

MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

IN RE: AGRICULTURAL FAIR LICENSES)
& DATE AWARDS FOR YEARS) **DECISION AND ORDER**
2026, 2027, 2028 and 2029)

I. INTRODUCTION

On April 1, 2025, at 10:00 a.m., the Maine Department of Agriculture, Conservation and Forestry (“Department” or “MDACF”) held an adjudicatory hearing at the Deering Building in Augusta, Maine, under 7 M.R.S. §§ 82, 83, and 84 and Chapters 11 and 12 of the Department’s Rules. The hearing was a hybrid-style hearing, whereby witnesses were allowed to participate remotely via Teams (a virtual meeting platform) or in person. The purpose of the hearing was to consider applications for licenses to hold Agricultural Fairs in the State of Maine during 2026, 2027, 2028, and 2029¹ and to award dates to hold an annual exhibition. Craig Lapine, Director, Bureau of Agriculture, Food and Rural Resources, served as hearing officer. *See* 01-001 C.M.R. Ch. 11, § 11(A) (1996).

The applicants and the dates they applied for were:

1. York County Agricultural Association, Acton Fair – August 27 – 30, 2026, August 26 – 29, 2027, August 24 – 27, 2028, and August 23 – 26, 2029;
2. Bangor State Fair – July 30 – August 8, 2026, July 29 – August 7, 2027, July 27 – August 5, 2028, July 26 – August 4, 2029;
3. Hancock County Agricultural Society, Blue Hill Fair – September 3 – 7, 2026, September 2 – 6, 2027, August 31 – September 4, 2028, August 30 – September 3, 2029;

¹ On the date of the hearing, LD 932, which would amend the pertinent statutes to authorize agricultural fair licensing in four-year cycles, was pending. At that time, 7 M.R.S. § 83(2) authorized the Commissioner to issue licenses for three consecutive years. Accordingly, requests for 2029 fair dates were heard conditionally. Subsequently, LD 932 was enacted as emergency legislation via P.L. 2025, Ch. 51, amending, among other provisions, 7 M.R.S. § 83(2) to authorize licensing for four consecutive years. This law became effective on April 25, 2025. This Decision and Order is pursuant to the operative law that authorizes the Commissioner to issue licenses for four consecutive years.

4. Clinton Lions Agricultural Fair - September 10 – 13, 2026, September 9 – 12, 2027, September 7 – 10, 2028, September 6 – 9, 2029;
5. Maine Organic Farmers and Gardeners Association (MOFGA), Common Ground Country Fair – September 24 – 27, 2026, September 23 – 26, 2027, September 21 – 24, 2028, September 20 – 23, 2029;
6. Cumberland Farmer’s Club, Cumberland County Fair – September 27 – October 3, 2026, September 26 – October 2, 2027, September 24 – 30, 2028, September 23 – 29, 2029
7. Franklin County Agricultural Society, Farmington Fair – September 20 – 26, 2026, September 19 – 25, 2027, September 17 – 23, 2028, September 16 – 22, 2029;
8. West Oxford Agricultural Society, Fryeburg Fair – October 4 – 11, 2026, October 3 – 10, 2027, October 1 – 8, 2028, September 30 – October 7, 2029;
9. The Patriarch’s Club, Harmony Free Fair – September 4 – 7, 2026, September 3 – 6, 2027, September 1 – 4, 2028, August 31 – September 3, 2029;
10. Houlton Fair Association, Houlton Fair – July 7 – 12, 2026, July 9 – 11, 2027, July 8 -10, 2028, July 13 – 15, 2029;
11. Litchfield Farmer’s Club, Litchfield Fair – September 11 – 13, 2026, September 10 – 12, 2027, September 8 – 10, 2028, September 7 – 9, 2029;
12. Conchnewagan Agricultural Association, Monmouth Fair – June 24 – 27, 2026, June 23 – 26, 2027, June 21 – 24, 2028, June 27 – 30, 2029;
13. New Portland Lions Club, North New Portland Fair – September 18 – 20, 2026, September 17 -19, 2027, September 15 -17, 2028, September 21 – 23, 2029
14. Northern Maine Fair Association, Northern Maine Fair – July 25 – August 2, 2026, July 24 – August 1, 2027, July 29 – August 6, 2028, July 28 – August 5, 2029;

