

MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

**IN RE: WEST OXFORD AGRICULTURAL)
SOCIETY dba FRYEBURG FAIR LICENSED)
FAIR DATES AWARD FOR YEARS) **DECISION AND ORDER**
2026, 2027, 2028, and 2029)**

I. INTRODUCTION

On January 30, 2026, 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, with witnesses allowed to participate remotely via Teams (a virtual meeting platform) or in person. The purpose of the hearing was to consider the January 5, 2026, request by West Oxford Agricultural Society doing business as the Fryeburg Fair (hereinafter “Fryeburg Fair”) to change its licensed fair dates under section 84(3). Specifically, Fryeburg Fair wishes to extend its currently licensed fair dates to begin one day earlier on Saturday, instead of Sunday, for the 2026 through 2029 fair seasons.¹ The requested dates for each year were: October 3 – October 11, 2026; October 2 – October 10, 2027; September 30 – October 8, 2028; and September 29 – October 7, 2029. Nancy McBrady, Deputy Commissioner of the Department, served as hearing officer. *See* 01-001 C.M.R. ch. 11, § 11(A) (1996).

The following individuals appeared for their respective parties: Kayla Jones for MDACF and David Hastings, Dave Richardson, and Jean Andrews for the Fryeburg Fair. Cumberland Fair was recognized as an intervenor, with the following individuals appearing on its behalf: Elizabeth Tarantino, Sonja Neilson, Ted Googins, Tammy Sawyer, and Jenn Grant. All were sworn by the

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.

hearing officer to give testimony at the proceeding.

The hearing officer first heard testimony from Mrs. Jones, who stated that public notice was properly issued for the hearing by email (January 7, 2026) and certified public mail (January 15, 2026) to all licensed agricultural fairs, and by publication in the Kennebec Journal on January 15, 2026. She also stated that the Department had received 14 pre-hearing submittals:

- State Exhibit 1, William Webster Letter (January 20, 2026).
- State Exhibit 2, John Deere/Hall Implements Co Letter (Undated).
- State Exhibit 3, K.C. Hughes Letter (January 19, 2026).
- State Exhibit 4, Scott Thompson Letter (January 20, 2026).
- State Exhibit 5, Brittany Moon Letter (Undated).
- State Exhibit 6, William and Fisher Letter (January 20, 2026).
- State Exhibit 7, Tim Michalak Letter (Undated).
- State Exhibit 8, Geoff Michalak Letter (Undated).
- State Exhibit 9, George and Carolyn Small (January 21, 2026).
- State Exhibit 10, Formal Impact Statement by Cumberland Fair, submitted by Sonja Nielson (January 7, 2026).
- State Exhibit 11, Tammy Sawyer Letter (Undated).
- State Exhibit 12, Patricial Larrabee Letter (Undated).
- State Exhibit 13, Steven and Robyn Googins Letter (January 1, 2026).
- State Exhibit 14, Elizabeth Tarantino Letter (Undated).

The hearing officer admitted the exhibits into the record.

David Hastings testified on behalf of Fryeburg Fair regarding its request to modify its existing fair dates. He stated that there is no legal prohibition on holding fairs on Saturdays or against

overlapping with other fairs. He testified that opening a day earlier is an opportunity for Fryeburg and other fairs to grow, expand, and educate fairgoers “in all things agriculture.” Saturdays are underutilized days, and weekends are when most citizens can attend fairs. Mr. Hastings offered that the current model of not utilizing a full weekend may be “a relic of the days when fairs shared the same midways,” but that this was no longer the case. Today, some fairs are often set up and ready to operate on Saturdays but sit “dark.” In April of 2025, during the fair date licensing hearing with the Department, Fryeburg announced it would operate on Saturday, September 27, 2025, as an unlicensed day. Mr. Hastings reported that the fair had 23,000 paid attendees on the 27th and gate receipts of \$325,000. He gave examples of fairs that currently overlap without issue on Saturdays, such as the Farmington Fair and Common Ground Country Fair (about 52 miles and one hour and ten minutes apart, Fryeburg Exhibit 3), and the Windsor Fair and the Piscataquis Valley Fair in Dover-Foxcroft.

