



MAINE SENIOR FARMSHARE PROGRAM

POLICIES AND GUIDELINES

For Farmers and Farmers' Markets

FISCAL YEAR 2025

2025 MAINE SENIOR FARM SHARE PROGRAM POLICIES AND GUIDELINES

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2025 MAINE SENIOR FARMSHARE PROGRAM POLICIES AND GUIDELINES

INTRODUCTION

The Senior Farmers' Market Nutrition Program (SFMNP) awards grants to State, U.S. territories, and federally recognized Indian tribal governments to provide low-income older adults an opportunity to receive eligible foods (fruits, vegetables, honey, and fresh-cut herbs) at farmers' markets, roadside stands, and Community Supported Agricultural programs.

In Maine, the SFMNP is known as the Maine Senior FarmShare Program (MSFP) and is administered by the Maine Department of Agriculture, Conservation, and Forestry (DACF). Through MSFP, Maine farmers provide fresh, unprocessed, locally grown produce directly to low-income older adults. Each participant receives \$50 in coupons during the growing season. Farmers' markets are prepaid for the share they commit to providing later in the season for each eligible participant who signs up with a farm or farmers' market.

TERMS, DEFINITIONS & ACRONYMS

AAA means Area Agency on Aging

CAP means Corrective Action Plan

Code of Federal Regulation (CFR) contains the regulations governing all federal programs.

Community Supported Agriculture (CSA) program means a program under which a farmer or group of farmers grows food for a group of shareholders (or subscribers) who pledge to buy a portion of the farmer's crop(s) for that season.

Department of Agriculture, Conservation, and Forestry (DACF) is the State agency that administers the Maine Senior FarmShare Program.

Eligible foods means fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs, and honey for human consumption. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. Dried fruits or vegetables, such as prunes (dried plums), raisins (dried grapes), sun-dried tomatoes, or dried chili peppers are not considered eligible foods. Seedlings, potted plants, dried herbs, dried vegetables, dried fruit, dried beans, wild rice, nuts of any kind (even raw), maple syrup, cider, seeds, eggs, meat, cheese and seafood are also not eligible foods for the purposes of the SFMNP.

Family means a group of related or nonrelated individuals who are living together as one economic unit, except residents of a homeless facility or an institution shall not all be considered as members of a single family.

Farmer means an individual authorized to sell eligible foods at participating farmers' markets and/or roadside stands, and through CSAs. Individuals who exclusively sell produce grown by someone else, such as wholesale distributors, cannot be authorized to participate in the SFMNP.

Farmers' market means an association of local farmers who assemble at a defined location for the purpose of selling their products directly to consumers.

Farmstand / roadside stand is a location under ownership of one grower, a partnership of growers, or a cooperative dedicated to the sale of produce and goods to the public that have been grown and made by the owner. This contrasts with a group or association of farmers selling their produce at a farmers' market or through a CSA. The term *roadside stand* may be used interchangeably with the term *farmstand*.

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FNS means the Food and Nutrition Service of the United States Department of Agriculture (USDA).

Food costs means the cost of eligible foods purchased at authorized farmers' markets, roadside stands, and/or CSA programs.

FY means fiscal year, a period of 12 calendar months used for accounting and reporting purposes. The FY for SFMNP is October 1st to September 30th.

Household means a group of related or nonrelated individuals who are living together as one economic unit.

Locally grown means grown within the State of Maine.

MSFP means Maine Senior FarmShare Program.

Older adult or senior means an individual 60 years of age or older (or 55 years of age or older for Native Americans). Our program is taking seriously the ask to consider phasing out the word "senior," as the American Psychological Association and other reputable style guides suggest the more accepted term, "older adult."

Participant means a person or household who meets the eligibility requirements of the SFMNP and to whom benefits have been issued.

Proxy means an individual authorized by an eligible participant to act on the participant's behalf, including application for certification, receipt of SFMNP benefits and/or acceptance of SFMNP foods provided through a CSA program, as long as the benefits are ultimately received by the eligible participant. The terms *proxy* and *authorized representative* may be used interchangeably for the purposes of this program to make purchases for a participant.

SFMNP means Senior Farmers' Market Nutrition Program.

Share in the Maine Senior FarmShare Program means \$50 of eligible food, at market price, during the growing season.

Shareholder means a SFMNP participant for whom a full share in a community supported agriculture program has been purchased by the MSFP, and who receives SFMNP benefits in the form of actual eligible foods.

USDA means United States Department of Agriculture.

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PARTICIPANT ELIGIBILITY

Authority - 7 CFR §249.6(a)

1. Applicants must be Maine residents. Citizenship is not required.
2. Applicants must not be less than 60 years old, less than 55 years old for Native Americans, or more than 18 years old for disabled adults living in a housing facility with congregate dining.
3. Applicants must have a total income (including all pensions, social security, and other payments) of no more than 185% of the poverty level.

2025 - 2026 Income Eligibility Guidelines

SFMNP income eligibility guidelines are effective from July 1, 2024 to June 30, 2025.

