



# **MAINE SENIOR FARMSHARE PROGRAM**

## **PROGRAM POLICIES AND GUIDELINES**

### **FISCAL YEAR 2023**

# 2023 MAINE SENIOR FARMSHARE PROGRAM POLICIES AND GUIDELINES

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# 2023 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 a \$50 value, referred to as a share, during the growing season. Farmers are prepaid for the share they commit to provide later in the season for each eligible participant who signs up with their farm.

## 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*.

*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.

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

*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 less 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.

### **2022 - 2023 Income Eligibility Guidelines**

SFMNP income eligibility guidelines are effective from July 1, 2022 to June 30, 2023.

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:** \$25,142   **2 ppl:** \$33,874   **3 ppl:** \$42,606   **4 ppl:** \$51,338   **5 ppl:** \$60,070   **6 ppl:** \$68,802

Income eligibility guidelines are subject to change. If they change, new income eligibility guidelines will be effective July 1, 2023.

Farmers will be notified if/when they do change on or before July 1, 2023.

**\*\*\*Income Guidelines have changed as of 5/2/2023 to the below amounts.\*\*\***

**1 person:** \$26,973   **2 ppl:** \$36,482   **3 ppl:** \$45,991   **4 ppl:** \$55,500   **5 ppl:** \$65,009   **6 ppl:** \$74,518

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 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, shop at the farmers' market or farm stands, and/or pick up their eligible foods from CSA distribution sites. 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 giving a verbal agreement to the farmer beginning April 1 for the upcoming season and must sign a 'Farmer as Proxy Form' (provided by MSFP) to be eligible for a verbal agreement.
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 senior receives a “share” (\$50 worth) of eligible food during the growing season.
2. It is up to the farmer to determine how to administer MSFP at their farm, specifically who will select the produce (Senior, Farmer, or Both). This will be clearly specified on the Senior Agreement Form:
  - a. Participant: Participant chooses eligible food themselves at the farm, farmers’ market, or other location and draws down on a \$50 credit balance.
  - b. Farmer: Farmer provides a bag or box of assorted eligible food at least 4 times over a minimum of 8 weeks or upon a mutually agreeable schedule (approved by the Program Manager).
  - c. Both: Some combination of the above
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 share).
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.

## FARMER ELIGIBILITY

**Authority** - 7 CFR §249.10

1. All farmers must be authorized by MSFP 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).
2. To participate in the MSFP all farmers must complete annual training.
  - a. Farmers 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. New farms applying to participate are required to complete *MSFP New Farmer Training* to become an authorized farm in the Program. (The MSFP New Farmer Training sessions are offered through an online video conference.)
3. Through the training sessions, Maine farmers 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. Farms that have been approved will receive a MSFP Authorized Farm Certificate that must be prominently displayed.
5. **All farmers** must apply annually to participate in the Program for the upcoming year. Applications can be completed online in your Maine Online Senior Share Access (MOSSA) account or by calling the Program Manager at 207-446-5550 to request an application by mail. **The deadline for applications is February 28, 2023.** Farmers who miss the deadline must submit a written appeal to MSFP requesting authorization, along with a satisfactory explanation for missing the deadline.
6. The MSFP reserves the right to deny or limit participation in the program based on prior MSFP performance, references, and availability of funds.
7. Farmers must read these *Program Policies and Guidelines* prior to completing an application. **A representative who has the legal authority to obligate the farmer to meet all provisions of the Program Rules and Regulations must sign the application.**
8. New farmers must submit a *New Farm Request* form found online: [www.maine.gov/dacf/seniorfarmshare](http://www.maine.gov/dacf/seniorfarmshare) under *Information for Farmers* or may call 207-446-5550 to request the form by mail. All request forms will be reviewed by the Program Manager, and farmers will receive a response within 5 business days.
9. Farms must have a 1-year (12-month) history of operating and selling produce.
10. 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.

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- a. 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.

