

Department of Agriculture, Food and Rural Resources  
Division of Quality Assurance and Regulations

**FARM STANDS & FARMER'S MARKETS MOBILE**  
**VENDOR GUIDELINES**

- A. DEFINITIONS. For purposes of these guidelines and unless the context otherwise indicates the following words shall have the following meanings.
1. "Approved source" means inspected and/or licensed by a state or federal regulatory authority.
  2. "Department" means the Maine Department of Agriculture, Food and Rural Resources.
  3. "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
  4. "Equipment" means grill, stoves, utensils, worktables, storage containers, apparatus and cleaning tools such as brooms and mops.
  5. "Food" means any article used or intended to be used by human beings for food, drink, confection or condiment, whether simple or compound or any part or ingredient thereof or the preparation thereof.
  6. "Food contact surfaces" means those surfaces of equipment and utensils with which food comes in contact and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.
  7. "Legal For Trade Scales for Use at Farm Stands and Farmer's Markets" means labeled as Class II or Class III, National Type Evaluation (NTEP) certified, small division size, operates at a higher level of accuracy than a non-legal for trade device.
  8. "Mobile Vendor" means:
    - a) a mobile vehicle capable of moving or being moved from its site from which food is sold or offered for sale, that is not packaged or served to the customer in a manner intended for immediate consumption (for example, a bulk package of ice cream or a bag of raw clams)
    - b) a mobile vehicle capable of moving or being moved from its site from which food is sold or offered for sale in a form requiring further preparation or cooking by the customer before being suitable to eat.
    - c) mobile vendor does not include a mobile eating place which serves food for immediate consumption  
(license for this type of vending is obtained from the Department of Health and Human Services, 287-5671).
    - d) mobile vendor does not include fresh, raw unprocessed fruits and vegetables (ie: if only selling fresh, raw, unprocessed fruits and vegetables then the vendor does not need a mobile vendor license).

9. "Net Weight" means the weight of a commodity excluding the weight of any material, substance or item not a part of the commodity (i.e.: containers, bags, wrappers, labels).
10. "Non-Legal For Trade Scales" means not certified by the Maine State Sealer of Weights and Measures, not NTEP certified, not designed to operate at commercial tolerance levels, only used for estimating purposes.
11. "Processed food" means any food that is peeled, sliced, husked, canned, baked, dehydrated, refrigerated, frozen, ground, cured, smoked, shelled, or otherwise prepared and packaged for human consumption.
12. "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or their ingredients, including synthetic ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. Any food that must be refrigerated or other wise preserved. Any food that has a water activity of greater than .85. Any food that has a pH greater than 4.6 at 75 degrees Farenheight(F).
13. "Sales from Bulk" means sale of a commodity when the quantity is determined at the time of sale.

#### B. GENERAL REQUIREMENTS

1. There are no restrictions on any types of food however the food must be from an approved source.
2. All food and food packaging materials shall be stored at least 6 inches above the floor and protected from possible contamination.
3. Provision shall be made for proper disposal of waste in covered, fly tight, metal or plastic containers.
4. No animals or birds shall be allowed in food preparation areas.
5. Effective control measures shall be taken to minimize the presence of rodents, flies, roaches and other vermin on the premises.
6. All necessary precautions shall be taken to prohibit food from being contaminated by dust or dirt.
7. The use of staples in packaging food is prohibited.

#### C. CLEANLINESS AND SANITATION

1. The food contact surfaces of all equipment and utensils shall be sanitized daily or more often if required. Utensils and product contact surfaces of equipment which cannot be immersed shall be sanitized by rinsing. One of the following methods should be used:
  - a. immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees F.

- b. immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine - 6% hypochlorite.  
Recipe: 1 TBSP Ultra Clorox Regular Bleach in 1 gallon room temperature water
  - c. immersion for at least one minute in a clean solution containing at least 12.5 parts per million of iodine and having a pH not higher than 5.0 using room temperature water.
2. An adequate supply of water for cleaning and hand washing shall be available at all times.
  3. Auxillary heating facilities capable of producing an ample supply of hot water for all purposes shall be available. Mobile vendors handling only pre-wrapped or pre-packaged foods, which do not require further preparation by the operator, need not comply with the requirement of a water supply.
  4. Only new containers shall be used for canning or packaging of foods that are offered for sale.
  5. Every person handling wrapped, unwrapped or unprotected food shall keep clean, wear clean clothing, and wash hands with soap and water.
  6. No such person shall smoke or use tobacco in any form while processing, preparing or baking food products.