The household gross annual income must be below the dollar amount after each household size to be income eligible. The income of all members in the household must be counted towards meeting income eligibility guidelines.

1 person: \$27,861 **2 ppl:** \$37,814 **3 ppl:** \$47,767 **4 ppl:** \$57,720 **5 ppl:** \$67,673 **6 ppl:** \$77,626

Income eligibility guidelines are subject to change.

If they change, new income eligibility guidelines will be effective July 1, 2025.

Farmers will be notified if/when they do change on or before July 1, 2026.

4. Participants who apply must sign an *Agreement Form* affirming that they meet the eligibility criteria. Applicants are not required to provide proof of eligibility.
5. Participants may only be certified for the current fiscal year's SFMNP period of operation. Eligibility must be determined at the beginning of each period of operation. Prior fiscal year certifications may not be carried over into subsequent fiscal years.
6. Participants may only sign up for the program with one farm or farmers' market each fiscal year.
7. All participants must read the *Participant Rights & Responsibilities* prior to signing the *Agreement Form*.
8. An older adult may designate an authorized representative (Proxy) to apply for the program and to shop at the farmers' market. A *Proxy Form* provided by MSFP must be signed by the participant and the authorized representative(s).
9. Older adults may sign up by telephone and then will be emailed a form for an electronic signature that they will need to sign before their coupons are mailed to them.
10. All applicants must be notified of their eligibility or ineligibility for benefits or their placement on a waiting list within 15 days from the date of application.

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PARTICIPANT BENEFITS

Authority - 7 CFR §249.8

1. A qualified participant receives \$50 worth of coupons to spend on eligible food during the growing season.
2. Participants will choose eligible food themselves at the farmers' market.
3. All eligible older adults living in the same household may participate in the program (e.g., each member of a married couple may receive a \$50 worth of coupons).
4. Foods provided are intended for the sole benefit of SFMNP participants and are not meant to be shared with other non-participating household members.
5. All participating seniors must receive SFMNP benefits free of charge.

FARMERS AND FARMERS' MARKET ELIGIBILITY

Authority - 7 CFR §249.10

1. Farmers' markets must be authorized by MSFP and Maine Federation of Farmers' Markets (MFFM) to participate in the program. Please be advised that only direct-to-consumer farmers are eligible to be authorized (see Section I for the definition of a farmer). MSFP works with MFFM to authorize farmer's markets. MSFP and MFFM will have a signed contract by March 1, 2025 in order to authorize farms.
2. To participate in MSFP all farmers' market managers must complete annual training.
 - a. Farmers' market managers who participated in the program during the previous year are required to complete annual training. Annual training is available online or may be requested on printed forms that must be signed and returned.
 - b. Farmers' market managers applying to participate are required to complete *MSFP New Farmers' Market Training* to become an authorized farm in the program. The *MSFP New Farmers' Market Training Sessions* are offered through an online video conference.
3. Through the training sessions, prospective farmers' market managers will gain a first-hand look at the MSFP program and receive information that will enable them to evaluate their eligibility and whether the program is feasible for their participation.
4. Farmers' markets that have been approved will receive a *MSFP Authorized Farm Certificate* that must be prominently displayed.
5. **All farmers** must apply to participate in the program. Maine has adopted a three-year certification cycle, wherein all farmers certified in 2024 do not need to certify again until 2027. New farmers that certify in 2025 and 2026 will need to certify again in 2027, as that will be the next certification year. The following certification year will be 2030.
6. Applications can be completed online in the *Maine Online Senior Share Access (MOSSA)* account or by emailing SeniorFarmShare.AGR@maine.gov to request an application. **The deadline for applications is March 7th for returning farmers and March 14th for new farmers.** Farmers' markets who miss the deadline must submit a written appeal to MSFP requesting authorization.
7. The MSFP reserves the right to deny or limit participation in the program based on prior MSFP performance, references, and availability of funds.
8. Farmers' market managers must read these *Program Policies and Guidelines* prior to completing an application. **A representative who has the legal authority to obligate the farmer's market to meet all provisions of the *Program Rules and Regulations* must sign the application.**
9. New farmers' markets must submit a *New Farm Request Form* found [online](http://www.maine.gov/dacf/seniorfarmshare): www.maine.gov/dacf/seniorfarmshare under *Information for Farmers* or may email SeniorFarmShare.AGR@maine.gov to request the form.
10. Farms must have a 1-year (12-month) history of operating and selling produce.

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11. Farms must be able to provide a broad range (see definition below) of Maine-grown seasonal vegetables and fruits to participants over a period of no less than 8 weeks, or upon a mutually agreeable schedule approved by the MSFP Program Manager.
12. A broad range of seasonal vegetables and fruits is defined as at least five different items each week during a core 8-week period. The five different items should not be the same for the 8-week period. For example, in the late spring, the farm might offer spinach, beets, peas, strawberries, and lettuce. In the fall, the offerings might include potatoes, apples, squash, cabbage, and carrots. It is acceptable for the farm to provide fewer items before or after a core 8-week period, determined by each farm.

