in some areas, Maine’s coast is already experiencing sea levels up to 8 inches higher than in 1950.

These ecosystem changes are compounded by socioeconomic changes in coastal communities. Over the past decade, harvesters have seen a progressive loss of access to the coast. According to NOAA’s Office for Coastal Management, approximately 55% of Maine’s population lives along the coast, creating greater demand for towns to convert waterfront parcels into residential housing. This places stress on coastal industries, waterfront

¹ <https://www.cascobayregionalshellfishworkinggroup.org/>



Working waterfront in Georgetown. Photo by Marissa McMahan, Manomet

recreation, and public access to the water as once public access areas are converted to private property. Decreased waterfront access leads to more competition concentrated in fewer areas, and these competing uses over waterfront access can be dangerous. For example, commercial fishermen may be launching boats at a popular location for recreational boating or swimming, or excessive use may require frequent maintenance that the town may not be able to afford, leading to unsafe conditions. Limited access points can require clambers to walk for miles, carrying their heavy equipment and clams back and forth.

This trend of decreasing coastal access is closely related to gentrification of the coastline. Since the COVID-19 pandemic, Maine's coastal communities have seen an increase in demand for waterfront homes, especially from out-of-state buyers. The changing land ownership has resulted in harvesters losing traditional access paths to the intertidal. Research on harvester access in six towns in Casco Bay has shown the proportion of access points across private property ranges from 50-90% town-wide (Farr 2023).² Frequently, the relationship between harvesters and landowners is based on handshake agreements, allowing harvesters to go through private property to access the coast. These informal agreements are often lost when new owners purchase the property and choose not to continue the agreement, resulting in a loss of access. In conjunction with changing land ownership, another challenge for harvesters is the rising cost of living in coastal communities. With the flux of people moving to the coast, coastal communities are experiencing sharp increases in home prices, taxes, and the cost of living. The high cost of living has caused many shellfish harvesters to move to more affordable communities.

1.2 Casco Bay Regional Shellfish Working Group's Efforts to Preserve Coastal Access

The Working Group is leading several initiatives to address the issues caused by Maine's changing coastline. In May of 2022, the Working Group released a guidance document, [Preserving Access to the Intertidal: a guide for](#)

² The proportion of access points that are on private property in five Casco Bay towns is as follows: Harpswell - 69%, Brunswick - 74%, Georgetown - 89%, Phippsburg - 48%, Yarmouth - 54%. Arrowsic has one primary access path that crosses multiple parcels with different ownership. These are often informal agreements, highlighting the precarious nature of this access.

[coastal stakeholders and municipalities](#), which provides information on the issues and opportunities to address coastal access for shellfish harvesters.³ In September of 2022, the Working Group convened ten land trusts and other nonprofits to share information about the cultural and economic importance of the shellfish fishery, and provide examples of how land trusts can support municipal shellfish committees around shore access, water quality mitigation, and conservation. This work has continued in 2023 with outreach and education to highlight the shellfish fishery and the importance of working waterfront at the Yarmouth Clam Festival and with the Maine Association of Realtors. At the State level, the Shellfish Advisory Council (ShAC) to DMR identified a new priority to preserve access to the mudflats in 2023, and is currently discussing their approach.

Many of these efforts at the local, regional, and State level have focused on physical access to the coast through walk-in paths, public boat launches, and other conserved lands owned by land trusts or non-profits. This guidance document focuses on a parallel access issue, which is regulatory access through local and State policy and licensing.

2. Current Landscape of Shellfish Management

2.1 Shellfish Co-Management and License Allocations in Maine

The shellfish fishery in Maine is co-managed by the State and municipalities. At the time of publication, there were 57 shellfish programs in the State across 73 towns. By involving harvesters in the management of the fishery, co-managed fisheries are often better poised to quickly address challenges and changes to the resource than fisheries managed solely by state or federal governments (Maine Sea Grant, n.d.). To lawfully harvest clams for commercial use in Maine, harvesters need to hold a State license, and if they harvest in a town or region that has a municipal shellfish program, they also need a municipal license. Recreational harvesters only need a municipal license.

In addition to commercial and recreational designations, there are many other license categories, including resident and non-resident, and categories around age (i.e., student, senior, etc.). In most shellfish programs, the majority of licenses are reserved for residents of the municipalities. State law mandates that *at least* 10% of shellfish licenses must be available to non-residents (see the next paragraph for more information). In practice, many shellfish programs only allocate this minimum amount of non-resident licenses. In at least one town, the rationale for not exceeding the 10% minimum is to give priority to town residents who pay taxes to the town, thus providing more opportunities to residents than non-residents.