Mr. Hastings testified that the Cumberland and Fryeburg fairs are approximately 50 miles and one and a half hours apart. (Fryeburg Exhibit 1.) Fryeburg draws attendees from Western Maine, New Hampshire, and Massachusetts. He stated that Cumberland Fair’s location in the most populous county (Cumberland County, population 300,000), compared to Fryeburg in Franklin County (population 30,000), gives it an advantage to draw many attendees in Southern Maine. (Fryeburg Exhibit 5.)

Mr. Hastings stated that Cumberland Fair has failed to demonstrate economic harm from Fryeburg’s decision to open on Saturday in 2025. He testified that Cumberland Fair had publicly stated it had lost over a dozen vendors to Fryeburg Fair due to its decision to open a day early, but it did not respond to Fryeburg’s two requests to identify those vendors. (Fryeburg Exhibits 7-8.) Lastly, Mr. Hastings testified that Fryeburg Fair is an economic engine for Western Maine. He presented a 2016 University of Southern Maine study that estimated the fair’s economic impact at \$21 million (Fryeburg Exhibit 10), and the Maine Association of Agricultural Fairs’ 2025 report that estimated the fair’s

impact at \$57 million (Fryeburg Exhibit 11).

Dave Richardson, Assistant Livestock Superintendent for the Fryeburg Fair, testified that in 2025, the fair welcomed Cumberland livestock exhibitors to arrive Saturday evening after the end of the Cumberland Fair, as has been the “status quo” for the past 15-20 years. The fair sent livestock exhibitors a letter in October 2024 explaining that they would make accommodations for exhibitors moving in on Saturday (Fryeburg Exhibit 9). Mr. Richardson testified there were “no issues” with exhibitors arriving on Saturday and that they were able to get to the fairgrounds in an “efficient manner” and “nothing has changed from previous years.” He testified that there was no change between the number of beef, sheep, and dairy animals exhibited by Cumberland livestock exhibitors at the 2025 Fryeburg Fair and the 2024 fair (185 animals total, or 17% of the total number of animals exhibited).

Jean Andrews testified last for Fryeburg Fair. She has been a vendor at the Fryeburg Fair for 30 years, and the Superintendent for indoor vendor space for 20 years. Ms. Andrews testified that she is aware of three vendors who participated in both the Fryeburg and Cumberland Fairs, but that Cumberland had not substantiated its claim that it lost 12 vendors to Fryeburg. She testified that the Fryeburg Fair experiences 40-50 vendor cancellations each year, but those cancellations also create opportunities for new vendors to step in. Ms. Andrews testified that vendors were excited to be open on Saturday and earn additional income, while nonprofits could more readily staff volunteers on the additional weekend day and earn money to support their mission.

Elizabeth Tarantino testified first for Cumberland Fair. She is the Secretary of the Cumberland Farmers Club and Cumberland Fair. Ms. Tarantino testified that between 2021-2024, Cumberland Fair averaged a 17.5% increase in paid Saturday attendance year over year. (Cumberland Exhibit 1.) That trend ended on Saturday, September 27, 2025, when Cumberland Fair “experienced a loss of 800 paid

adult attendees at \$15 per ticket,” which represented a \$12,000 loss in gate revenue.² There was a 5% increase in Saturday ticket sales between 2023 and 2024, but 2025 reversed that trend. Overall, the fair was down \$37,000 in gate receipts in 2025, with some of the losses attributable to poor weather on other days. However, Saturday the 27th was “beautiful,” and Ms. Tarantino stated that Fryeburg’s early opening “directly impacted our strongest revenue day.” She testified that the fair saw “declines in both paid adult and free youth attendance,” which also affected vendors and local nonprofits.³ She referenced two letters submitted by the Lions Club regarding a decline in Saturday sales (State Exhibits 4-5, indicating that the Lions Club’s 2025 Saturday sales were 5.8% lower than 2024).