FARMERS' MARKET REQUIREMENTS

Authority – 7CFR §249.10

1. An authorized farmer's market shall meet the following general requirements:
 - a. Maintain compliance with the farmer selection criteria throughout the Farmer Agreement Period, including any changes to the criteria.
 - b. Maintain coupon tracking records in accordance with generally accepted accounting procedures. Assure that coupon tracking records and all other program-related records of the farmer are available for inspection or audit by federal, state, or other authorized personnel.
 - c. Cooperate with federal and state SFMNP and other authorized personnel during announced and unannounced on-site farmer reviews, inspections, and audits.
 - d. Provide the MSFP with purchase invoices from other farmers, when requested;
 - e. Comply with the civil rights requirements of 7CFR §249.7 and §249.10(b)(1)(xi);
 - f. Keep all information of authorized SFMNP shoppers confidential.
 - g. Never publicly identify, call unnecessary attention to, or allow discourteous treatment of an SFMNP recipient.
 - h. Appropriately redeem SFMNP benefit funds for the types and quantities of food specified on the eligible food list at prices equal to or less than the price charged to non-SFMNP customers.
 - i. Never request or accept cash payment for the quantities of foods being purchased with SFMNP benefit funds.
 - j. Never attempt to seek restitution from participants/authorized representatives for SFMNP benefits that were rejected by the Program for ineligibility.
 - k. If desired, allow SFMNP recipients to spend the full authorized benefit amount during one (1) visit or over a period of eight (8) or more weeks.
 - l. If desired, allow SFMNP recipients to purchase more than the authorized amount of food by allowing the participant to pay for any amount that exceeds the value of the SFMNP benefit.
 - m. Allow SFMNP recipients to take advantage of farmers; market promotions that provide foods free of charge when purchasing SFMNP foods.
 - n. Allow exchange of an identical item only when the original item is defective or spoiled.
2. MSFP shall hold each farmer accountable for fair pricing practices. Most specifically, farmers markets shall:
 - a. Never charge an SFMNP recipient for products not actually purchased and received.
 - b. Ensure that prices charged to SFMNP participants/recipients for approved foods are equal to or less than prices charged to non-SFMNP customers.

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3. Following the transaction of SFMNP benefits, farmers will redeem coupons with the market managers. Farmers will need to use an identifier on the coupons before redeeming them with the market manager.
4. Market managers will be responsible for recording the coupons for redemptions. The State of Maine uses a system called MOSSA (Maine Online Senior Share Access) to record all participant agreements and share redemption. This system is built to detect duplicates in two ways:
 - Not allowing duplicate information to be entered into the “Participant Agreement” Section, and notifying the person entering the information that that participant is already signed up at a different farm; and
 - Before invoicing is processed for payment, running a “Review Potential Duplicates” Report. This report will pull any participant that could potentially be duplicate. It looks for things like the same name, address, phone number, and birthdate.

After these are flagged the farm, farmers market, and participant will be communicated with in order to resolve the duplicate.

5. If MSFP determines that the farmers’ market has committed a violation that affects the payment to the farmers’ market, MSFP shall delay payment or establish a claim. Such farmer violations may be detected through compliance investigations, *SFMNP Senior FarmShare Agreement Form Reviews*, or other reviews or investigations of a farmer’s operations.
6. When payment for *SFMNP Senior FarmShare Agreements* is delayed or a claim is established, the MSFP shall provide the farmers’ market with an opportunity to justify or correct the error. If satisfied with the justification or correction, MSFP shall provide payment or adjust the proposed claim accordingly.
7. Failure of a farmers’ market to pay a claim shall result in termination of the *Farmers’ Market Agreement*. The farmers’ market may reapply for authorization after a waiting period of twelve (12) months.
8. MSFP shall not pay a farmers’ market for *SFMNP Senior FarmShare Agreements* if it is determined that the farmers’ market intentionally attempted to defraud and/or abuse the program.
9. If the MSFP determines that state or federal violations were committed, the farmers’ market may be subject to the corresponding penalties, including disqualification.
10. MSFP may deny payment to the farmers’ market for improperly signed *Senior Agreement Forms* or may require refunds for payments already made on improperly signed *Senior Agreement Forms*.

ALLOCATION OF SHARES TO FARMERS AND FARMER'S MARKETS

Authority - 7 CFR §249.10

1. After receiving and compiling farmer and farmers’ market applications and other relevant information, and matching it with senior eligibility around the state, the MSFP Program Manager will allocate shares to farmers.
2. Allocation of shares to farmers’ markets follows the USDA procedure of distribution of SFMNP funds to previously participating State agencies. The MSFP allocates available funds to keep prior year participating farmers and farmers’ markets (in good standing) at the level of shares they received the previous fiscal year if enough funds are available. If funds are available after allocating to previous MSFP farmers, new farmers, and farmers’ market applications are considered.
3. The Program Manager will notify participating farmers’ markets of the total number of individual shares allocated to their market.
4. The MSFP reserves the right to deny or limit participation in the program based on prior performance, references and availability of funds.