State regulation requires that “the number of non-resident commercial licenses may not be less than 10% of the number of commercial licenses provided for residents” (Maine DMR 2016). If the number of resident commercial licenses is fewer than ten but more than five, only one non-resident commercial license needs to be available. In cases where the number of resident commercial licenses is five or fewer, the town does not need to offer



Harvesters digging clams in the mudflats. Photo by Knack Factory and Maine Coast Fishermen's Association

³ https://static1.squarespace.com/static/6026cbaf8dfa6838a1b67b5e/t/6335db237f4025761bc8aeef/1664473903909/IntertidalAccess_rev092822.pdf



Coast in Lubec. Photo by Emily Farr.

non-resident commercial licenses at all (Maine DMR 2016). The demand for licenses is typically higher than the availability, resulting in long waitlists and/or lotteries for both resident and non-resident commercial licenses. Recreational licenses must also abide by the 10% minimum number of non-resident licenses a town must allocate.

2.2 Problem Statement

The post-pandemic increase in the cost of living is pushing shellfish harvesters, fishermen, and their families out of the coastal communities they have lived and worked in for years, sometimes generations. As a result, many harvesters are forced to move out of a coastal town to afford housing and/or pay lower tax rates. This affects their ability to maintain a 'resident' commercial license, resulting in a loss of their harvesting license (equivalent to a self-employed job) and a source of income. With a limited number of non-resident licenses available and in high demand, many harvesters are placed in difficult situations. Interviews conducted to inform this document cited harvesters sleeping in their cars, moving in with family members, or being limited to the rental market just to keep their commercial resident license. Further, if those harvesters decide to move out of town and lose their resident status, they will also lose their ability to serve on shellfish committees in most municipalities, preventing them from participating in the local management of the shellfish fishery. In response to these challenges, some municipal shellfish committees are considering changing their residency requirements to make obtaining and holding a shellfish license more adaptive to rising housing costs.

In addition to these more recent limitations to accessing shellfish resources, Wabanaki people have been displaced and excluded from accessing shellfish for hundreds of years. The Wabanaki tribes had access to the mudflats, including shellfish and other marine resources, and managed them sustainably from time immemorial. Settler-colonial policies articulated specific violence intended to separate Wabanaki people from fisheries, a legacy that was continued through the State of Maine, as they decided where Wabanaki people could live. The most recent report by the Maine Indian Tribal State Commission: [Sea Run](#), details these histories and the impact to fisheries broadly and makes a recommendation for reestablishing connections to the saltwater (MITSC

2022).⁴ Today, members of tribal nations must hold a municipal license in order to harvest in a town with a municipal shellfish program. Those who want to harvest in a municipality where they do not reside would have to apply for non-resident licenses, which are often in higher demand than the supply allows for. While there is no specific tribal license at the State level, or in any municipalities, this is an area that may be further explored to increase equitable access to these spaces and resources.

3. Current Landscape of the Housing Market

Rental and housing prices across the State of Maine have soared, while median income levels have only moderately increased. Since 2000 there has been a 331% change in median home price while only a 132% change in median income (Figure 1; Maine State Housing Authority, n.d.). Similar gaps are observed between average rent and renter incomes in 2020 (Figure 2). For Cumberland County in 2020, the estimated yearly income needed to afford the median two-bedroom rent was \$75,517 while the annual rental household median income was \$49,534 (Maine State Housing Authority, n.d.). While this housing crisis affects all industries alike, towns are exploring different ways to support residents, including changing residency requirements for shellfish licenses, exploring affordable housing avenues, and enacting ordinances to regulate short-term rentals.

For many towns in the Working Group region, there was also a huge gap between median home prices and median income in 2022 (Figure 3). Such differences in home prices and income, especially in coastal towns, explain the driving forces for conversations about community priorities. High home prices and taxes, combined with high interest rates and rents, mean that some residents may no longer be able to afford to stay in their town.

The housing crisis impacts shellfish harvesters in several specific ways, including their ability to earn a living wage from the fishery. Harvesters work seasonally, part-time or full-time, and their income from harvesting varies depending on how much they work. Oftentimes, harvesters must also rely on income from other jobs during the off-season. The housing crisis can deter younger harvesters from entering the industry because they may have to work more hours at another job just to pay their mortgage or rent.