#### D. VEHICLE BODY

1. The exterior shall be of material which can be kept clean.
2. The interior shall be of wood or metal or other suitable non-absorbent material.
3. The walls and floors must be sealed to prevent absorption of water and juices, and all joints must be watertight.
4. Drainage shall be provided for discharge of water and juices. Discharge on the ground is prohibited.

#### E. REFRIGERATION

1. Ice shall be obtained from an approved source of water.
2. If ice is used, approved container and multi-use utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers and scoops shall be of a smooth, impervious, easily cleanable material.
3. Meat, poultry and meat and poultry products, shall be refrigerated at a temperature of 40 degrees F or below.
4. All potentially hazardous foods shall be refrigerated at a temperature of 41 degrees F or below.
5. Eggs shall be refrigerated at a temperature of 45 degrees F or below.

6. Frozen foods shall be maintained at a temperature of 0 degrees F or below.
7. Potentially hazardous frozen foods shall be thawed as follows:
  - a) in refrigeration units at a temperature of 60 degrees F or below.
  - b) under potable running water of a temperature of 60 degrees F or below, with sufficient water velocity to agitate.
8. Storage units must be equipped with thermometers.
9. Temperatures must be maintained.
10. Temperatures should be monitored hourly. It is suggested that temperature and time taken be entered in a log book.

## F. LABELING

1. All pre-packaged foods shall bear a label showing:
  - a) Name, address and zip code of the responsible party.
  - b) The common or usual name of the product.
  - c) Ingredients in order of predominance.
  - d) Net weight, net volume or numerical count.
2. And in addition:
  - a) In the case of *potentially hazardous foods*
    - ME license number as it appears on the current ME Food and Fuel license
  - b) In the case of ME or USDA inspected *red meat*
    - legend of ME or USDA "Inspected and Passed"
    - safe handling instructions
  - c) In the case of ME or USDA inspected *poultry*
    - legend of ME or USDA "Inspected and Passed"
    - safe handling instructions
  - d) In the case of *Grower-Producer Exempt Poultry*
    - exempt P.L. Number
    - ME license number as it appears on the current ME Food and Fuel license
    - safe handling instructions
  - e) In the case of *1,000 birds or less Exempt Poultry*
    - ME license number as it appears on the current ME Food and Fuel license
    - safe handling instructions
  - f) In the case of *produce not grown in the USA*
    - a declaration of the country of origin.
  - g) In the case of *any fresh produce that has received a post harvest treatment*
    - a declaration of the treatment

- h) In the case of *apples grown in Maine*
  - 'grown in Maine' must be clearly stated
- i) In the case of *apples presented in bulk or in open packages/containers*
  - declaration of Variety
  - declaration of Grade
- j) In the case of *apples presented in closed packages/containers*
  - a declaration of Variety
  - a declaration of Grade
  - a declaration of Minimum size
- k) In the case of *potatoes presented in bulk or in open packages/containers*
  - a declaration of price/#
  - a declaration of Grade(suggested)
- l) In the case of *potatoes presented in closed packages/containers*
  - a declaration of Grade
  - a declaration with the word "Potatoes"
- m) In the case of *eggs presented for retail sale*
  - a declaration of Grade (minimum grade "B")
  - a declaration of Size
  - a declaration "Keep refrigerated @ less than or equal to 45 degrees F"
  - used cartons must have the USDA shield and USDA high grade declarations obliterated
- n) In the case of *maple syrup presented for retail sale*
  - a declaration of Grade
  - a declaration of Color
  - must be sealed with a tamper-proof seal

## G. WEIGHTS AND MEASURES

1. The weight of any commodity packaged with a pre-determined weight printed on the label must meet or exceed the labeled quantity.
2. Products sold in bulk by weight must be weighed using a ME certified scales.
3. Weight of products sold in bulk must be the Net Weight.
4. Scales used at point of sale must be positioned so the weight readout can be seen from a reasonable customer location.