15. Ossipee Valley Fair – July 9 -12, 2026, July 8 – 11, 2027, July 13 -16, 2028, July 12 – 15, 2029;
16. Oxford County Agricultural Society, Oxford County Fair – September 16 -19, 2026, September 15 – 18, 2027, September 13 – 16, 2028, September 12 -15, 2029;
17. Piscataquis Valley Fair – August 27 – 30, 2026, August 26 – 29, 2027, August 24 – 27, 2028, August 23 – 26, 2029;
18. The Pittston Fair Association, Pittston Fair – June 18 – 21, 2026, June 17 -20, 2027, June 15 – 18, 2028, June 14 – 17, 2029;
19. Skowhegan State Fair – August 13 – 22, 2026, August 12 – 21, 2027, August 10 – 19, 2028, August 9 – 18, 2029;
20. The Springfield Fairgrounds LLC, Springfield Fair – June 11 – 14, 2026, June 10 – 13, 2027, June 8 -11, 2028, June 7 – 10, 2029
21. Sagadahoc Agricultural and Horticultural Society, Topsham Fair – August 11 – 16, 2026, August 10 – 15, 2027, August 8 – 13, 2028, August 7 -12, 2029;
22. Union Fair – August 4 – 9, 2026, August 3 – 8, 2027, August 1 - 6, 2028, July 31 – August 5, 2029
23. Washington County Fair – August 29 – 30, 2026, August 28 – 29, 2027, August 26 – 27, 2028, August 25 – 26, 2029;
24. Waterford World’s Fair – July 17 – 19, 2026, July 16 – 18, 2027, July 21 – 23, 2028, July 20 -22, 2029, and
25. Windsor Fair – August 29 – September 7, 2026, August 28 – September 6, 2027, August 26 – September 4, 2028, August 25 – September 3, 2029.

The applications for licenses and dates were heard on a consolidated basis, with each fair

considered in order. The following individuals appeared for their respective parties: Kayla Jones, MDACF; Erik Fitch, Blue Hill Fair; Ted Googins, Cumberland Fair; Randy Hall, Farmington Fair; Dave Hastings, Fryeburg Fair; James Campbell, Litchfield Fair; Rusty Weymouth, Piscataquis Valley Fair; Garrett Lambert, Skowhegan State Fair; Kathy Yergin, Topsham Fair; Andrew Jura and Ryan Soule, Union Fair; Greg Baker, Windsor Fair.

Director Lapine next heard testimony from Mrs. Jones, who offered the following four exhibits for the Commissioner's review:

- State Exhibit 1, Notice of Hearing to the Applicants and all interested parties having an interest in intervening;
- State Exhibit 2, Application Requirements;
- State Exhibit 3, Applications Submitted by Applicants; and
- State's Exhibit 4, Historical fair data including approved premiums, evaluation scores, overlapping fair dates, and attendance.

The hearing officer admitted the exhibits into the record.

Mrs. Jones testified that all 25 applicants had complied with the application requirements and had provided assurances of the nature and scope of their intended activities.

Some deficiencies were documented in Washington County Fair's performance. Specifically, they failed to meet the minimum premium payout requirements in 2022, and they received a poor score (122/400) on their evaluation in 2024.

Fryeburg Fair stated in their testimony and application that they intended to open their fair on the Saturday preceding their applied-for dates.

Cumberland Fair President Ted Googins testified that, should Fryeburg Fair open on Saturday preceding their licensed dates, Fryeburg Fair would overlap the last day of the Cumberland Fair. Cumberland

testified that their final Saturday “is traditionally the largest day of our fair. It will truly affect our attendance. It affects our ability to, on that Saturday, bring in any entertainment, any show animals, or any other events.”