This housing market also perpetuates gentrification of the coastline, and as newcomers move into towns, there can be an erosion of the sociocultural knowledge of what it means to be a working waterfront community. This can have cascading effects on informal access agreements that are based on relationships with coastal landowners, as previously described.

⁴ <https://www.mitsc.org/news/mitsc-special-report-sea-run>

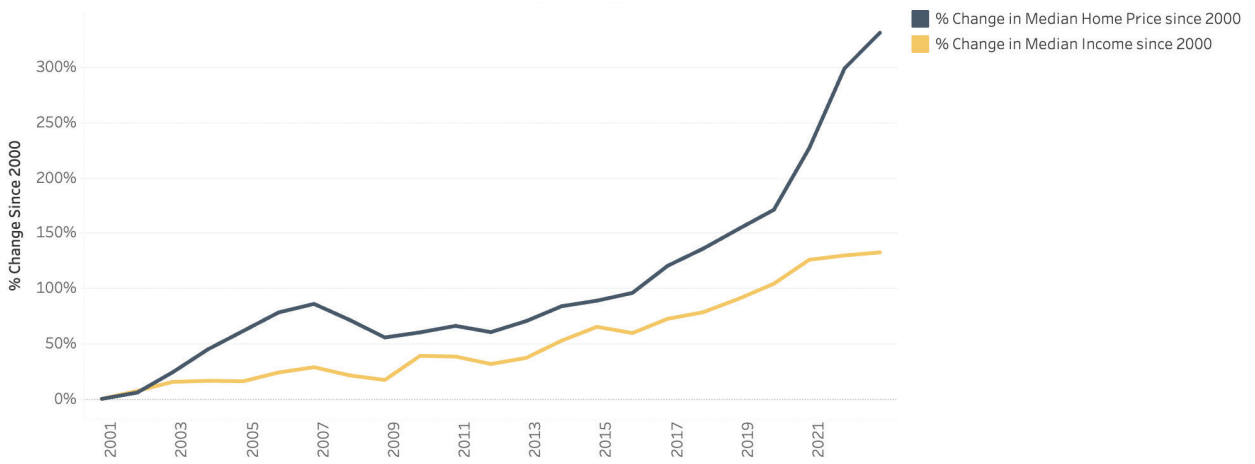


Figure 1: Relative Increases in Income and Home Price in Maine

Source: <https://mainehousing.org/data-research/housing-data/housing-affordability-indexes>