## FARMER REQUIREMENTS

**Authority – 7CFR §249.10**

1. An authorized farmer 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 share tracking records in accordance with generally accepted accounting procedures and assure that share 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 farmer 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 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.
3. During the transaction of SFMNP benefits, farmers shall track each SFMNP purchase MSFP-approved Share Tracking Form or other approved method. Share Tracking Form must include the SFMNP purchase date, SFMNP purchase amount, SFMNP remaining balance, and SFMNP recipient's initials.
4. If MSFP determines that the farmer has committed a violation that affects the payment to the farmer, 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.
5. When payment for SFMNP Senior FarmShare Agreements is delayed or a claim is established, the MSFP shall provide the farmer with an opportunity to justify or correct the farmer's error. If satisfied with the justification or correction, MSFP shall provide payment or adjust the proposed claim accordingly.

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6. Failure of a farmer to pay a claim shall result in termination of the Farmer Agreement. The farmer may reapply for authorization after a waiting period of twelve (12) months.
7. MSFP shall not pay a farmer for SFMNP Senior FarmShare Agreements if it is determined that the farmer intentionally attempted to defraud and/or abuse the Program.
8. If the MSFP determines that state or federal violations were committed, the farmer may be subject to the corresponding penalties, including disqualification.
9. MSFP may deny payment to the farmer for improperly signed Senior Agreement Forms or may require refunds for payments already made on improperly signed Senior Agreement Forms.

## ALLOCATION OF SHARES TO FARMS

### Authority - 7 CFR §249.10

1. After receiving and compiling farmer 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 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 (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 farmer applications are considered.
3. The Program Manager will notify participating farms of the total number of individual shares allocated to their farm.
4. The MSFP reserves the right to deny or limit participation in the Program based on prior performance, references, and availability of funds.

## FILLING ALLOCATED SHARES

### Authority - 7 CFR §249.10

1. Farms may begin signing up eligible participants on **April 1, 2023**.
  - a. Eligible participants **must physically or verbally sign** a *Senior Agreement Form*.
    - i. Electronic form in MOSSA – The participant or proxy must type their name in the signature block to qualify as a legal signature.
    - ii. Paper Senior Agreement Form (SAF) – The participant or proxy must sign their name in the signature block.
    - iii. Verbal Agreement - Participants may complete a Farmer as Proxy Form authorizing the farmer to sign on their behalf. If a participant has authorized the farmer as their proxy, the participant may sign up to participate with the authorized farmer over the telephone. (Proxy forms are valid for one year following the date signed.)
      1. In MOSSA, select “Verbal Agreement.”
      2. On a paper Senior Agreement Form, check the box for “Verbal Agreement.”
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 may submit a written request to the MSFP to mail Senior Agreement Forms to be entered by staff.) 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.**
3. Farmers 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*. (“Participant Selects” and “Farmer Selects” may both be checked if the farmer may be delivering a portion of the participant’s share.)



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4. Farmers must explain the pick-up and/or delivery options available prior to participants signing an agreement form.
5. Delivery and pick-up information are required on the farmer 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.
6. Farmers determine whether they will offer delivery to participants or if the produce will be picked up at their farm, farm stand, farmers' market, or other designated site(s).
7. Participants must be given the final pick-up and/or delivery dates when signing up.
8. Shares may not be contracted with members of the farmer's immediate family or household members of the farmer.
9. Farmers 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.
10. All allocated shares must be filled (assigned to a senior) by September 30, 2023. MSFP will assess unfilled shares during the last week of July. Unfilled shares at that time may be reallocated to farms with waiting lists.
11. Once all allocated shares have been filled, farmers must maintain a waiting list with contact information of individuals wishing to participate.
12. All SFMNP shares must be fully distributed to every participant that signed an agreement form with the farm by November 30, 2023. If a participant is unable to spend their full share benefit amount, a new participant may be signed up after the September 30<sup>th</sup> deadline as a Replacement. The person that is signed up as a Replacement must receive the full \$50 share benefit amount by November 30<sup>th</sup>.
13. Farmers may arrange to store SFMNP-purchased produce after the November 30<sup>th</sup> 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 Share Tracking Record.
  - c. The Share Tracking Record must be updated each time produce is picked up or delivered.
  - 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 farmer must sign up a Replacement senior and provide a full \$50 share to that senior.
    - ii. The farmer must inform the Replacement senior which produce items are available.
    - iii. The farmer must notify the Program Manager of the situation within five (5) business days.
14. **Farmers (and all staff employed at the farm) 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 farmer resulting from requirements outlined by Maine DCAF for participation in the MSFP. The farmer is expressly prohibited from sharing confidential information with any third-party. Any violation to 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.

