

**Portland Farmers' Market Association Rules amended 2020**  
**Portland Farmers' Market Association (PFMA)**

**1. Membership**

- a. Applications are filed with the Membership Coordinator of the Farmers' Market Association
- b. Membership applications are due prior to the Portland Farmers' Market Association's annual meeting.
- c. Application Packets (including annual dues, appropriate licensing, and proof of insurance) should be returned to the address on the application or submitted at annual meeting. Returning member Application Packets that are not submitted by the Annual Meeting are subject to a **\$60 late fee**, if not submitted by the Membership Meeting these members forfeit their membership.
- d. If Space is available in either the Wednesday, Saturday, or Winter Farmers' Markets the market Chairperson will address new membership at the annual meeting. If space is available the Chairperson will call a membership meeting. The membership meeting will be attended by all officers, the steering committee any other market members that wish to attend. The Membership Coordinator will send to the new applicants and to all current members a list of new applicants along with the date, time and place of the membership meeting at which the selections will be made. A two thirds vote of those present is necessary for acceptance. After the decisions, the membership coordinator will notify the prospective applicants of their status.
- e. New members will be provisional for their first year without voting rights, and are subject to a vote on their acceptance into the market at a future Annual Meeting. Each Annual Meeting will consider all outstanding provisional members for reentry into the market.

**2. Locations and times.**

- a. The Saturday Farmers' Market in Deering Oaks Park will be open from 7:00 am until 1:00 pm. Farmers may arrive two hours early for set-up and may remain two hours after for break-down.
- b. The Wednesday Farmers' Market on Monument Square will be open 7:00 am until 1:00 pm. Farmers may arrive two hours early for set-up and may remain two hours after for break-down.
- c. The Farmers' Market shall be the primary use of Monument Square on the designated days of the week, during the designated times from April 15th until the Wednesday before Thanksgiving. From Thanksgiving through April 15th, the Farmer's Market location may be relocated in the square to accommodate other activities.

d. The Winter Farmers' Market dates and times will be determined each year.

### **3. Fees.**

a. Fees are as follows:

- i. Dues \$200
- ii. Permit Fee \$100
- iii. An additional fee of \$50 per market location

b. All fees are to be paid to the Membership Co-ordinator. Checks are to be made out to "PFMA" and are due at January Annual meeting.

### **4. Processed Food, Scales, Insurance, Licensing.**

a. All producers of home-processed items such as honey, maple syrup, jams, jellies, relishes and home canned goods are required by law to obtain the proper licenses from the Department of Agriculture. These licenses must be obtained and submitted prior to being at market.

b. A state scale inspector may visit the market during the season to check the accuracy of vendor scales.

c. Vendor has in effect a policy of general liability insurance in the minimum amount of One Million Dollars (\$1,000,000) combined single limit covering bodily injury, death or property damage naming the City and PFMA as additional insureds thereon, in this way: certificate must say either: A) "the policy has actually been endorsed to name the City of Portland and the Portland Farmers Market Association as Additional Insureds" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as a Blanket Additional Insured Endorsement, by which the City of Portland and the Portland Farmers Market Association are , in fact, automatically made additional insureds." A Certificate which merely has a box checked under "Addl Insr," or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. In addition the Portland Farmers' Market Association carries a liability policy.

### **5. Buy-In Rule**

a. All members shall certify that any product offered for sale shall be of their own raising. In addition, members may also sell identified voids (products that the current market vendors do not supply enough of) by popular vote at a meeting after the Membership Meeting each year referred to as the Buy In Meeting. The identified voids can then be bought in by any member of PFMA, those bought in items equaling no more than 25% of their total potential gross sales on any given day. **All bought in items must be grown/ processed in Maine and purchased only from Maine Farms. Single ingredient products such as honey must be grown in Maine and the main ingredients in multi ingredient products must be sourced from Maine.** Additionally all vendors who buy in must label their products as such with the orange buy in tags that they are responsible for providing from the preset image and dimensions.

- b. Market members must list on their application all items they expect to be buying in. These items will be reviewed at the annual Buy in Meeting.
- c. Bought in items offered for sale must be fresh and of the highest quality.
- d. Processors must also label with orange buy in tags in situations when main ingredients are not sourced from their farm.
- e. Farm visits by two market member volunteers will be made as needed to ensure a member's adherence to the rules. Every new member will have a farm visit. Also, one fifth of the membership will be visited each year to build neighborliness and to keep up to date with members changing and expanding products. The Association will accept inspections done by other Farmers' Markets.