Sonia Nielsen testified next for the Cumberland Fair, where she is the Superintendent of Commercial Exhibits. She testified that the fair overlap between Cumberland and Fryeburg created unanticipated logistical challenges for vendors. She testified that Pepsi, Dennis Paper, and Performance Food Group (PFG) needed to “divide their staffing, divide their inventory, equipment, etc. between the two days” and as a result, “many of the vendors reduced their operational footprint at Cumberland, while others were unable to participate at full capacity” and “voluntarily reported that . . . gross sales on Saturday were down.” She testified that these suppliers could not restock the vendors on Thursday prior to the weekend, and that caused “hours and hours of negotiation with [them] to figure out a way to get everybody stocked.” Ms. Neilson stated that Pepsi advised her in June of these concerns, and after talking with them, had deliveries earlier in the week, which meant having staff on site earlier than usual and overstocking “my people at the front end of the fair.” She stated that some food truck vendors were “stuck with inventory they didn’t sell.” Ms. Nielson said that food trucks

² Ms. Tarantino submitted Cumberland Exhibit 1, Gate Report for Saturday, September 27, 2025, at the hearing.

³ State Exhibit 2 is an undated letter from Derek, Donald, and Stephen Hall of Hall Implement Co., which is a vendor at the Cumberland Fair. The Halls stated that they rely heavily on the final Saturday for attendance, exposure, and networking for their equipment sales and service business. There was a “noticeable drop in attendance on the final Saturday as seen in merchandise sales through our vendor store on site.”

needed to bring in extra trailers for the inventory, which were placed in the campgrounds, thus reducing campground income. Ms. Neilson stated that the income stream loss, plus the additional crew brought in to assist with the stocking effort, contributed to Cumberland Fair's overall losses.

Ms. Neilson also testified that Cumberland Fair did lose ten vendors to Fryeburg, but that she would not share the list publicly "because the vendors don't want us to. They are afraid of retribution." She stated that Cumberland Fair was able to replace the vendors, and they had 109 – "one of the best years we've ever had because we did put in extra effort to replace those that we lost."⁴

Ted Googins, President of the Cumberland Farmers Club, testified next. He stated that the fair's camping department reported that camping revenue was "down" and that some campers left early, likely to get to Fryeburg by Thursday, when campers are supposed to arrive. He also testified that Saturdays have "always been a very difficult day due to Fryeburg because of the transition of animals to Fryeburg" and exhibitors leaving to get to the fair. He stated that on Saturday morning, "you will find that 80% of the [pulling] animals are gone because they want to get to Fryeburg. It's always been that way." Mr. Googins stated he was concerned that if Fryeburg is allowed to open on Saturdays, they may hold show or pull events that could cause even more people to leave early from the Cumberland Fair. He stated, "I get it, people want to get out, but it is somewhat manageable if you're not open on the same day. It makes it much harder if you are open on the same day." Mr. Googins further testified that one year of data about the impact of the Fryeburg Fair being open on Saturday may not be enough: "I think one year you can't look at it and say for sure that it doesn't affect the Cumberland Fair. . . . It will affect Cumberland Fair, I think, if you looked at it for three or four years."

⁴ State Exhibit 10 is a Formal Impact Statement for the Cumberland Fair submitted by Ms. Neilson that reiterated the testimony she provided at the hearing. The impact statement asserted but did not specify exact monetary losses (e.g., camping revenues or incurred staffing costs).

Tammy Sawyer, a director at Cumberland Farmers Club and the Superintendent of the Pulling Department, testified next. She testified that it was not useful to consider the Common Ground Country Fair when looking at fairs that currently overlap on the same day because it is a “completely different fair from any other fair in the state of Maine” and does not have a midway or any pulling contests. She testified that the Fryeburg Fair opening a day earlier will result in exhibitors and craftspeople “stepp[ing] away from our Friday activity to get [] settled in on Friday, the day before their fair starts. . . everybody’s going to be ready that day before.” She testified this would also impact pulling at Cumberland if Fryeburg were to expand its pulling program to include Saturday, as Fryeburg weighs pulling animals the day before competition.