Director Lapine heard testimony and/or received affidavits from more than two hundred people who registered concerns about Fryeburg’s intention to operate unlicensed on a date in direct competition with the Cumberland Fair.

II. STATUTORY CRITERIA

A. Licensing and Awarding Dates to Agricultural Fairs

Pursuant to 7 M.R.S. § 82(1), the Commissioner is tasked with issuing fair licenses in accordance with 7 M.R.S. § 83. Section 83 sets forth the criteria for licensing, while § 84 sets forth the Commissioner’s obligation to set the dates for which an agricultural fair license is effective.

In accordance with 7 M.R.S. § 83, the Commissioner may issue a license for an agricultural fair if satisfied that an applicant will comply or, if an applicant has previously held a license, that the applicant has complied and will continue to comply with the requirements of this chapter and rules adopted pursuant to this chapter. “A license is issued for 4 consecutive years and only for the dates assigned by the commissioner in accordance with section 84.” P.L. 2025, Ch. 51, § 1 (emergency, effective April 25, 2025). Pursuant to the Department’s rules adopted under the authority of 7 M.R.S. § 82(5), witnesses are “encouraged to submit evidence and testify” on several factors. 01-001 C.M.R. Ch. 11, § 6(E)(1)-(7). In evaluating the evidence, the Commissioner “may utilize h[er] experience, technical competence, and specialized knowledge in the evaluation of the evidence presented. . . .” Id. § 7(C).

In summary, the Commissioner must determine, based on a witness’s testimony and exhibits, whether the applicant at issue should be granted a license to hold an agricultural fair and the dates for

which an agricultural fair license is effective.

III. FACTS

The Commissioner finds the following facts:

1. All applicants have previously held Agricultural Fair Licenses.
2. All applicants have requested licensure for a four-year period.
3. Fryeburg Fair intends to operate unlicensed on the Saturday prior to its first licensed day for each year of its four-year license.
4. Washington County Fair was found to have complied with some of the requirements in 7 M.R.S. §§ 81–103 and Chapters 11, 12, and 13 of the Department’s Rules for the three previous licensed years.
5. Washington County Fair had an unsatisfactory evaluation in 2024. (Exhibit 4) (2024 Washington County Fair Evaluation Report)
6. Washington County Fair failed to meet minimum premium requirements in 2022. (Exhibit 4) (2022 Stipend Report)
7. Some deficiencies in the performance of Washington County Fair notwithstanding, all the applicants have substantially complied with the requirements of 7 M.R.S. §§ 81–103 and Chapters 11, 12, and 13 of the Department’s Rules for the three previous licensed years.

IV. DELIBERATIONS AND DECISIONS

A. Deliberations

The Commissioner considered the licensing criteria set forth in 7 M.R.S. § 83; evidence presented by the parties and Department staff; and additional evidence in the record not specifically referred to

herein.

For each year for which it is seeking licensure, Fryeburg Fair's application requests an eight-day span from Sunday to Sunday in line with its historic dates. At the hearing, the Department heard testimony from Fryeburg Fair that it intends to operate on each of the Saturdays prior to its first licensed date, acknowledging that its application before the Department does not include requests for those dates. Fryeburg Fair further acknowledged that the fair intends to operate on Saturday, September 27, 2025, despite having neither sought nor obtained a license for that date.

The Hearing Officer heard testimony and received affidavits from representatives of Cumberland Fair and others, noting the financial harm Fryeburg's intended practice will likely cause the Cumberland Fair and the logistical and financial burden it places on vendors and exhibitors shared by Cumberland and Fryeburg Fairs.