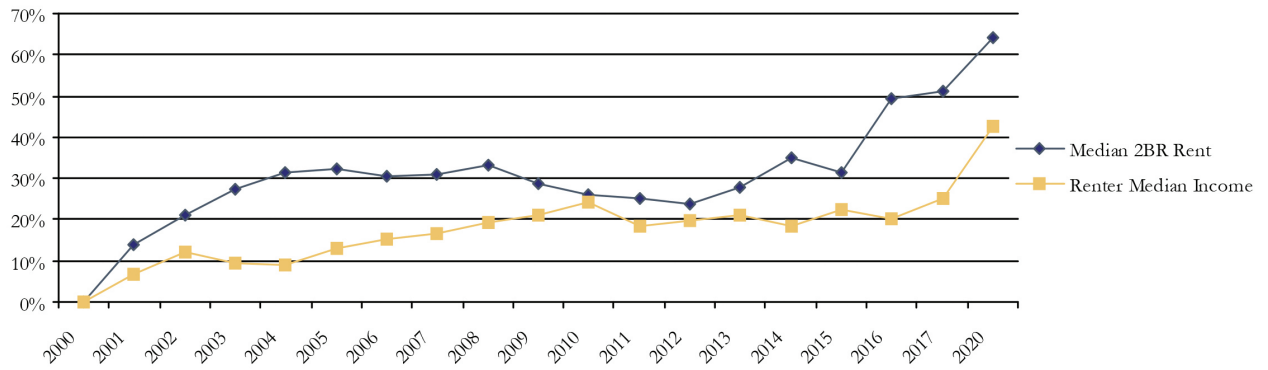


Figure 2: Relative Increases in Renter Income and Average Two-Bedroom Rent

Source: <https://legislature.maine.gov/doc/6959>

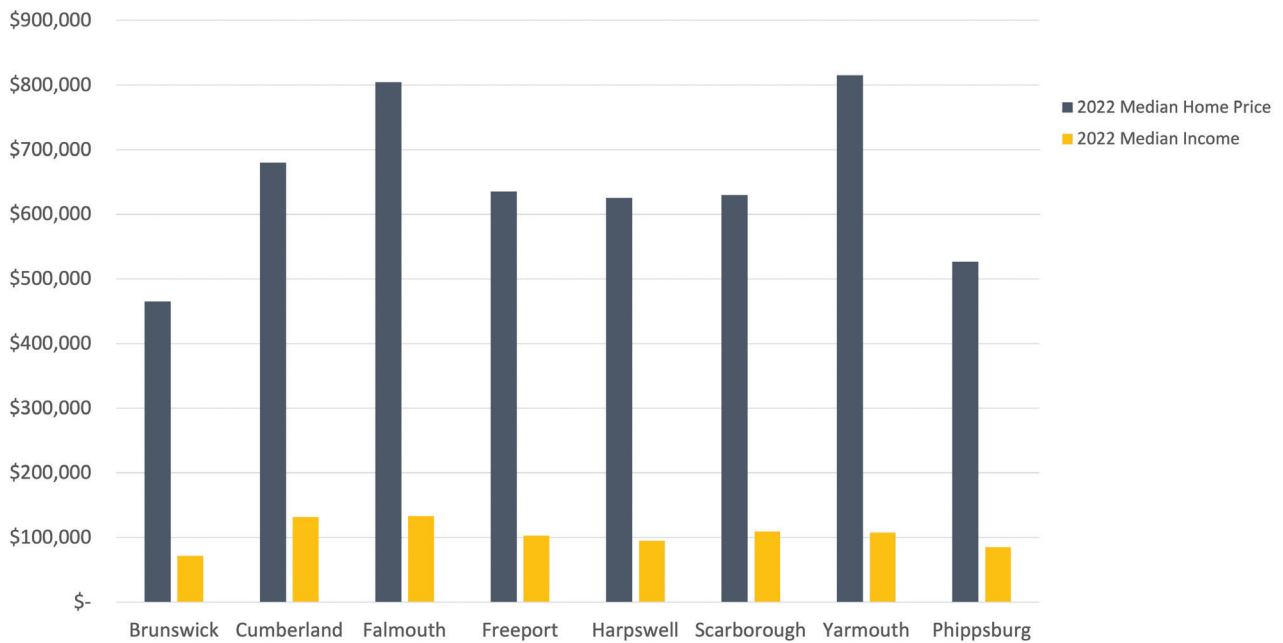


Figure 3: Median Home Price and Income in Sample Towns in the Casco Bay Region

Source: <https://www.mainehousing.org/data-research/housing-data/housing-affordability-indexes>

4. Current License Allocations and Residency Requirements in Casco Bay and Other Coastal Towns

4.1 License Allocations

Municipal shellfish or marine resource ordinances generally detail the type of license categories available. Shellfish committees meet to discuss license allocations (i.e., the number of licenses available in each category) on an annual basis. This process differs from town-to-town, although in general, the allocation decision is made jointly with the shellfish committee and the town council or select board. This proposal from the town is then sent to DMR for approval, which is required before the municipality is allowed to sell or renew shellfish licenses for the next harvesting year. Table 1 shows license allocations for nine towns in the Casco Bay region. For the purposes of this document, these license categories are generalized and only annual licenses are shown. In addition, while some shellfish ordinances mentioned a variety of different types of licenses, this table only shows license allocations that were approved by the State of Maine for 2023. Further caveats include differences in age ranges for student/junior and senior licenses for each town, and differences in conservation methods such as output restrictions on harvesting (i.e., harvesting one bushel per tide). It is also important to note that the new license category in Harpswell, “*Resident Commercial - Nonresident*”, is not listed in the allocated license pool because it is a category that harvesters can transition into after receiving a resident commercial license and living in the town for five years. The license allocation comes out of the resident license pool and is returned back to the resident pool once the “*Resident Commercial - Nonresident*” license expires (Plummer 2023).

It is important to note that license allocations also vary by region. In contrast to southern Maine, where municipalities limit the number of commercial resident licenses, in the downeast region, it is more common to have unlimited commercial resident licenses. However, throughout the state, most municipalities limit non-resident licenses by following the minimum 10% rule.