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FILLING ALLOCATED SHARES

Authority - 7 CFR §249.10

1. Farmers' markets may begin signing up eligible participants on **April 1, 2025**.
 - a. Eligible participants **must physically or electronically sign** a *Senior Agreement Form*, as follows:
 - i. Electronic form in MOSSA – The participant or proxy must type their name in the signature block to qualify as a legal signature.
 - ii. Electronic form via Email – The participant must answer the eligibility questions and sign in the signature block to qualify as a legal signature.
 - iii. Paper Senior Agreement Form (SAF) – The participant or proxy must sign their name in the signature block.
2. MSFP requires all signed paper *Senior Agreement Forms* to be entered into MOSSA within one week from the date signed by the participant. Farmers' markets may submit a written request to the MSFP to mail *Senior Agreement Forms* to be entered by staff.
3. FNS regulation section 249.6(g) (1) states that applicants must be notified of their eligibility or ineligibility for benefits, or of their placement on a waiting list, within 15 days from the date of application. **All Senior Agreement Forms must be retained at the farm for a minimum of three (3) years.**
4. Farmers' markets are responsible for ensuring that the participants understand the range of produce that will be made available to them, and whether the farmer or participant will be making the selection. "Participant Selects" or "Farmer Selects" must be checked off on the *Senior Agreement Form*.
5. Farmers must explain the pick-up options available prior to participants signing an agreement form.
6. Pickup information is required on the farmers' market application form and will be listed on the MSFP website as a guide for participants and agencies to use when searching for information and participating farms.
7. Participants are only able to redeem coupons at the market they sign up with.
8. Participants must be given the final pick-up date when signing up.
9. Shares may not be contracted with members of the farmer's immediate family or household members of the farmer.
10. Farmers' markets can obtain *Proxy Forms* online for participants who will have another person acting on their behalf (i.e., signing forms and picking up produce) at <https://www.maine.gov/dacf/ard/seniorfarmshare/farmers.shtml> under *Forms for Authorized Farms*, or may request a form be mailed by contacting the MSFP at 207-446-5550.
11. All allocated shares must be filled (assigned to a senior) by September 30, 2025. MSFP will assess unfilled shares during the last week of July. Unfilled shares at that time may be reallocated to farms and farmers' markets with waiting lists.
12. Once all allocated shares have been filled, farmers' markets must maintain a waiting list with contact information of individuals wishing to participate.
13. All SFMNP shares must be fully distributed to every participant that signed an agreement form with the farm by November 30, 2025. If a participant is unable to spend their full share benefit amount, a new participant may be signed up after the September 30th deadline as a Replacement. The person that is signed up as a Replacement must receive the full \$50 share benefit amount by November 30th.
14. Farmers' markets may arrange to store SFMNP-purchased produce after the November 30th deadline for participants who have signed up with their farm.
 - a. Farmers must keep the purchased items separate from all other stored produce.
 - b. The produce must be clearly marked with the participants' name, contact information, and coupon.

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- c. Coupons must be redeemed each time produce is picked up.
 - d. If a senior is unable to use some or all the stored produce (if the senior moves, goes into a nursing home, or dies):
 - i. The farmers’ market must sign up a Replacement senior and provide a full \$50 share to that senior.
 - ii. The farmers’ market must inform the Replacement senior which produce items are available.
 - iii. The farmers’ market must notify the Program Manager of the situation within five (5) business days.
15. Farmers’ market managers, and all staff employed at the market, agree to protect confidential information obtained from participants. Confidential information obtained will only be used for the sole purpose of establishing eligibility for the MSFP. Data protected under this *Confidentiality Agreement* include names, addresses, phone numbers, identification data, and other information obtained by the farmers’ markets resulting from requirements outlined by Maine DACF for participation in the MSFP. The farmers’ market is expressly prohibited from sharing confidential information with any third-party. Any violation of this *Confidentiality Agreement* will result in immediate dismissal from the MSFP and possible liability in any legal action arising from such violation.

ELIGIBLE FOODS

Authority - 7 CFR §249.8

1. Only fresh, unprocessed, Maine-grown fruits, vegetables, herbs, and honey are acceptable MSFP products. (A full list of eligible foods can be found below).
2. 100% of all eligible food must be grown in Maine. MSFP only requires that one product be grown by the participating farmer. This is a change from previous years where 75% of all eligible foods must have been grown by the participating farm and only 25% could have been grown by other Maine farmers.
3. Other items often offered for sale at farmers’ markets (e.g., eggs, dried fruits or vegetables, meats, cheese, pickles, etc.) are not allowed.
4. All farmers’ markets must provide eligible foods to participants at or below the price charged to other customers.
5. Eligible foods provided to participants must be of equitable value and quantity to their share.
6. Farmers’ markets must allow MSFP participants to purchase any Maine-grown produce that is available to all other customers.
7. The farmers’ market shall not substitute ineligible produce when eligible foods are not available.
8. MSFP may demand a refund from any farmers’ market who fails to provide the full benefit to all SFMNP shareholders, or who provides ineligible foods as substitutes for eligible foods.
9. Farmers’ markets must always post prices for all items on sale. Prices must be prominently displayed on signs that are easily seen and read by customers.
10. All MSFP-eligible foods must be identified with stickers or represented on an eligible foods list at the farm stand. Farm stand staff should be educated on which items are eligible to help customers shop.