The Commissioner's authority in these matters is limited to that granted by statute: "If satisfied that an applicant will comply or, if an applicant has previously held a license, that the applicant has complied and will continue to comply with the requirements of this chapter and rules adopted pursuant to this chapter, the Commissioner may issue a license to the applicant for an agricultural fair." 7 M.R.S. § 83(2); *see also id.* § 82(1). If the Commissioner determines that the foregoing is met, the Commissioner then "shall set the dates for which an agricultural fair license is effective in accordance with rules adopted pursuant to section 82, subsection 5." *Id.* § 84(1). The record does not contain evidence to suggest that the Fryeburg Fair has not complied with the requirements of Title 7, Part 1, Chapter 4 or rules adopted pursuant to that chapter. Nor does the record contain evidence to suggest that the Fryeburg Fair will not comply with the requirements of Title 7, Part 1, Chapter 4, or rules adopted pursuant to that chapter going forward.

Importantly, the Commissioner has further authority to disburse or withhold stipends paid from

the Stipend Fund and the Fair Fund. *Id.* § 82(2). The Department's Chapter 11: Rules of Procedure Governing Awards of Fair Dates for Agricultural Fairs highlights that the goal in setting the fair dates is "to best benefit the individual fair associations and agricultural fairs generally." 01-001 C.M.R. Ch. 11, "Summary" (1996). The rules outline factors that the Commissioner may consider in executing her duties, *see id.* § 6(E), including, but not limited to, demonstrations of economic damage due to competition from other agricultural fairs operating on the same dates and demonstrations of organizational difficulties due to competition from other agricultural fairs operating on the same dates.

The Commissioner has not identified an authority in statute that would allow her to prevent any fair from engaging in activities on unlicensed days. (No applicants or witnesses have identified such an authority, either.) Nor has the Commissioner identified a statutory authority that would allow her to take preemptive action regarding her responsibilities for assigning fair dates and disbursing fair funds prior to the introduction of evidence relevant to the factors outlined in Rule Chapter 11, Section 6(E). (Again, no applicants or witnesses have directed the Commissioner to such an authority.) Unless and until damage to another fair is documented and demonstrated, the Commissioner sees no authority under which she can take preemptive action regarding Fryeburg's licensed dates or stipend payments. However, and as noted above, more than two hundred people registered their concerns about Fryeburg's intention to operate unlicensed on a date in direct competition with the Cumberland Fair. Through this decision, the Commissioner expresses her hope that the Fryeburg Fair organizers take into account the compelling points raised in the public letters and testimonies and not implement their plan to extend their dates beyond those licensed by DACF.

The Department takes seriously its mandate to pursue policies and actions that benefit agricultural fairs generally. If the Commissioner is presented with evidence that a fair is causing economic or organizational harm to another fair, she has the ability to take that into consideration in evaluating whether

an applicant fair has not or will not comply with the rules. That could result in a license not being issued and, accordingly, fair dates not being assigned. *See* 7 M.R.S. §§ 83(2), 84(1). Additionally, if the Commissioner determines she lacks adequate authority to uphold the Department's legislative mandate, the Commissioner may pursue changes to statute or rule to enhance the Department's authorities.

Lastly, the hearing officer received evidence of poor performance relative to relevant standards by Washington County Fair in 2024. While the Commissioner finds this does not constitute a failure to comply with the requirements of Title 7, Chapter 4 and rules adopted pursuant to that chapter, the Commissioner directs the organizers of Washington County Fair to seek the guidance of the Department for improving future performance and ensuring ongoing compliance with all relevant statutes and rules.