H. LICENSE REQUIREMENTS AT FARM STANDS AND FARMER'S MARKETS – possible scenarios

1. Sales of *fresh, raw, unprocessed fruits and vegetables only*
  - exempt from licensing requirements
2. Sales of *fruits and vegetables that have been peeled, sliced, husked, canned, baked, dehydrated, refrigerated, frozen, ground, cured, smoked, shelled, or otherwise prepared and packaged for human consumption at farm stands and farmer's markets*
  - Mobile Vendor License
3. Sales of *ME or USDA inspected meat and poultry products at farm stands and farmer's markets*
  - Retail Meat Sales License
  - Mobile Vendor License
4. Sales of *poultry products at farm stands and farmer's markets raised, processed and packaged with a Grower/Producer Exemption in a commercial food processing facility*
  - Commercial Food Processor License
  - Retail Meat Sales License
  - Mobile Vendor License
5. Sales of *poultry products at farm stands and farmer's markets raised, processed and packaged with 1,000 birds or less Exemption in a commercial food processing facility*
  - Commercial Food Processor License
  - Retail Meat Sales License
  - Mobile Vendor License
6. Sales of *butter at farm stands and farmer's markets manufactured in a commercial food processing facility, and sold by the commercial processor*
  - Commercial Food Processor License
  - Mobile Vendor License
7. Re-sales of *butter at farm stands and farmer's markets*
  - Mobile Vendor License
8. Sales of *dairy products (except for butter) at farm stands and farmer's markets*
  - Mobile Vendor License
  - Milk Distributor License from the Division of Animal Health & Industry (287-7610)

9. Sales of *potentially hazardous food* at farm stands and farmer's markets *manufactured in a commercial food processing facility, and sold by the commercial processor*
  - Commercial Food Processor License
  - Mobile Vendor License
10. Re-sales of *potentially hazardous food* at farm stands and farmer's markets
  - Mobile Vendor License
11. Sales of *non-potentially hazardous food* at farm stands and farmer's markets *manufactured in a home food processing facility, and sold by the home food processor*
  - Home Food License
  - Mobile Vendor License
12. Re-sales of *non-potentially hazardous food* at farm stands and farmer's markets
  - Mobile Vendor License
13. Sales of *baked goods* at farm stands and farmer's markets *manufactured in a commercial bakery, and sold by the commercial baker*
  - Commercial/Wholesale Bakery License
  - Mobile Vendor License
14. Re-sales of *baked goods* at farm stands and farmer's markets
  - Mobile Vendor License
15. Sales of *baked goods* at farm stands and farmer's markets *manufactured in a home food processing facility, and sold by the home food processor*
  - Home Food License
  - Mobile Vendor License
16. Sales of *cider/juice* at farm stands and farmer's markets *manufactured in a cider/juice processing facility, and sold by the cider/juice processor*
  - Cider/Juice Beverage Plant License
  - Mobile Vendor License
17. Re-sales of *cider/juice* at farm stands and farmer's markets
  - Mobile Vendor License
18. Sales of *maple syrup* at farm stands and farmer's markets *manufactured in a maple syrup processing facility, and sold by the maple syrup producer*
  - Maple Syrup Producer License
  - Mobile Vendor License
19. Re-sales of *maple syrup* at farm stands and farmer's markets
  - Mobile Vendor License

## **INSPECTION FOCUS SUMMARY**

1. Proper license posted in view of customer
2. Proper and complete product labeling
3. In the case of Potentially Hazardous Foods, license number on product label as it appears on current ME Food & Fuel License
4. General sanitation
5. Proper storage
6. Thermometers present
7. Temperature verification
8. Products to meet labeled grade
9. Use of Certified "legal for trade" scale

### **For more information contact:**

**Department of Agriculture**  
**Division of Quality Assurance and Regulations**  
**287-3841**

<http://www.maine.gov/agriculture/forms/index.html#QAR>

link to Food and Fuel Application for licenses needed at Farmer's Markets & Farm Stands  
click on needed license to display application  
just one application covers many licenses

<http://www.maine.gov/agriculture/qar/food-regs.html>

link to Food Regulations regarding food preparation for resale

<http://www.umaine.edu/foodinfo/>

link to Al Bushway; Mr. Bushway certifies home kitchen processes involving canned products such as jams, jellies, pickles; he also reviews processes for potentially hazardous foods produced in the commercial food processing facility.