

MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION, AND FORESTRY

**IN RE: SAGADAHOC AGRICULTURAL)
AND HORTICULTURAL SOCIETY dba)
TOPSHAM FAIR LICENSED FAIR DATES) **DECISION AND ORDER**
AWARD FOR YEARS 2026, 2027, 2028, and)
2029)**

I. INTRODUCTION

On February 23, 2026, at 10:00 a.m., the Maine Department of Agriculture, Conservation and Forestry (“MDACF” or “Department”) held an adjudicatory hearing pursuant to 7 M.R.S. §§ 82, 83, and 84 and Chapters 11 and 12 of the Department’s Rules. The hearing was held remotely, with parties allowed to participate via Teams, a virtual meeting platform. The purpose of the hearing was to consider an application for changes in the license dates of the Sagadahoc Agricultural and Horticultural Society d.b.a. Topsham Fair (hereinafter “Topsham”) to change its licensed fair dates under section 84(3). Specifically, Topsham wishes to add the Sunday and Monday preceding to its currently licensed dates for the 2026 through 2029 fair seasons¹ in order to align with its licenses for pari-mutuel racing. This alignment is required for Topsham’s license to conduct harness racing pursuant to the Harness Racing Commission’s authority in 8 M.R.S. § 271(2)(E) and for Topsham to be eligible for Stipend Fund distributions defined under 7 M.R.S. § 86(2)(A). Craig Lapine, Director of the Bureau of Agriculture, Food and Rural Resources, served as the hearing officer. *See* 01-001 C.M.R. ch. 11, § 11(A) (1996).

The following individuals appeared on behalf of their respective parties: Kayla Jones for MDACF and Michelle Hardin for Topsham. Union Fair was recognized as an intervenor, and Andrew Jura appeared on its behalf. All were sworn by the hearing officer to give testimony at the proceeding.

The hearing officer first heard testimony from Mrs. Jones. Mrs. Jones stated that public notice of

¹ Agricultural fair licenses and dates were awarded for years 2026, 2027, 2028, and 2029 pursuant to the Commissioner’s Decision and Order dated May 15, 2025, incorporated herein by reference.

this proceeding was duly given in the following manner:

- Email notification to all licensed agricultural fairs, the Maine Association of Agricultural Fairs, and the Maine Harness Racing Commission sent on February 5, 2026.
- Certified postal mail to all licensed agricultural fairs mailed on February 5, 2026.
- Notice published in the *Kennebec Journal* on February 6, 2026.
- Notice published via the State of Maine GovDelivery system and on the MDACF website on February 9, 2026.
- A subsequent email notification to all licensed agricultural fairs, the Maine Association of Agricultural Fairs, and the Maine Harness Racing Commission sent on February 22, 2026, affirming the Department's intention to proceed with the hearing in spite of forecast inclement weather and closure of State office buildings.

Mrs. Jones presented documentation of each public notification, which the hearing officer admitted into the record. In addition, Mrs. Jones presented the following:

- State Exhibit 1: Topsham Fair 2026-2029 Fair License Application;
- State Exhibit 2: Topsham Fair Date Change Request, January 24, 2026; and
- State Exhibit 3: Map of Distance Between Topsham and Union.

The hearing officer admitted these exhibits into the record.

Next, Michelle Hardin, Director of Harness Racing for Topsham Fair, presented on behalf of Topsham regarding its request to add the preceding Sunday and Monday to its license for each of the years 2026-2029. She testified that the additional dates align with Topsham's historic dates and that they were omitted from the fair's original application in error. She testified that Topsham's only interest regarding those additional days is in being able to conduct harness racing in accordance with licenses issued by the Maine Harness Racing Commission.

The hearing officer asked Ms. Hardin whether Topsham would be amenable to a formal restriction of its license for each requested Sunday and Monday, limiting it to conducting harness racing and no other livestock exhibitions or competitions. Ms. Hardin affirmed that such a license would reflect Topsham's intended programming and that it did not object to its license being formally restricted in that way.

Next, Andrew Jura, First Vice President of Union Fair, presented on behalf of Union Fair. He stated that the Sunday dates Topsham seeks to add overlap with licensed dates held by Union Fair. He noted that those are dates Union already shares with Bangor Fair and, in some years, Northern Maine Fair. He stated that this overlap has already led to challenges securing animal exhibitors for Union Fair. He acknowledged that Topsham is applying for dates it has historically held, but he sought reassurance that Topsham would use the additional dates only for harness racing to avoid creating more competition for animal exhibitors.

II. STATUTORY CRITERIA

A. Issuance of Licenses for the Conduct of Racing

The statutory framework requires the licensing of agricultural fairs and the licensing of harness racing at fairs to work in tandem. Under the Harness Racing Commission's authority in 8 M.R.S. § 271(2)(E), agricultural societies may seek licenses to conduct harness racing meets "at the time of their annual fairs," and that in assigning race dates, the Harness Racing Commission shall consider "the scheduling of agricultural fairs determined by the Commissioner of Agriculture, Conservation and Forestry." Accordingly, the Commissioner concludes that the overlap between her authority to license agricultural fairs in Title 7 and the Harness Racing Commission's authority to license harness racing meets in Title 8, including those held by agricultural societies during agricultural fairs, is a relevant

consideration in this matter.

