

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1411 - L.D. 2096

An Act Regarding Scheduling of Agricultural Fairs and Pulling Events

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, agricultural fairs and the harness racing season will begin soon and this legislation needs to take effect before the expiration of the 90-day period to allow the change in the conditions of an agricultural fair license to occur as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §84, sub-§4 is enacted to read:

4. Prohibition. Except as provided under subsection 5, a licensee may not:

A. Operate an agricultural fair outside of the fair dates assigned by the commissioner under this section; or

B. Advertise or market an agricultural fair as taking place outside of the fair dates assigned by the commissioner under this section.

For purposes of this subsection, a licensee holding an event within one week of a fair's assigned fair dates is considered to be operating a fair outside of the fair dates assigned by the commissioner.

Sec. 2. 7 MRSA §84, sub-§5 is enacted to read:

5. Exception. A licensee may host an exhibition up to 48 hours prior to the assigned fair dates for the purposes of displaying and awarding premiums as provided under section 86, subsection 5.

Sec. 3. 7 MRSA §84, sub-§6 is enacted to read:

6. License suspension. The commissioner may suspend the license of a licensee that violates this section.

Sec. 4. 7 MRSA §86, sub-§5, as amended by PL 2025, c. 161, §3, is further amended by amending the first blocked paragraph to read:

In determining distribution under this subsection, an allowance may ~~not~~ be made on premiums offered and paid by a licensee at any competition or event held ~~other than~~ during the period in which its annual fair is held and at any competition or event judged up to 48 hours prior to the licensed fair dates, except that an allowance may not be made on premiums offered and paid by a licensee at any competition or event under paragraphs A, F-1, I, J and K judged up to 48 hours prior to the licensed fair dates. Allowance may not be made or consideration given for lump sums, payments or premiums previously arranged and agreed upon for the presentation and display of any animals or products without regard to competition or event. The department may provide an allowance to licensees for payments made for educational agricultural talks, workshops and demonstrations pursuant to paragraph K without regard to premiums paid for competitions or events in this category.

Sec. 5. 7 MRSA §86, sub-§5, as amended by PL 2025, c. 161, §3, is further amended by amending the 2nd blocked paragraph to read:

Premiums and payments used to determine apportionment under this subsection are limited to those paid for:

Sec. 6. Commissioner of Agriculture, Conservation and Forestry and State Harness Racing Commission to review rules. The Commissioner of Agriculture, Conservation and Forestry, in consultation with the State Harness Racing Commission, shall review rules adopted pursuant to the Maine Revised Statutes, Title 7, section 82, subsection 5 to determine if changes are necessary regarding standards for setting harness racing dates and shall initiate rulemaking as necessary to ensure consistency with Title 7, chapter 4. Upon completion of the review, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters with the commissioner's findings no later than January 15, 2027.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.