MSFP Eligible Foods

FRUITS			
Tree fruits	Apples	Figs	Pears
	Apricots	Nectarines	Plums
	Cherries	Peaches	Quince
Vine fruits	Grapes	Hardy kiwi	

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Berries	Strawberries Raspberries	Blackberries Blueberries	Cranberries Elderberries
Melons	Watermelon	Cantaloupe	Other specialty melons
HONEY			
Comb honey	Honey that comes exactly as it was produced in the hive		
Cut comb honey	Liquid honey that may have added chunks of the honey in the jar		
Liquid honey	Honey that is free of visible crystals and has been extracted directly from the honeycomb		
Naturally crystallized honey	Honey that has spontaneously crystallized		
VEGETABLES			
Bean family	Snap bean Wax beans	Snap peas Shelling peas	Fava beans Pea shoots
Beet family	Beets Beet greens	Swiss chard Spinach	Rhubarb Sorrel
Cabbage family	Broccoli Cauliflower Cabbage Brussel sprouts Collard greens	Kale Arugula Bok choi Turnips Watercress	Radishes Mustard greens Horseradish Kohlrabi Rutabaga
Carrot family	Carrots Celery Celeriac	Parsnips Fennel Parsley	Cilantro Dill Lovage
Lettuce family	Lettuce heads Lettuce mix Chicory	Radicchio Artichokes Sunchokes	Escarole Dandelion greens Tarragon
Mint family	Basil Mint Lavendar (fresh only)	Sage Thyme Savory	Rosemary Lemon balm Oregano
Nightshade family	Tomatoes Potatoes	Peppers Eggplant	Tomatillos Husk cherries
Squash family	Summer squash Zucchini Winter squash	Sour gherkins Slicing cucumbers Pickling cucumbers	Pumpkins-edible only Gourds-edible only

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Onion family	Onions	Shallots	Scallions
	Garlic	Garlic scapes	Chives
	Leeks	Garlic chives	
Other	Asparagus	Ginger	Turmeric
	Sweetcorn	Lemongrass	Sweet potatoes
	Flintcorn*	Ramps	Okra
	Callaloo	Sprouts	Mushrooms
	Stinging nettles	Amaranth greens	Sweet potatoes

*Only unprocessed flint corn, on the cob and intended for human consumption, is eligible.

PAYMENTS TO FARMS AND FARMERS' MARKETS

Authority – 7 CFR §249.10

1. MFFM will be required to complete a Vendor Form to receive payments from the Treasurer, State of Maine.
2. MFFM will be paid \$50 for each *Active Participant* in their MOSSA account. (Approved *Senior Agreement Forms* in MOSSA will produce an *Active Status* for each eligible participant.)
3. Once MFFM has been paid for a participant, a “Date Invoiced” will be assigned to that participant’s profile.
4. The MSFP will begin processing invoices in May and will continue until all funds have been disbursed. The invoices will show a full list of all participants the farm is receiving payment for.
5. Farmers’ markets will only be paid for the total number of shares allocated to their farm by the MSFP.
6. **Every participant who signs a *Senior Agreement Form* with a farm must receive the full \$50 benefit. (If a farm signs up more participants than what the farmers’ market has been allocated for shares, the farmer is obligated to provide the full benefit to those participants. These participants will have a *Spare Status* in MOSSA and will only be paid if approved by the Program Manager and funds become available later in the season.)**
7. Providing partial shares is not acceptable unless the senior is unable to use the entire \$50 benefit (e.g. participant dies, moves, or no longer wishes to receive the benefit).
8. If a participant is unable to use the full \$50 benefit, it is the farmers’ market choice to sign up an additional participant as a Replacement and provide that participant with an entire \$50 benefit or to pay the MSFP the difference.
9. Farmers are required to maintain a Tracking Record for every participant. The Tracking Record must have:
 - a. The participant’s full name
 - b. The beginning balance (\$50 benefit)
 - c. The value of the eligible foods provided
 - d. The remaining value owed to the participant
 - e. The participant or authorized representative (proxy) must initial for each transaction.
 The MSFP will provide a template ***Share Tracking Form (STF)*** that you may use, or if approved by the Program Manager, you may use another method. (The template STF is available online at www.maine.gov/dacf/seniorfarmshare under *Information for Farmers/Forms.*)
10. Final deadline to submit *Senior Agreement Forms* for payment is **September 30th** each year.
11. Final deadline to submit *Senior Agreement Forms* for replacements is **November 30th** each year.