Jen Grant testified next as a member of the Cumberland Farmers Club and the 4-H beef leader in Cumberland County. She testified that 18 of the 39 beef club members showed at the Thursday event at the 2025 Cumberland Fair, and that this ratio of participation has been “fairly constant” over the years. Many of the other beef club members are “making preparations to go to Fryeburg.” Ms. Grant testified that while many Cumberland members will continue to show beef animals on Thursday and then go to Fryeburg afterwards, she is concerned about what Fryeburg may require of non-Cumberland Fair participants if Fryeburg is open on Saturday. She testified that she worries others may choose to arrive earlier at Fryeburg, ultimately impacting youth agricultural participation at Cumberland. Ms. Grant also testified that the 4-H food booth increased its prices in 2025 and saw an 11% increase in overall revenue. However, there was an estimated 6% decrease in food revenue on Saturday.

On cross-examination, Ms. Grant reiterated that the Fryeburg Fair has impacted Cumberland Fair over the years, “because it’s human nature to want to be there [early] and set up and ready to go.” She also stated that the multi-state Eastern States Exposition in West Springfield, Massachusetts, a.k.a.

“the Big E” fair, impacts the 4-H beef program because the 4-H beef kids are at the Big E at the beginning of the Cumberland Fair.

Judy Gagnon testified last. She is a member of the Cumberland Farmers Club and works in the Exhibition Hall and information booth during the fair. She testified that Fryeburg’s opening early violated “a spirit of cooperation, education, and mutual support” that exists among agricultural fairs. Ms. Gagnon stated that in a typical year, Cumberland has 15 to 17 giant pumpkin displays, but they had only seven in 2025. She testified that one giant pumpkin exhibitor removed their entry early to compete at Fryeburg, leaving a noticeable gap in the agricultural display. Mr. Googins was again recognized by the hearing officer, and he testified that he spoke with the particular exhibitor, who said he was moving his pumpkin that Friday to get it to Fryeburg to show.

At the conclusion of the testimony by the parties, the hearing officer took public comment. Dave Andrews spoke and introduced himself as “from the Fryeburg Fair” and advised that with the addition of Saturday to the fair’s schedule, total attendance during the entire Fryeburg Fair for 2025 was up only 142 people compared to the prior year.

Blaine Moon, a member of the Cumberland Farmers Club, spoke next. She said that Cumberland Fair is small and said that a drop in animal numbers makes a significant difference.

Barbara Gushee, a long-time exhibitor at the Fryeburg Fair, said that Cumberland Fair is closed to animal exhibitors outside of Cumberland County. “When you close your fair to county, you can’t have more exhibitors . . . if they open their [fair] statewide, they may have more people.”

Jeffrey LePage, a member of the public attending online, typed an online comment: “If one of the reasons for opening Fryeburg early is that the vendors are already on the grounds, what prevents driver[s] from opening earlier in years to come? Because vendors are already there. IE inch up and engulf dates of the Cumberland fair, right?”

The hearing officer asked Mr. Hastings whether Fryeburg Fair intended to hold livestock events on Saturdays if it received its requested amended license dates. He replied, “No, I think we could agree that any license could be conditioned on us not having any livestock competitions.” He also noted that Fryeburg held two pulling competitions on Saturday in 2025, while Cumberland did not have any pulling events on that same date. Mr. Hastings stated that Cumberland could hold a pull event on Saturday, “if they wish to, and that could be made a condition.”

In his closing statement, Mr. Hastings argued that Cumberland’s assertion of lost vendors should be given little weight as they did not disclose them publicly. He recognized that Cumberland’s Saturday attendance was down, affecting revenue, but it had also been their second-highest-grossing day of the fair. He read into the record correspondence from Pepsi assuring the Fryeburg Fair that it would support overlapping fairs, as well as correspondence from Performance Food Group stating it would service the Fryeburg Fair without taking resources away from Cumberland.⁵ He added that the third purveyor mentioned by Cumberland (Dennis Paper) was not affiliated with Fryeburg Fair. Mr. Hastings reiterated that Fryeburg would accommodate livestock exhibitors arriving late from the Cumberland Fair, as it does for late arrivals from the Deerfield Fair in New Hampshire. He acknowledged that Fryeburg could continue to operate as an unlicensed fair but would forfeit premiums if it held any events on Saturday. Mr. Hastings concluded by saying that the minimal impacts to Cumberland were outweighed by the benefits to the public and vendors of having an additional weekend fair day.

