

# Maine Center for Disease Control and Prevention Women, Infants, and Children Nutrition Program Farmers' Market Nutrition Program

Effective: October 1, 2011  
Revised: June 1, 2022

Policy No. FMNP-7

## Farmer Operations

### Authority

7 CFR §246.12 (h) and (k), and §248.10;  
22 MRSA §255;  
10-144 CMR Chapter 286

### Policy

1. An authorized farmer shall meet the following general requirements:
  - 1.1. Maintain compliance with the farmer selection criteria throughout the Farmer Agreement period, including any changes to the criteria;
  - 1.2. Maintain records in accordance with generally accepted accounting procedures; and assure that records reflecting justification and receipt of WIC/FMNP funds, FMNP Benefits and WIC Cash Value Benefit (CVB, hereinafter benefits), and all other program-related records of the Farmer are available for inspection or audit by federal, state or other authorized personnel;
  - 1.3. Cooperate with federal and state WIC/FMNP program and other authorized personnel during announced and unannounced on-site farmer reviews, inspections and audits;
  - 1.4. Provide the Maine CDC WIC Nutrition Program (Maine CDC) with purchase invoices from other farmers, when requested;
  - 1.5. Comply with the civil rights requirements of 7 CFR §248.7 and §248.10(a)(6);
  - 1.6. Keep all information of authorized WIC/FMNP shoppers confidential;
  - 1.7. Never publicly identify, call unnecessary attention to, or allow discourteous treatment of a WIC/FMNP shopper;
  - 1.8. Locally grown fruits or vegetables produce must be clearly labeled Maine grown and price.
  - 1.9. Appropriately redeem valid benefits for the types and quantities of food specified on the benefits.
  - 1.10. Never request or accept cash payment for the quantities of foods specified on benefit;
  - 1.11. Never attempt to seek restitution from WIC/FMNP shopper for benefits that were not paid by the Program's bank and/or for refunds/claims requested by the Maine CDC;
  - 1.12. If desired, allow WIC/FMNP shoppers to purchase less than the authorized amount of food;
  - 1.13. If desired, allow WIC/FMNP shoppers to purchase more than the authorized amount of food by allowing the WIC/FMNP shoppers to pay for any amount that exceeds the value of the benefits;
  - 1.14. Allow WIC/FMNP shoppers to take advantage of farmer promotions that provide

- foods free of charge when purchasing benefits;
  - 1.15. Only accept benefits at the time of the actual purchase and never issue “rain checks” or credit slips to WIC/FMNP shoppers for WIC/FMNP approved foods;
  - 1.16. Allow exchange of an identical item only when the original item is defective, spoiled;
  - 1.17. Accept valid benefits from all WIC/FMNP shoppers without exception;
  - 1.18. Never demand identification other than the barcode from a WIC/FMNP shopper;
  - 1.19. Direct questions concerning payment only to the Maine CDC. Do not contact WIC/FMNP shoppers concerning this or any other problem area;
  - 1.20. Report to the Maine CDC any irregularities in the use of benefits by WIC/FMNP shoppers; and
  - 1.21. If a farmer receives benefits as a WIC participant or is an authorized representative for a WIC participant they must redeem benefits with a different authorized farmer.
2. Maine CDC shall hold each farmer accountable for fair pricing practices. More specifically, farmers shall:
    - 2.1. Never charge the Maine CDC for WIC/FMNP products not actually purchased and received by the authorized WIC/FMNP shopper;
    - 2.2. Never charge the Maine CDC for WIC/FMNP products provided in excess of those listed on the benefits; and
    - 2.3. Ensure that prices charged to WIC/FMNP participants/recipients for approved foods are equal to or less than prices charged to non-WIC/FMNP customers.
  3. To ensure benefits validity, farmers shall run a balance inquiry using WIC/FMNP customers barcode, which will display eligible benefits and amount available.
  4. To conduct purchase, scan barcode, complete produce detail (ME Grown Produce and/or WIC General Produce), enter item price, select receipt option, verify transaction summary, and select OK to complete purchase.
  5. The Maine CDC shall not be held liable for any costs charged by the farmer’s bank for a rejection error.
  6. If the Maine CDC determines that the farmer has committed a violation that affects the payment to the farmer, Maine CDC shall establish a claim. Such farmer violations may be detected through compliance investigations, benefits review or other reviews or investigations of a farmer’s operations.
  7. When a claim is established, the Maine CDC shall provide the farmer with an opportunity to justify or correct the farmer overcharge or other error. If satisfied with the justification or correction, Maine CDC adjust the proposed claim accordingly.
  8. 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
  9. If Maine CDC determines that state or federal violations were committed, the farmer may be subject to the corresponding penalties including disqualification.
  10. All payment inquiries are to be directed to the EBT contractor.
  11. Maine CDC cannot pay for other programs and/or other states.
  12. Maine CDC has the right to charge a fine for benefits transacted for unauthorized foods, other items, or with sales tax charged.
  13. Maine CDC may require refunds for payments already made on improperly redeemed benefits.

## Procedures

1. The EBT contractor, banking intermediary shall transfer the funds to the banking information you provided within three to five days of first transaction, thereafter on nightly basis.
2. For farmers who believe an incorrect payment has been made, farmer must inquire with EBT contractor. Farmer is strongly urged to review depository bank statement reflecting direct deposit credits.
3. Maine CDC is not responsible for any bank charges or other fees charged to the farmer that result from the non-payment or partial payment of benefits. Farmers may not recover any bank charges from the WIC program, or from WIC/FMNP customers.
4. The Maine CDC WIC Nutrition Program shall initiate claims collection action within ninety (90) days of either the date of detection of the farmer violation or the completion of the review or investigation giving rise to the claim, whichever is later.