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PROGRAM MONITORING

Authority – 7 CFR §249.10

1. All participating farmers' markets must agree to be monitored and evaluated for compliance with MSFP requirements which may include:
 - a. Regular visits to farmers' markets to ensure that farmers are abiding by the program rules.
 - b. *Farmers' Market Evaluation Visits*.
2. MSFP *Farmers' Market Evaluations* are required for all participating farms at least once every five years. Evaluations will be scheduled in advance. The evaluation will include:
 - a. A review of the farm's *Senior Share Tracking Records* for the current season.
 - b. Checking the farm's available produce for:
 - i. Quality
 - ii. Clearly marked prices
 - iii. Variety
 - c. Checking crops currently in production (e.g., fields, greenhouse)
 - i. Acreage is consistent with acreage reported on application
 - ii. Crop offering list is available, growing or planted
 - d. An interview with a participating senior (if present at the time of the farm review)
3. The Program Manager will complete a *Farmer's Market Evaluation Report* to include all conclusions and recommendations within 60 days.

PROGRAM VIOLATIONS

Authority – 7 CFR §249.10

1. The MSFP may initiate administrative action to include disqualifying a farmers' market for non-compliance based on violations of the *Farmers' Market Agreement*.
2. The following are considered violations of the *Farmers' Market Agreement*:
 - a. Providing cash in exchange for a SFMNP share benefit.
 - b. Knowingly providing false information about the program to participants or the MSFP.
 - c. Selling participants foods not solely grown by the farmer and not accounted for on the MSFP Application and Farmers' Market Agreement.
 - d. Offensive behavior toward SFMNP recipients.
 - e. Preventing any MSFP representative from conducting any monitoring visits.
 - f. Participating in the program while selling fruits or vegetables grown outside the state of Maine.
 - g. Charging higher prices for Senior FarmShare benefit sales than for cash sales.
 - h. Failure to clearly identify all MSFP eligible food.
 - i. Not allowing recipients to purchase the full SFMNP benefit.
 - j. Not tracking all share purchases for each recipient. (Tracking must include: Date, Amount of Purchase, Remaining Benefit Balance and Recipient's Initials.)
 - k. Allowing a recipient to use SFMNP benefit funds to purchase non-food items or for any purchase other than eligible foods.
 - l. Submitting a *Senior FarmShare Agreement Form* (electronic, verbal, or paper version) that was signed by someone other than the applicant.
 - m. Submitting a *Senior FarmShare Agreement* (electronic, verbal, or paper version) that was not authorized by the senior participant.
 - n. Discriminating against a participant on the basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

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3. The following are consequences of violations listed on the previous page:
 - a. First violation
 - i. The market will be given a verbal warning/counseling of the violation and a requirement to attend training.
 - b. Second violation (within one year of first violation)
 - i. The market will be given a written warning of the violation that includes a Corrective Action Plan. Failure to comply with the Corrective Action Plan will result in disqualification for the next season.
 - c. Third violation (within one year of the first violation)
 - i. The market will be disqualified for the next season.
4. A farmers' market committing fraud or abuse of the SFMNP shall be liable to prosecution under applicable federal, state, or local laws.

PROCEDURES

Authority - 7 CFR §

1. For all violations for which action shall be taken by the MSFP, written notices of violation shall be issued that include a Description of the Violation, the Action to be Taken, and the Right to Appeal.
2. When an investigation reveals an initial incidence of a violation for which a pattern of incidences must be established in order to impose a sanction, the MSFP shall notify the Farmers' market and MFFM in writing before another such incidence is documented, unless it determines, in its discretion, on a case-by-case basis, that notifying the Farmers' market would compromise an investigation. Such a determination shall be documented in the farmers' market file.

ADMINISTRATIVE REVIEW OF MSFP ACTIONS (FARMERS' MARKET)

Authority – 7 CFR §249.16; 7 MRSA §218; 22 MRSA §3107

1. Any farmers' market adversely affected by an MSFP decision has the Right to Appeal in the following instances:
 - a. Denial of Authorization;
 - b. Termination of the Farmer Agreement; and
 - c. Disqualification from the SFMNP during the contract period.

Procedures

1. All appeals shall be conducted in accordance with the rules contained in the SFMNP Federal Regulations, 7 CFR §249.16.
2. Any farmer adversely affected by an MSFP decision shall be informed in writing at least fifteen (15) business days prior to the effective date of the action of the reasons for the action, and the Right to Appeal.
3. A request to appeal the decision shall be defined as a written statement by a farmers' market requesting the opportunity to present his/her case to the appeal committee.
4. Requests for an appeal shall be made within thirty (30) days of the date of the written notice of the adverse action.
5. The MSFP shall not deny or dismiss a request for an appeal unless:
 - a. The request is not received within the time limits set by the MSFP.
 - b. The request is withdrawn in writing by the farmers' market or his/her representative.
 - c. The farmers' market or representative fails, without good cause, to appear at the meeting set by the appeal committee.
6. Adverse actions against a farmers' market shall be stayed until final agency action.