Wharton Point Public Access in Brunswick. Photo by Jessica Joyce

License Type	Brunswick	Chebeague	Cumberland	Falmouth	Freeport*	Harpwell	Phippsburg	Scarborough	Yarmouth
Commercial Resident	57	5	1		38	49	20	30	4
Commercial Nonresident	6		1		7	6	3	3	1
Commercial Student/ Junior Resident	15				5	10	5	10	
Commercial Student/ Junior Nonresident	2				1	1			
Commercial Bushel Resident	2								
Commercial Senior Resident		3			9	7		2	
Commercial Senior Nonresident					1	1		1	
Recreational Resident	No limit set	35	No limit set	50		No limit set	600	200	50
Recreational Nonresident	10%	4	25	5		10%	60	20	5
Recreational Senior Resident	No limit set	70				No limit set		140	100
Recreational Senior Nonresident	10%	7				10%		14	25
*Total Recreational Resident (ages 12-64)/Senior Resident: 180 (combined)									
*Total Recreational Nonresidents (ages 12-64)/Senior Nonresident: 20 (combined)									

Table 1: 2023 License Allocations in Sample Casco Bay Towns

Source: <https://www.maine.gov/dmr/fisheries/shellfish/nearshore-marine-resources-program/general-shellfish-ordinance-information/general-town-shellfish-information>

4.2 Residency Requirements

To be eligible for a resident license, many towns require that an individual must be physically domiciled in a town for a certain amount of time, ranging from a few months to a year, before residency can be claimed. Table 2 summarizes these residency requirements for six coastal Maine communities.

There are certain exceptions for students, where most towns allow students to maintain residency while attending college as long as they maintain their “fixed permanent principal home” within the town. There are also exceptions for active-duty military service members in at least a handful of municipalities, which allow residents to be exempt from certain licensing requirements and/or receive a waiver for conservation time. For a regional shellfish program like Frenchman’s Bay, residency refers to a Maine resident who can prove that they lived in one of the participating communities (Ellsworth, Franklin, Hancock, Lamoine, Sorrento, Sullivan or Trenton) for at least 6 months or who has paid real estate taxes in one of the participating towns for at least 5 years (City of Ellsworth, Maine 2017). Proof of residency typically needs to be provided annually and can be in the form of valid photo ID, copy of lease/deed, and/or recent utility bill. Each municipality has different options for documentation to serve as proof of residency.

In Casco Bay, only two towns, Freeport and Harpswell, allow a resident to move out of town *after* receiving a resident license. In the case of Freeport, a harvester with a resident commercial license can move out after 1 year (12 months). When the harvester goes to renew their commercial license after their change of residency, they will receive a non-resident commercial license and will not need to enter the lottery (Town of Freeport 2023). Harpswell also allows residents to move out of town, but they must convert their “Resident Commercial” license into a “Resident Commercial - Nonresident” license, where applicants must have lived in Harpswell for at least five consecutive years to be eligible (Town of Harpswell 2022). In most programs, except for the Frenchman’s Bay Regional Shellfish Conservation, non-residents cannot serve on shellfish committees. Therefore, in the cases of Freeport and Harpswell, despite still maintaining a ‘resident’ license, they cannot serve on the shellfish committee once they move out of town.

Town/Region	Months domiciled in town/region to qualify as a resident	Can you move out after meeting the resident requirement?	Can you still serve on the committee after moving?
Brunswick	3 months	No	No
Freeport	12 months	Yes	No
Frenchman Bay Regional	6 months	No	Yes
Harpswell [†]	6 months	Yes	No
Lubec	3 months	No	No
Scarborough	6 months	No	No

Table 2: Residency Requirement Examples

[†] This is Harpswell’s residency requirement to obtain a resident license and does not reflect the requirement for the new license category, “Resident Commercial - Nonresident”.



Harvester digging clams. *Photo by Knack Factory and Maine Coast Fishermen's Association.*

5. Case Studies of Towns in the Casco Bay Regional Shellfish Working Group Region

Virginia Hawkins, a Resilience Corps fellow working with the Working Group, conducted five phone interviews with harvesters, municipal staff (shellfish wardens and marine conservation staff), and shellfish committee members in towns within the Casco Bay region to better understand how they are considering changes to residency requirements in ordinances. One interview was conducted with an individual outside the region. This section summarizes information shared in these interviews, but does not attribute names or towns except in the case of an approved change to a public ordinance.