Elizabeth Tarantino made a closing statement on behalf of Cumberland Fair. She disputed that the impacts on Cumberland were minimal. “Eight hundred paid adult attendees [and]. . . \$12,000 in attendance at the Cumberland Fair is a significant loss. We don’t make \$300,000 a day in attendance,

⁵ This correspondence was also submitted as post-hearing comments, allowed pursuant to 001-01 CMR ch. 11. (See Post Hearing Submittals dated January 30, 2026, from David Hastings.)

not ever.” She urged the denial of Fryeburg’s license request and urged respect for the integrity of the current fair date process.

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 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 for changes in assigned fair dates may occur pursuant to section 84(2).

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, which include:

- A licensee’s traditional agricultural fair dates;
- Demonstration of economic damage due to competition from other agricultural fairs in geographic proximity operating on the same dates. Evidence shall include but not be limited to, general trends shown by gate receipts, attendance figures, number of entrants in events, etc.;
- 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 its request to change licensed fair dates originally assigned, per 7 M.R.S. § 84(2).

II. FACTS

The Commissioner finds the following facts:

1. Fryeburg Fair is currently licensed to hold agricultural fairs for the following four-year period: October 4-October 11, 2026; October 3-October 10, 2027; October 1-October 8, 2028; and September 30-October 7, 2029.
2. Fryeburg is requesting to extend its licensed fair dates to begin one day earlier, on Saturday, for the 2026 through 2029 fair seasons.
3. Fryeburg operated as an agricultural fair on September 27, 2025, a date outside its licensed fair dates for 2025. It sold 23,000 tickets and earned \$325,000 in revenue on that date.
4. Cumberland Fair operated a licensed agricultural fair on Saturday, 27, 2025, and recorded 9,236 adult attendees, 800 fewer than in 2024, according to gate reports. Gate receipts were \$138,540 in 2025 and \$150,540 in 2024.
5. The Fryeburg Fair and Cumberland Fair are in geographic proximity for purposes of 01-001 C.M.R. ch. 11.

III. DELIBERATION AND DECISION

A. Deliberation

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.

Fryeburg Fair has historically been licensed as an agricultural fair for an eight-day span from Sunday to Sunday. Its current request is to add an additional Saturday prior to the first Sunday. The hearing officer heard testimony from representatives of Fryeburg Fair that opening on Saturday increases public access to those who can only attend on weekends. They presented evidence demonstrating economic benefits to vendors and nonprofits on that additional Saturday and submitted studies showing that the Fryeburg Fair is a major rural economic engine for the Western Maine region. Fryeburg representatives state that Fryeburg's and Cumberland's respective locations are not geographically proximate, and regardless, other fairs of similar geographic distances have successfully overlapped days. Fryeburg argued that both fairs ultimately coexisted successfully in 2025, with strong attendance at both events, no publicly verified vendor losses for Cumberland, and no drop in the number of animal exhibitors that historically have attended from Cumberland. Fryeburg expressed a willingness to have its license be conditioned on not having livestock or pulling events on Saturday to avoid competition with Cumberland Fair.

The Hearing Officer heard testimony from representatives of Cumberland Fair that the fair had 800 fewer paid attendees on its one Saturday fair date in 2025 as compared to 2024, resulting in \$12,000 in lost gate revenue that day. A Cumberland Fair vendor and two nonprofits reported reduced sales on the overlapping Saturday. Evidence was submitted showing increased Cumberland Fair attendance on Saturdays between 2021–2024 (17.5% average annual growth), which reversed in 2025. Representatives argued that by opening on the same Saturday, Fryeburg Fair unfairly draws from the same regional audience as Cumberland. Cumberland Fair reported supplier constraints that led to staffing challenges, vendor inventory constraints, and the loss of campground space and associated revenue. In addition to recounting attendance decline and economic losses, Cumberland

argued that the overlapping dates undermine the traditional staggered fair system, designed to prevent fairs from competing directly for attendees, vendors, and resources.