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3. Other items often offered for sale at farm stands (e.g., eggs, dried fruits or vegetables, meats, cheese, pickles, etc.) are not allowed.
4. All farmers 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 must allow MSFP participants to purchase any Maine-grown produce that is available to all other customers.
7. The farmer shall not substitute ineligible produce when eligible foods are not available.
8. MSFP may demand a refund from any farmer who fails to provide the full benefit to all SFMNP shareholders, or who provides ineligible foods as substitutes for eligible foods.
9. Farmers 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. It is also suitable for farm stand staff to be educated on which items are eligible to help customers shop.

<b>FRUITS</b>			
<b>Tree fruits</b>	Apples Apricots Cherries	Figs Nectarines Peaches	Pears Plums Quince
<b>Vine fruits</b>	Grapes	Hardy kiwi	
<b>Berries</b>	Strawberries Raspberries	Blackberries Blueberries	Cranberries Elderberries
<b>Melons</b>	Watermelon	Cantaloupe	Other specialty melons

<b>HONEY</b>			
<b>Comb honey</b>	Honey that comes exactly as it was produced in the hive		
<b>Cut comb honey</b>	Liquid honey that may have added chunks of the honey in the jar		
<b>Liquid honey</b>	Honey that is free of visible crystals and has been extracted directly from the honeycomb		
<b>Naturally crystallized honey</b>	Honey that has spontaneously crystallized		
<b>VEGETABLES</b>			
<b>Bean family</b>	Snap beans Wax beans	Snap peas Shelling peas	Fava beans Pea shoots
<b>Beet family</b>	Beets Beet greens	Swiss chard Spinach	Rhubarb Sorrel
<b>Cabbage family</b>	Broccoli Cauliflower Cabbage Brussels sprouts Collard greens	Kale Arugula Bok choy Turnips Rutabaga	Mustard greens Radishes Horseradish Kohlrabi Watercress

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<b>Carrot family</b>	Carrots Celery Celeriac	Parsnips Fennel Parsley	Cilantro Dill Lovage
<b>Lettuce family</b>	Lettuce heads Lettuce mix Chicory	Radicchio Escarole Dandelion greens	Artichokes Sunchokes Tarragon
<b>Mint family</b>	Basil Mint Oregano	Sage Rosemary Thyme	Lemon balm Lavender (fresh only) Savory
<b>Nightshade family</b>	Tomatoes Potatoes	Peppers Eggplant	Tomatillos Husk cherries
<b>Squash family</b>	Summer squash Zucchini Winter squash	Slicing cucumbers Pickling cucumbers Sour gherkin	Pumpkins (edible only) Gourds (edible only)
<b>Onion family</b>	Onions Garlic Leeks	Shallots Scallions Garlic Scapes	Chives Garlic chives
<b>Other</b>	Asparagus Sweet corn Flint corn* Amaranth greens Callaloo	Ginger Turmeric Lemongrass Sweet potatoes Sprouts	Okra Mushrooms Stinging nettles Ramps Fiddleheads

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

### PAYMENTS TO FARMS

**Authority – 7 CFR §249.10**

1. Farmers will be required to complete a Vendor Form to receive payments from the Treasurer, State of Maine.
2. Farmers 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 a farmer 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 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 your farm signs up more participants than what your farm has been allocated for shares, you are 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.)**

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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 farmer's 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](http://www.maine.gov/dacf/seniorfarmshare) under *Information for Farmers/Forms.*)

10. Final deadline to submit *Senior Agreement Forms* for payment is **September 30<sup>th</sup>** each year.
11. Final deadline to submit *Senior Agreement Forms* for replacements is **November 30<sup>th</sup>** each year.