In many towns, the requirement to be a permanent resident in order to be eligible for a commercial shellfish harvesting license has been a topic discussed by shellfish and marine resource committees for years. However, it seems that the housing-related implications of the COVID-19 pandemic were the tipping point for municipal action on this topic. When home prices and demand for housing stock increased significantly, and some individuals were forced to leave rental homes, many municipal shellfish committees started discussions around the residency requirements in the shellfish ordinance. For the reasons stated in Section 2.1 above, many commercial harvesters are less likely to rely on non-resident licenses as a consistent source of income.

The process by which this residency topic was discussed varied by town. In some cases, it started at the shellfish committee level, and was then raised to the town council or select board. In at least one town, the conversation started at the town council level and ended there before the committee had a chance to really discuss the issue and/or develop a proposal. In one town, there was an unsuccessful proposal to create a taskforce to address this topic. In several towns, residency discussions led to proposed revisions to shellfish ordinances that were then voted on and approved by the town council and select board. In addition to the committees, which are comprised of harvesters and other volunteer members of the community, municipal staff (wardens and marine resource administrators) were involved in these meetings and discussions.



Western Head Preserve in Cutler. *Photo by Emily Farr.*

5.1 Considerations for Changing Residency Requirements

Towns that discussed options for allowing commercial harvesters to keep their license if they moved out of town considered several factors. One important consideration was the number of years an individual had to live in that town before being eligible to leave. This addresses a concern that an individual who has never been affiliated with the town, nor held a shellfish license, would be eligible for a license. The towns considered residency requirements between 1- and 5-years. Freeport ultimately amended their ordinance to allow a harvester to maintain their license after living in town for 1 year (12 months), whereas the Harpswell Shellfish Ordinance requires a 5-year residency. Harpswell subsequently amended their ordinance to allow time spent living in town as a student license holder to count towards that 5-year minimum, allowing flexibility for younger generations.

While these changes may be reflected in several sections of the ordinance, they typically are located in the licensing section and potentially in the definition section. In one case, a new license category was developed, and in another, a “Change of Residency” section was added, but the license category/name did not change. In both towns that did change their ordinances, the ordinances stipulated that resident licenses for harvesters moving out of town would be drawn from the ‘resident’ pool of license allocations, and if they are not renewed, they would revert back to resident license allocation (and not the non-resident allocation).

The availability of affordable housing, rental properties, and median income for a town (and for harvesters) were all data points considered and discussed by the committees and town councils. Some towns in this region have more rental properties than others, and the availability of affordable housing also varies by town. One town that changed their ordinance cited the lack of rental properties as a consideration for their decision. Even if rental properties are available, barriers to home ownership are also a concern. One harvester mentioned that they would like to build equity in a home rather than paying rent, and referenced that the rent they are paying would be higher than a mortgage payment. One interviewee mentioned that some harvesters were living out of their vehicles or in campers to maintain residency before the ordinance was changed. Others are living in family homes as they cannot afford to purchase property in the heightened housing market.

In at least one interview, and in other discussions around municipal shellfish ordinances, there is a sense from harvesters that some members of town councils and select boards ‘look down’ upon harvesters and/or may not have a comprehensive understanding of the fishery or intertidal ecosystem. These harvesters believe that this perspective affects the town council’s support of ordinance changes proposed by the shellfish committees. Many towns have town council liaisons to shellfish committees to help bridge this potential knowledge gap; however, educating town councils on the overall management of the fishery may be an effective way to support informed decision making on specific issues within the ordinance or licensing allocations.

When asked about the impacts of potential changes to ordinances, there were various considerations. Towns that changed ordinances considered whether or not an individual holding a ‘resident’ license who no longer lives in town can still be a formal, voting member of the shellfish/marine resources committee. In at least one town, license holders who moved out of town were no longer able to serve on the committee. This resulted in fewer harvesters on the committee who have local knowledge of the mudflats and fishery. In a town that considered changes, but did not make any ordinance revisions, concerns were expressed about changing committee representation, and a connection between resident taxpayer access to a town-managed resource. There were also concerns raised about equity to residents on waiting lists for commercial licenses. If a resident license holder moves out of town and retains their license, that license does not become available to the next town resident on the waiting list as it otherwise would. Finally, there was discussion around different perspectives of the contribution a resident shellfish harvester makes as both a taxpayer and a contributor to the local economy when buying equipment and selling clams to local dealers and/or retailers.