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, 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 Department takes seriously its mandate to pursue policies and actions that benefit both individual fairs and all agricultural fairs. The record reflects that Fryeburg Fair has historically complied with the licensing criteria of 7 M.R.S. § 83(2), such that it was awarded its 2026-2029 fair dates by the Commissioner in May 2025. Its request to change its existing fair dates and add an additional Saturday that overlaps with Cumberland Fair must be reviewed against the applicable statutes and regulations.

Cumberland Fair has presented evidence that Fryeburg Fair's unauthorized fair date on September 27, 2025, contributed, at least in part, to economic losses: 800 fewer adult tickets were sold in 2025 after four years of demonstrated Saturday attendance growth, resulting in a \$12,000 loss compared to the previous year, and three Cumberland vendors reported losses in Saturday sales. *See* 7 M.R.S. § 83(2); 01-001 C.M.R. ch. 11(6)(E)(4). Cumberland also reported a loss of camping revenue (though it did not specify the amount). It also presented evidence of organizational difficulties that it alleges were caused by its distributors (Pepsi and PFG) having to service both fairs, resulting in additional burdens on Cumberland's staff (and associated staff costs).⁶ In sum, the evidence presented supports that Fryeburg Fair's Saturday opening may have contributed to the aforementioned economic and organizational harm. *Id.* ch. 11(6)(E)(5).

As explained in her May 15, 2025 decision, the Commissioner does not have any statutory authority to prevent Fryeburg Fair from simply continuing to conduct an unlicensed fair on the earlier Saturday dates at issue for the next four years. Fryeburg indicated it may do so if its petition is denied. Cumberland representatives testified that, historically, many, but not all, livestock exhibitors and 4-H participants have left the Cumberland Fair early to head to the Fryeburg Fair. Witnesses are concerned that future Saturday events at Fryeburg would ultimately lead more participants to choose Fryeburg over the Cumberland Fair, although the number of Cumberland beef, dairy, and sheep livestock exhibited in 2025 at Fryeburg was the same as in 2024. Notably, Fryeburg stated at the hearing that it was agreeable to conditions being placed on its license, limiting its ability to hold livestock exhibitions and pull events on Saturday.

Geographic proximity is relevant to the analysis of economic and organizational difficulties. Although separated by 50 miles, these two fairs are historically the last to be scheduled back-to-back

⁶ The hearing officer gives this evidence less weight due to representatives of Pepsi and PFG not participating in the hearing and because the correspondence provided by Fryeburg from the distributors pre-dated either fair.

at the end of Maine's agricultural fair season. There is a pattern and tradition of exhibitors and some vendors going directly from Cumberland to Fryeburg, indicating both fairs' attractiveness and accessibility to mutual exhibitors and vendors. With Cumberland County being the most populous county in the state, not only does Cumberland Fair enjoy the advantage of attracting visitors from the surrounding area, but Fryeburg may as well. As Fryeburg itself argued, an additional fair date gives fairgoers more options – and that could include choosing to travel 50 miles to its fair rather than to Cumberland. Hence, it is reasonable to conclude at this time that their relative geographic proximity may have contributed to Cumberland's decline in visitors and revenue on Saturday, September 27, 2025. Ongoing analysis of Cumberland's future gate receipts, attendance figures, total entrants in events, and vendor participation and sales figures will provide relevant data and insights to substantiate whether Fryeburg's Saturday activities even out or have no apparent impact over a longer timescale.

B. Decision

Through this Decision and Order, pursuant to the standards set forth above, the Commissioner concludes that Fryeburg Fair has not satisfied all relevant criteria for requesting a change in its agricultural fair dates due to the demonstrated economic and organizational difficulties such a change presents to Cumberland Fair. Accordingly, the request to change its licensed fair dates for 2026 through 2029 is denied without prejudice. Fryeburg Fair may request date changes prior to fair seasons in future years, which will provide the Department with the opportunity to assess whether economic and organizational difficulties affecting Cumberland have been resolved or persist. Further, it could allow for conditions to be considered for its future licenses relating to livestock exhibitions and/or pulling competitions on Saturdays, given Fryeburg Fair's stated willingness not to hold such events on Saturdays to avoid conflict with Cumberland Fair.

IV. 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: February 20, 2026

Amanda E. Beal

Amanda E. Beal
Department of Agriculture, Conservation and Forestry