## PROGRAM MONITORING

**Authority – 7 CFR §249.10**

1. All participating farms must agree to be monitored and evaluated for compliance with MSFP requirements which may include:
  - a. Regular visits to farmers' markets to assure that farmers are abiding by the program rules.
  - b. Farm Evaluation visits
2. MSFP Farm Evaluations are required for all participating farms at least once every five years. Farm 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 Farm 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 farmer for non-compliance based on violations of the Farmer Agreement.
2. The following are considered violations of the Farmer 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 Farmer Agreement.
  - d. Offensive behavior toward SFMNP recipients.
  - e. Preventing any MSFP representative from conducting any monitoring visits.

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- f. Participating in the program while selling fruits or vegetables solely grown by someone other than the participating farmer.
  - 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 recipient 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.
3. The following are consequences of violations listed on the previous page:
    - a. First violation
      - i. The farmer 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 farmer 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 farmer will be disqualified for the next season.
  4. A farmer 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 Farmer in writing before another such incidence is documented, unless it determines, in its discretion, on a case-by-case basis, that notifying the Farmer would compromise an investigation. Such a determination shall be documented in the farmer's file.

# 2023 MAINE SENIOR FARMSHARE PROGRAM POLICIES AND GUIDELINES

## ADMINISTRATIVE REVIEW OF MSFP ACTIONS (FARMERS)

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

1. Any farmer adversely affected by a MSFP decision has the right to appeal in the following instances:
  - a. Denial of authorization;
  - b. Termination of the Farmer Agreement;
  - 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 a 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 for to appeal the decision shall be defined as a written statement by a farmer requesting the opportunity to present his/her case to the appeal committee.
4. Requests for an appeal shall be made within fifteen (15) business days from 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 farmer or his/her representative.
  - c. The farmer or representative fails, without good cause, to appear at the meeting set by the appeal committee.
6. Adverse actions against a farmer shall be stayed until final agency action.
7. The farmer shall be provided with adequate opportunity to review all records and documents to be presented at the appeal meeting.
8. Any representative of the farmer must have written authorization from the farmer to review such records.
9. The MSFP shall keep record of all adverse decisions, appeals and their outcome. Information will include:
  - a. Vendor/Farmer number
  - b. Name of farmer/business
  - c. Termination/disqualification date
  - d. Reason for termination/disqualification
  - e. Appeal meeting date
  - f. Date of recommended decision

# 2023 MAINE SENIOR FARMSHARE PROGRAM POLICIES AND GUIDELINES

## 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 04330-9785
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 Farmer Application every year, the farmer 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.

**Filing a Civil Rights Complaint** - To file a Program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint), (AD-3027) found online at: [How to File a Complaint](https://www.usda.gov/oascr/how-to-file-a-program-discrimination-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: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

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- (2) Fax: (202) 690-7442; or
- (3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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2. **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:
  - a. 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
  - b. 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 a complaint from and 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:

- c. Name, address, and telephone number of the complainant;
- d. The location and name of the organization or office where the alleged incident occurred;
- e. The nature of the incident or action;
- f. The names, titles, and business addresses of persons who may have knowledge of the discriminatory action(s);
- g. The date(s) during which the alleged discriminatory actions occurred; and
- h. 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 farms are required to complete Civil Rights Training annually. Farmers 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.

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## 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.

### **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".

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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 Non-Discrimination statement that must be used:

### **USDA Non- Discrimination 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, audiotape, 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. 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](mailto:program.intake@usda.gov).

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### **Guidelines for displaying the nondiscrimination statement:**

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

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

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

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## 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 Non-Discrimination 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 you receive a completed complaint form from an applicant and/or participant, you must submit the form 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](mailto:program.intake@usda.gov)

**AND** 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 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

## **2023 MAINE SENIOR FARMSHARE PROGRAM POLICIES AND GUIDELINES**

applicant/participant's racial/ethnic category. An applicant/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/participants who self-identify as having Limited English Proficiency ("LEP"), p. Please contact the Program Manager if you require any materials to be translated.

Civil rights regulations prohibit discrimination in any program activity, so applicants and 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 is required, please 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, work to resolve them. If they are civil rights related, please refer the customer to the Non-Discrimination Statement and follow the referral policy.