6. Facilitating Conversations Around Residency Requirements

6.1 Understand Town Ordinances and the Process of Change

The information gathered from towns who have considered these ordinance changes can inform other towns or committees that may be interested in discussing potential changes to residency requirements. First, it is helpful to understand the town processes to amend the ordinance, consider potential challenges, and understand whether changing residency requirements would benefit the community. The first step would be to understand the definitions and other sections of the town’s shellfish ordinance that pertain to residency requirements. Ordinances can be found on town websites or by contacting town staff directly. In addition, contact town staff to understand the process to change or amend the ordinance. Once there is familiarity with town ordinances and processes, speaking with leaders and changemakers on a committee and/or town council can help determine town priorities and the need for further discussions. Town councils usually appoint around five to seven members on a shellfish conservation committee, which are made up of harvesters, community members, and town staff. It is also helpful to know the license allocation processes, from committee recommendations to town council approval, then finally to DMR for approval.

6.2 Key Considerations

Once there is familiarization with town processes, ordinances, and a connection with town leaders is made, it’s time to consider whether changing residency requirements would benefit the community. Many towns have waitlists to obtain a resident license, which can impact conversations around residency. Conflict may arise when someone with a resident license moves out of town but still maintains their license, as those who have been waiting for years for a resident license to become available may feel like the change is unjust. Further, potential conflicts could lead to legal challenges. Conservation hours are also an important consideration since some towns require non-residents to participate in conservation work while others do not. Therefore, it is important to discuss which categories of licenses will require conservation hours. Additionally, there should be discussions around whether the ‘resident-non-resident’ license holder can serve on the shellfish conservation committee. Typically, the privilege to serve on the shellfish committee is reserved for residents, but allowing ‘resident-non-resident’ license holders to serve could preserve local knowledge and culture.

Apart from specific ordinance language and legal considerations, there are other resources and materials that could be beneficial to assist the conversation. Economic factors like the median home prices and availability of affordable housing in the municipality can help explain why the conversation around residency may or may not be important. Speaking with harvesters (or distributing an anonymous survey) to understand the range of income reliance for those who rely on shellfish harvesting as a primary or secondary (seasonally, part-time, year-round, etc.) income can help determine how changing the ordinance can affect the community. Any stakeholder who has a perspective to share should be encouraged to speak at town meetings.

6.3 Draft Ordinance and Present to the Town

If it is decided that changing residency requirements would benefit the community, the next step would be to draft proposed ordinance revisions with the shellfish committee to present to the town council or select board. It can be helpful to review language from other ordinances from towns that have changed residency requirements. Before going to the town council, select board, or town meeting with the proposed changes, it is important to think about how to frame the material presented based on different levels of understanding about the fishery. Some voting members or residents may have extensive knowledge of the wild shellfish fishery and co-management, while others may have limited experience, and require more background information.

7. Conclusion

The post-pandemic rise in cost of living is causing some shellfish harvesters to leave their coastal communities due to affordable housing issues. As they move away to find more affordable housing, they risk losing their resident status for commercial licenses, impacting their income and for some, a way of life that has been part of their family for multiple generations. Limited non-resident licenses may compound the problem making some harvesters resort to less-than-ideal living conditions to maintain residency. The situation also affects local decision-making, as only residents can serve on committees related to shellfish management. To address this, some municipalities are considering changing their residency requirements for commercial shellfish licenses.

In addition to shellfish ordinance reviews, towns can support the development of more affordable housing within their municipality to offset the effects of the current housing crisis. However, this process is long and resource intensive. That is why some towns are considering amending their ordinances to quickly respond to the housing crisis and support harvesters who may rely on harvesting for their income. This flexibility may help retain younger harvesters in the industry, and increase involvement in conservation hours and participation in shellfish committee meetings. Before determining if changing the residency requirements would benefit the community, it is important to understand the current ordinance, town processes to amend an ordinance, and have in-depth discussions with the community to evaluate the pros and cons.



Skiff on the mudflats off Lanes Island in Yarmouth.

Photo by Emily Farr.

8. References

City of Ellsworth. 2017. "Frenchman Bay Regional Shellfish Conservation Ordinance." City of Ellsworth. Accessed September 11, 2023. https://www.ellsworthmaine.gov/wp-content/uploads/2017/04/ord57_Shellfish.pdf.

Farr, Emily. 2023. Senior Fisheries Program Manager. Manomet. Personal communication.