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7. The farmers' market shall be provided with an adequate opportunity to review all records and documents to be presented at the appeal meeting.
8. Any representative of the farmers' market must have written authorization from the farmers' market to review such records.
9. The MSFP shall keep a record of all adverse decisions, appeals and their outcome. Information will include:
 - a. Vendor/Farmer's Market Number
 - b. Name of Farmers' Market Manager/Business
 - c. Termination/Disqualification Date
 - d. Reason for Termination/Disqualification
 - e. Appeal Meeting Date
 - f. Date of Recommended Decision

COMPLAINT PROCEDURES

Authority – 7 CFR §249.7(b)

1. Anyone with a complaint about the Maine Senior FarmShare Program may contact the Program Manager by calling (207) 446-5550.
2. Any person wishing to file a written complaint may write to:
Maine Senior FarmShare Program
Department of Agriculture, Conservation & Forestry
State of Maine
28 State House Station
Augusta, ME 04330-0028
3. Complaints will receive action no later than five (5) business days from the date the written or verbal complaint is received. The process generally depends on the type of complaint.
4. A person may request the complaint to be confidential to the extent that is permitted by law.

CIVIL RIGHTS COMPLIANCE

Authority – 7 CFR §249.7

1. By signing the *Farmers' Market Application* every year, the farmers' market agrees to abide by the following civil rights rules and regulations. (See Appendix A – Civil Rights)

Public Notification – The purpose of public notification is to ensure that applicants and participants understand Program availability, participants' rights and responsibilities, policy or nondiscrimination, and procedures for filing a complaint. The following *Nondiscrimination Statement* must be used:

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, Program information may be made available in languages other than English.

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Filing a Civil Rights Complaint - To file a Program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#) (<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

- (1) Mail:
USDA
Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW
Washington, D.C. 20250-9410
- (2) Fax: (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Referring A Civil Rights Complaint – All MSFP applicants and/or participants have a right to file a complaint alleging discrimination based on race, color, national origin, age, sex, disability, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA, within 180 days of the alleged discriminatory action. Refer to the *Nondiscrimination Statement* found on page 16 under “Civil Rights Compliance” for instructions on how to file a complaint. If you receive a completed *Complaint Form* from an applicant and/or participant, you must:

- (1) Mail it within three (3) calendar days directly to:
USDA
Office of the Assistant Secretary for Civil Rights 1400 Independence Ave, SW,
Stop 9410
Washington, D.C. 20250-9410
- (2) Notify the MSFP manager within five (5) calendar days that you received the complaint and have mailed it to the USDA.

If you receive a verbal complaint from an applicant and/or participant, direct the complainant to the *Nondiscrimination Statement*, **and** please send the following information to the MSFP Manager within five (5) calendar days of receiving the complaint:

- (1) Name, address, and telephone number of the complainant;
- (2) The location and name of the organization or office where the alleged incident occurred;
- (3) The nature of the incident or action;
- (4) The names, titles, and business addresses of persons who may have knowledge of the discriminatory action(s);
- (5) The date(s) during which the alleged discriminatory actions occurred; and
- (6) The basis for the alleged discrimination.

It is critical that the complaint process be followed closely to ensure compliance with federal regulations. All staff must be educated on procedures for processing claims of discrimination.

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APPENDIX A. CIVIL RIGHTS

Authority – 7 CFR §249.7(b)

CIVIL RIGHTS TRAINING

Participating farmers' markets are required to complete *Civil Rights Training* annually. Farmers' markets will be informed of and updated on their obligations under *Civil Rights Laws and Regulations*.

Topics covered:

- Collection and use of data
- Effective public notification systems
- Compliant procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable accommodation of persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

To assure *Civil Rights Compliance* with all laws and regulations, the Maine Senior FarmShare Program will conduct a *Compliance Review* as part of the monitoring visit.

WHAT ARE CIVIL RIGHTS?

Civil Rights are rights guaranteed to each individual through the United States Constitution and acts of Congress. Title VI of the Civil Rights Act of 1964 states that no person in the United State of America shall be discriminated against on the grounds of race, color, national origin. These group characteristics are 'Protected Classes'.

Discrimination is the act of illegally distinguishing between one person or group of persons from others either intentionally, by neglect, or by the actions or lack of actions based on their perceived or actual protected bases. There are two types of discrimination: disparate treatment (intentional) and disparate impact (intentional or unintentional).

Here is a list of the laws and regulations that pertain to applicant/participant rights:

Title VI of the Civil Rights Act of 1964

Protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

Title IX of the Education Amendments of 1972

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

Section 504 of the Rehabilitation Act of 1973

No otherwise qualified individual with a disability in the United States, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

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Age Discrimination Act of 1975

Prohibits discrimination based on age in programs and activities receiving federal financial assistance. (Does not address employment).

Americans with Disabilities Act (“ADA”) of 1990/Americans with Disabilities Act Amendments Act (ADAAA) of 2008

Prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services. The ADA Amendments Act of 2008 Expanded and clarified the definition of “disability”.

Authorized farms must take the following steps to ensure that the Maine Senior FarmShare Program does not discriminate against individuals:

- Screen job applicants carefully to avoid hiring individuals possessing any prejudices against people based on age, race, sex, gender, national origin, disabilities, or socio-economic background.
- Explain the Maine Senior FarmShare Program non-discrimination policy to all new staff.
- Serve all applicants and participants equally on a first-come, first-serve basis.
- Display the “And Justice for All” poster in a prominent location for all to view. Call the Maine Senior FarmShare Program if copies of this poster are needed.