## 6. Products.

- a. Notification to the Steering Committee of new products is required. As long as the product in question is produced on your farm you will be permitted to bring it to market.
- b. Members may not use the word "Organic" to describe their products unless they have been certified as organic by a recognized agency.
- c. Local fruit, vegetables, flowers, seedlings and plants grown under the farmers' care for at least 6 weeks, may be sold at the Farmers' Markets.
- d. Farm fresh eggs, raw milk, pasteurized milk, honey, raw fiber, fresh meat, frozen meat, seafood, pesto, and maple syrup may be sold, provided they are stored or processed in compliance with state law during transport and display. Animals must be under farmers' care for at least 8 weeks.
- e. The following value-added items may also be sold at the Farmers' Markets, provided the product is **produced, processed, or manufactured** in an establishment licensed by the Department of Agriculture to produce the item and that the seller had produced, or processed, or manufactured the item: Licensees must provide proof of their current license with the Department of Agriculture. **The main ingredients in multi ingredient products must be sourced from Maine.** Additionally all vendors who buy in their main ingredients must label their products as such with the orange buy in tags that they are responsible for providing from the preset image and dimensions.
  - 1. Jams, jellies, pickles, tomato sauce, relishes, apple cider, provided they are processed, transported, stored, and displayed in compliance with state law
  - 2. Meat products provided they are processed, transported, stored, and displayed in compliance with state law
  - 3. Frozen meat products provided they are processed, transported, stored, and displayed in compliance with state law
  - 4 Milk products stored in compliance with Maine State Law.
  - 5. Cheese, provided in compliance with state law
  - 6. Fiber products
  - 7. Hard cider, as defined in 28-A M.R.S.A. § 2 and any amendments thereto, provided however that the producer has a farm winery license; malt liquor and wine, produced subject to the provisions of 7 M.R.S.A Sec. 415, and any amendments the

reto.

8. Ferments, in compliance with state law during production, storage, transport and display.

e. The following items may be sold, provided that the total amount of sales from all such items does not exceed 49% of the total amount of sales made by the licensee at the Farmer's Markets:

1. Any other edible produce that is a derivative of local plants or produce grown by the licensee, provided that the licensee holds the necessary license from the Department of Agriculture to produce such item(s). It is the intention that the licensee would be allowed to produce and sell such items such as fruit pies, breads, squares and fruit filled cookies derived in whole or in part from the products grown on their farm. It does not allow for the sale of such items as rice crispy squares, chocolate chip cookies, chocolate fudge, or brownies, to name a few.

2. Any baked goods eligible to be sold at the farmers' market must be individually or collectively wrapped while displayed and sold.

3. The sale of any potentially hazardous foods, which includes any perishable food or food products which consists, in whole or in part, of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic microorganisms, including but not limited to, cream fillings in pies, cakes or pastries, custard products, meringue topped bakery products, or butter cream type fillings in bakery products, will not be allowed.

f. Non-Farmer vendors may sell products at the Saturday Farmers' Market in Deering Oaks provided all proceeds from those sales go to exclusively support Deering Oaks Park.

## **7. Signs.**

a. All members must display signs that display their name and town in a prominent manner every day they are at market.

b. All bought in items must be labeled as such and must state the farm where the products were purchased.

## **8. Setting up at Market.**

a. All displays should be neat and tasteful.

b. Only one vehicle is allowed to be set up at a time.

c. Maintenance by market members of a clear walkway for customers and wheelchairs to move from one vendor to another without obstruction is important and will be enforced by the Market Manager. In addition market members are subject to city laws regarding wheelchair access and sidewalk space.

d. Members must park their vehicles in a safe and space-efficient manner. Generally, it works best to leave enough space between your setup and the next member's so the customers do not become confused as to whose goods are whose.

e. Food must be displayed at least 8 inches off the ground.

## **9. Attendance.**

a. All members must state the dates they plan to attend the market, on their applications.

This will help fill physical gaps in the market with seasonal products.

b. All members are encouraged to attend all markets rain or shine.

c. Poor weather aside, all members must not miss more than two markets within the time frame they plan to attend. If more than two markets are missed a reason must be provided for continued absence.

d. It is asked that you inform your Market Neighbors when you plan to skip market so people may adjust their setup.

## **10. Presentations.**

a. Members must present themselves in an appropriate manner, dress, and state of cleanliness.

b. Shirts and shoes must be worn.

c. Members should behave in a cooperative manner with other members and the public.

d. Members must keep tents fastened to weights to prevent personal injury.

## **11. Picking up.**

a. It is a condition of our use of these sites that the market will leave the lot exactly as we find it each day. All trash generated by the market must be cleaned up by the members.

## **12. Violation of the rules.**

Any PFMA member can bring a complaint that a fellow vendor has violated the PFMA rules to any member of the steering committee.

1. It is the Steering Committee's responsibility to conduct an investigation, the Steering Committee may request assistance from the Inspection Committee if deemed appropriate by the the majority of the Steering Committee.
2. If there is cause to continue investigation the accused PFMA member will have an opportunity to answer to such charges at a Steering Committee meeting that will be announced to full membership and open to any PFMA member.
3. If found by a 2/3rds majority of the Steering Committee that the member did indeed violate one or more rules the Steering Committee will issue written (email acceptable where applicable) warning and must become in compliance with PFMA rules.
4. If the same member is found a second time to be in noncompliance with the same market rules such action will cancel the membership of the accused member. A 2/3rds majority of the Steering Committee is required to cancel the

PFMA member's membership. A full steering committee vote is required for such action. Email votes will be accepted in extreme cases only, which will be determined by the Chairman of the PFMA.