B. Eligibility for Stipend Fund Distribution

Under 7 M.R.S. § 86, fair licensees that conduct pari-mutuel racing are eligible for a greater share of distributions from the Stipend Fund, but only when the licensee “conducts pari-mutuel racing in conjunction with its annual fair.” 7 M.R.S. § 86(2)(A).

C. 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 section 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 the agricultural fair statute. “A license is issued for 4 consecutive years and only for the dates assigned by the commissioner in accordance with section 84.” *Id.* § 83(2). A request to change assigned fair dates may be made pursuant to section 84(2).

Pursuant to the Department’s rules adopted under the authority of 7 M.R.S. § 82(5), agricultural fair date hearing witnesses are “encouraged to submit evidence and testify” on several factors, which include:

- A licensee’s traditional agricultural fair dates;
- Demonstration of organizational difficulties due to competition from other agricultural fairs in geographic proximity operating on the same dates; and the

- Economic benefits and costs of a particular date. 01-001 C.M.R. ch. 11, § 6(E)(1), (4)-(6).

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 the witnesses’ testimony and exhibits, whether the applicant should be granted a license to change their dates to hold an agricultural fair.

III. FACTS

The Commissioner finds the following facts.

1. Topsham is currently licensed for August 11-16, 2026; August 10-15, 2027; August 8-13, 2028; and August 7-12, 2029.
2. Topsham is requesting that its license be amended to include the following dates: August 9-10, 2026; August 8-9, 2027; August 6-7, 2028; and August 5-6, 2029.
3. Union Fair is currently licensed for August 4-9, 2026; August 3-8, 2027; August 1-6, 2028; and July 31-August 5, 2029.
4. Bangor Fair’s licensed dates include August 8, 2026; August 7, 2027; August 5, 2028; and August 4, 2029.
5. Northern Maine Fair’s licensed dates include August 6, 2028, and August 5, 2029.

Additionally, as held in the Commissioner’s Decision and Order dated May 15, 2025, referenced in footnote 1, the Commissioner previously had found that Topsham Fair had complied with the requirements of Title 7, Chapter 4 of the Maine Revised Statutes and the Department’s Rules for calendar years 2022, 2023, and 2024. No subsequent evidence has been introduced to contradict that finding.

IV. DELIBERATIONS AND DECISIONS

A. Licensing and Awarding Dates

The Commissioner considered the licensing criteria outlined in 7 M.R.S. § 83, the Stipend Fund distribution criteria outlined in 7 M.R.S. § 86, the requirements for the issuance of licenses to conduct harness racing in 8 M.R.S. § 271, the evidence and testimony presented by the parties and Department staff, and additional evidence in the record not explicitly referred to herein.

Topsham Fair has historically been licensed for seven days in mid-August. That span typically would have included the additional dates for which it has now applied. Topsham offered testimony that the additional dates are necessary for hosting harness racing, and that the dates were omitted from the original license application in error.

The hearing officer heard testimony from Union Fair that it has difficulty retaining livestock exhibitors during its closing weekend due to overlap with Bangor Fair and Northern Maine Fair. Topsham's requested opening Sunday would add a third fair overlapping with Union's closing day. Union sought reassurance that Topsham would not try to secure livestock exhibitors for that day. Topsham provided such reassurance.

A licensee may petition for a change in assigned fair dates, and the Commissioner "shall reconsider the dates assigned, following the same procedure by which the dates were originally assigned." 7 M.R.S. § 84(2). "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." *Id.* § 83(2); *see also id.* § 82(1). "The commissioner 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 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, economic benefits and costs of a certain date and demonstrations of organizational difficulties due to competition from other agricultural fairs operating on the same dates.

Through this Decision and Order, the Commissioner finds that the applicant has satisfied the relevant criteria for changing licensed fair dates for the calendar years 2026, 2027, 2028, and 2029.

Accordingly, the Commissioner grants Topsham Fair a change in fair dates as follows:

- August 9-16, 2026;
- August 8-15, 2027;
- August 6-13, 2028; and
- August 5-12, 2029.

Without objection from Topsham, for the following dates only, Topsham’s license to conduct an agricultural fair is restricted so that it may not hold animal exhibitions or competitions other than harness racing:

- August 9-10, 2026;
- August 8-9, 2027;
- August 6-7, 2028;
- August 5-6, 2029.

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 according to 5 M.R.S. § 11001, et

seq., 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 she/he wishes to review. It shall also contain a concise statement on 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 Maine Harness Racing Commission, all parties to the agency proceedings, and the Attorney General. Any other person aggrieved by this Decision may seek judicial review in like manner by filing a petition for review in the Superior Court within forty (40) days after the date of this Decision.

Dated: 3/27/26

Amanda E. Beal
Amanda E. Beal, Commissioner
Department of Agriculture, Conservation and Forestry