PUBLIC NOTIFICATION

The purpose of public notification is to ensure that people understand program availability, *Participants’ Rights and Responsibilities*, the *Policy of Nondiscrimination*, and *Procedures for Filing a Complaint*. The following is the *Nondiscrimination Statement* that must be used:

USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex (including gender and sexual identity), disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online: [How to File a Complaint](#) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

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Submit your completed form or letter to USDA by:

- 1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- 2) Fax: (202) 690-7442; or
- 3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Guidelines for displaying the *Nondiscrimination Statement*:

All new materials **must** include the revised information for applicants and/or participants to file discrimination complaints.

All information materials and/or resources that are provided to applicants and/or participants that mention or reference the Maine Senior FarmShare Program must include the *Nondiscrimination Statement*. Any usage of the shortened *Nondiscrimination Statement* must be reviewed and approved by the Program Manager for the Maine Senior FarmShare Program.

- Some examples requiring the *Nondiscrimination Statement* are outreach flyers, brochures, newsletters, etc.
- All nutrition education materials that mention the Maine Senior FarmShare Program must contain the *Nondiscrimination Statement*. Materials that provide a nutrition message with **no** mention of the Maine Senior FarmShare Program are **not** required to contain the *Nondiscrimination Statement*.
- Any websites used by authorized farms to inform the public about the Maine Senior FarmShare Program must contain the *Nondiscrimination Statement*. It is not required that the *Nondiscrimination Statement* be included on every page of the website. The *Nondiscrimination Statement* or a link to the statement: [FNS Nondiscrimination Statement](#) **must be included on the home page.**

COMPLAINT PROCEDURES

All Maine Senior FarmShare Program (MSFP) applicants and/or participants have a right to file a complaint alleging discrimination based on race, color, national origin, age, sex, disability, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA, within 180 days of the alleged discriminatory action. Refer to the USDA website [How to File a Complaint](#), or the *Nondiscrimination Statement* found on page 16 in the *MSFP Farmer Policies and Guidelines* under “*Civil Rights Compliance*” for instructions on how to file a complaint.

If a completed complaint form is received from an applicant and/or participant, the form must be submitted by:

1. Mail it within **three (3) calendar** days directly to:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Ave, SW
Washington, D.C. 20250-9410
2. Fax: (202) 690-7442; or
3. Email: program.intake@usda.gov

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The MSFP manager must be notified within **five (5) calendar days** that a complaint has been received and has been mailed to the USDA.

If a verbal complaint from an applicant and/or participant has been made, direct the complainant to the Nondiscrimination Statement, **and** send the following information to the Maine Senior FarmShare Program Manager within five (5) days of receiving the complaint:

1. Name, address, and telephone number of the complainant;
2. The location and name of the organization or office where the alleged incident occurred;
3. The nature of the incident or action;
4. The names, titles, and business addresses of persons who may have knowledge of the discriminatory action(s);
5. The date(s) during which the alleged discriminatory actions occurred; and
6. The basis for the alleged discrimination.

It is critical that the complaint process be followed closely to assure compliance with federal regulations. All farm staff must be educated on procedures for processing allegations of discrimination.

DATA COLLECTION AND REPORTING

USDA mandates the Maine Senior FarmShare Program collect racial and ethnic participant data as a means of determining how effectively FNS programs are reaching potential eligible persons and beneficiaries and identifying areas where additional outreach is needed. Participating farmers need to collect data on each applicant/participant's race and ethnicity at the time of certification for this purpose. Farmers must first ask applicants/participants to self-identify their racial group and ethnicity. If applicants/participants are uncertain, farmers may then use a visual assessment to determine an applicant/participant's racial/ethnic category. An applicant and/or participant may be included in the group to which he/she appears to belong, identifies with, or is regarded as belonging to, in the community. Make sure the participant understands that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the program.

LIMITED ENGLISH PROFICIENCY

Maine Senior FarmShare Program must take reasonable steps to accommodate applicants and/or participants who self-identify as having Limited English Proficiency ("LEP"). Contact the Program Manager any materials need to be translated.

Civil rights regulations prohibit discrimination in any program activity, so applicants and/or participants cannot be required to bring a translator or interpreter in order to apply for the Maine Senior FarmShare Program. If translators or translated materials for a specific language are required, contact the Maine Senior FarmShare Program.

NOTE: Before translating any materials, call the Maine Senior FarmShare Program Manager.

VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS

This issue should never give rise to discrimination.

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ACCESSIBILITY

Participating farms must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities.

CUSTOMER SERVICE

Treat all applicants and participants with dignity and respect.

CONFLICT RESOLUTION

If there are complaints that are not civil rights related, every effort should be made to resolve them. If they are civil rights related, please refer the customer to the *Nondiscrimination Statement* and follow the *Referral Policy*.

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