Gil, Laura. 2018. "Jeopardy at Sea: What Atoms in Clams Tell us about Ocean Acidification." International Atomic Energy Agency. Accessed August 17, 2023. <https://www.iaea.org/newscenter/news/jeopardy-at-sea-what-atoms-in-clams-tell-us-about-ocean-acidification>.

Gulf of Maine Research Institute and USDA Northeast Climate Hub. n.d. "Effects of Climate Change on Aquaculture in the Gulf of Maine." USDA Climate Hubs. Accessed August 17, 2023. <https://www.climatehubs.usda.gov/hubs/northeast/topic/effects-climate-change-aquaculture-gulf-maine>.

Maine Climate Council. 2020. "Scientific Assessment of Climate Change and Its Effects in Maine." Governor's Office of Policy, Innovation and the Future. Accessed August 17, 2023. https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/GOPIF_STS_REPORT_092320.pdf.

Maine Department of Marine Resources (Maine DMR). n.d. "General Town Shellfish Information | Department of Marine Resources." Nearshore Marine Resources Program. Accessed September 11, 2023. <https://www.maine.gov/dmr/fisheries/shellfish/nearshore-marine-resources-program/general-shellfish-ordinance-information/general-town-shellfish-information>.

Maine DMR. 2022. "Maine DMR Landings." Maine DMR Landings Portal. Accessed August 31, 2023. <https://dmr-maine.opendata.arcgis.com/documents/mainedmr-landings-portal/explore>.

Maine DMR. 2016. "Municipal Shellfish Management." Maine DMR. Accessed August 16, 2023. <https://www.maine.gov/dmr/sites/maine.gov.dmr/files/docs/Municipal%20Shellfish%20Management.pdf>.

Maine DMR. n.d. "Non-Native Invasive Marine Species | Department of Marine Resources." Maine DMR. Accessed August 16, 2023. <https://www.maine.gov/dmr/science/species-information/invasives>.

Maine Sea Grant. n.d. "The Maine Shellfish Handbook." Maine Sea Grant. Accessed August 17, 2023. https://seagrant.umaine.edu/wp-content/uploads/sites/467/2021/03/MaineShellfishHandbook_031021.pdf.

Maine State Housing Authority. n.d. "Homeownership Affordability Indexes." Maine Housing. Accessed August 29, 2023. <https://www.mainehousing.org/data-research/housing-data/housing-affordability-indexes>.

Maine State Housing Authority. n.d. "Rental Affordability Indexes." Maine Housing. Accessed August 31, 2023. <https://www.mainehousing.org/data-research/housing-data/affordability-indexes>.

Maine Indian Tribal-State Commission (MITSC). 2022. "Sea Run: A Study Regarding the Impact of Maine

Policies on the Quality and Quantity of Traditional Tribal Fish Stocks and Sustenance Practices - MITSC Library." Maine Indian Tribal-State Commission. Accessed September 20, 2023. <https://www.mitsc.org/library/sea-run>.

Merrill, Peter. 2021. "Housing in Maine." Maine Legislature. Accessed August 31, 2023. <https://legislature.maine.gov/doc/6959>.

NOAA. n.d. "Maine - NOAA Office for Coastal Management." NOAA Office for Coastal Management. Accessed August 16, 2023. <https://coast.noaa.gov/states/maine.html>.

Plummer, Paul. 2023. Harbormaster and Marine Resource Administrator. Town of Harpswell. Personal Communication.

Smith, Fran. 2023. Town Clerk. Town of Brunswick. Personal Communication.

Town of Freeport. 2007. "Chapter 35: Freeport Conservation Commission." Accessed September 11, 2023. <https://www.freeportmaine.com/home/files/35-conservation-commission-3062007>.

Town of Freeport. 2023. "Shellfish Conservation Ordinance." Accessed September 11, 2023. https://www.freeportmaine.com/sites/g/files/vyhlif4436/f/uploads/chap_32_shellfish_230801_0.pdf.

Town of Harpswell. 2022. "Shellfish Ordinance." Accessed September 11, 2023. https://www.harpswell.maine.gov/vertical/sites/%7B3F690C92-5208-4D62-BAFB-2559293F6CAE%7D/uploads/Shellfish_Ordinance_CURRENT_3-23.pdf.

Town of Lubec. 2023. Town Clerk's Office. Personal Communication.

Town of Scarborough. 2023. Town Clerk's Office. Personal Communication.



Contact Us

cascobayregionalshellfishworkinggroup.org/contact-us