B. Decisions

Through this Decision and Order, the Commissioner concludes that the twenty-five (25) applicants have satisfied the relevant criteria. Therefore, the Commissioner grants licenses to cover the four-year period of calendar years 2026, 2027, 2028, and 2029 to the applicants named as follows:

1. York County Agricultural Association, Acton Fair;
2. Bangor State Fair;
3. Hancock County Agricultural Society, Blue Hill Fair;
4. Clinton Lions Agricultural Fair;
5. Maine Organic Farmers and Gardeners Association (MOFGA), Common Ground Country Fair;
6. Cumberland Farmer's Club, Cumberland County Fair;
7. Franklin County Agricultural Society, Farmington Fair;
8. West Oxford Agricultural Society, Fryeburg Fair;

9. The Patriarch's Club, Harmony Free Fair;
10. Houlton Fair Association, Houlton Fair;
11. Litchfield Farmer's Club; Litchfield Fair;
12. Conchnewagan Agricultural Association, Monmouth Fair;
13. New Portland Lions Club, North New Portland Fair;
14. Northern Maine Fair Association, Northern Maine Fair;
15. Ossipee Valley Fair
16. Oxford County Agricultural Society, Oxford County Fair;
17. Piscataquis Valley Fair;
18. The Pittston Fair Association, Pittston Fair;
19. Skowhegan State Fair;
20. The Springfield Fairgrounds LLC, Springfield Fair;
21. Sagadahoc Agricultural and Horticultural Society, Topsham Fair;
22. Union Fair;
23. Washington County Fair
24. Waterford World's Fair;
25. Windsor Fair.

Accordingly, the Commissioner grants dates to all applicants as follows:

<u>FAIR</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
Acton	8/27-30	8/26-29	8/24-27	8/23-26
Bangor	7/30-8/8	7/29-8/7	7/27-8/5	7/26-8/4
Blue Hill	9/3-7	9/2-6	8/31-9/4	8/30-9/3
Clinton	9/10-13	9/9-12	9/7-10	9/6-9
Common Ground	9/24-27	9/23-26	9/21-24	9/20-23
Cumberland	9/27-10/3	9/26-10/2	9/24-30	9/23-29
Farmington	9/20-26	9/19-25	9/17-23	9/16-22

Fryeburg	10/4-11	10/3-10	10/1-8	9/30-10/7
Harmony	9/4-7	9/3-6	9/1-4	8/31-9/3
Houlton	7/10-12	7/9-11	7/14-16	7/13-15
Litchfield	9/11-13	9/10-12	9/8-10	9/7-9
Monmouth	6/24-27	6/23-26	6/21-24	6/27-30
New Portland	9/18-20	9/17-19	9/15-17	9/21-23
Northern Maine	7/25-8/2	7/24-8/1	7/29-8/6	7/28-8/5
Ossipee Valley	7/9-12	7/8-11	7/13-16	7/12-15
Oxford	9/16-19	9/15-18	9/13-16	9/12-15
Piscataquis	8/27-30	8/26-29	8/24-27	8/23-26
Pittston	6/18-21	6/17-20	6/15-18	6/14-17
Skowhegan	8/13-22	8/12-21	8/10-19	8/9-18
Springfield	6/11-14	6/10-13	6/8-11	6/7-10
Topsham	8/11-16	8/10-15	8/8-13	8/7-12
Union	8/4-9	8/3-8	8/1-6	7/31-8/5
Washington County Fair	8/29-30	8/28-29	8/26-27	8/25-26
Waterford World's Fair	7/17-19	7/16-18	7/21-23	7/20-22
Windsor	8/29-9/7	8/28-9/6	8/26-9/4	8/25-9/3

V. RIGHT OF APPEAL

Any party to these proceedings may seek review of this Decision, to the extent that review is permitted by law, by filing a petition for review in Superior Court pursuant to 5 M.R.S. §§ 11001–11008 within thirty (30) days after receiving notice of this Decision.

The petition shall specify the person seeking review, the manner in which she/he is aggrieved, and the final agency action which she/he wishes to be reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought, and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested, on the Commissioner, DACF, all parties to the agency proceedings, and the Attorney General. Any other person aggrieved by this Decision may seek judicial review in a manner by filing a petition for

review in the Superior Court within forty (40) days after the date of this Decision.

Dated: May 15, 2025

DocuSigned by:

Amanda E. Beal

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Amanda E. Beal

Department of Agriculture, Conservation and Forestry

Certificate Of Completion

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