SENATE DOCKET, NO. 1690 FILED ON: 1/18/2013

SENATE . . . . . No. 741

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Hedlund

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to prevent farm animal cruelty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert L. Hedlund	*Plymouth and Norfolk*
Thomas M. Stanley	*9th Middlesex*
Martha M. Walz	*8th Suffolk*
John P. Fresolo	*16th Worcester*
Cleon H. Turner	*1st Barnstable*
Kay Khan	*11th Middlesex*
Chris Walsh	*6th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Paul McMurtry	*11th Norfolk*
Patricia D. Jehlen	*Second Middlesex*
Dennis A. Rosa	*4th Worcester*
Angelo L. D'Emilia	*8th Plymouth*
John F. Keenan	*Norfolk and Plymouth*
William N. Brownsberger	*Second Suffolk and Middlesex*
David M. Rogers	*24th Middlesex*
Christine E. Canavan	*10th Plymouth*
Ruth B. Balser	*12th Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*

Elizabeth A. Malia	*11th Suffolk*
William Smitty Pignatelli	*4th Berkshire*
John D. Keenan	*7th Essex*
David B. Sullivan	*6th Bristol*
Mark C. Montigny	*Second Bristol and Plymouth*
James R. Miceli	*19th Middlesex*
Kenneth J. Donnelly	*Fourth Middlesex*
Christopher G. Fallon	*33rd Middlesex*
Thomas J. Calter	*12th Plymouth*
Michael Barrett	*Third Middlesex*
Sonia Chang-Diaz	*Second Suffolk*
Karen E. Spilka	*Second Middlesex and Norfolk*
Benjamin B. Downing	*Berkshire, Hampshire, Franklin and Hampden*
Cynthia S. Creem	*First Middlesex and Norfolk*
Mark J. Cusack	*5th Norfolk*
Michael F. Rush	*Norfolk and Suffolk*
Gale D. Candaras	*First Hampden and Hampshire*
Harold P. Naughton, Jr.	*12th Worcester*
Denise Provost	*27th Middlesex*
Ellen Story	*3rd Hampshire*
Geoff Diehl	*7th Plymouth*
Harriette L. Chandler	*First Worcester*
Paul Brodeur	*32nd Middlesex*
Thomas M. McGee	*Third Essex*
Kathleen O'Connor Ives	*First Essex*
Alice Hanlon Peisch	*14th Norfolk*

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By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 741) of Robert L. Hedlund, Thomas M. Stanley, Martha M. Walz, John P. Fresolo and other members of the General Court for legislation to prevent animal cruelty. The Judiciary.

The Commonwealth of Massachusetts

An Act to prevent farm animal cruelty.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 272 of the General Laws is hereby amended by adding the following section:--

Section 106.

(a) The purpose of this section, subject to exceptions, is to prohibit the confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

(b) Notwithstanding any other provision of law, a person is guilty of unlawful confinement of a covered farm animal if the person tethers or confines any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

(1) Lying down, standing up, and fully extending his or her limbs; and

(2) Turning around freely.

(c) This section shall not apply:

(1) During scientific or agricultural research.

(2) During examination, testing, individual treatment or operation for veterinary purposes.

(3) During transportation.

(4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.

(5) During the slaughter of a covered animal in accordance with the provisions of Chapter 94, sections 139C and 139D of the General Laws, and other applicable laws and regulations.

(6) To a pig during the seven-day period prior to the pig's expected date of giving birth.

(d) For the purposes of this section:

(1) "Calf raised for veal" means any calf of the bovine species kept for the purpose of producing the food product described as veal.

(2) "Covered animal" means any pig during pregnancy, or calf raised for veal who is kept on a farm.

(3) “Enclosure” means any cage, crate, or other structure (including what is commonly described as a “gestation crate” for pigs; or a “veal crate” for calves used to confine a covered animal.

(4) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber; and does not include live animal markets.

(5) "Fully extending his or her limbs" means fully extending all limbs without touching the side of an enclosure

(6) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.

(7) "Pig during pregnancy" means any pregnant pig of the porcine species kept for the primary purpose of breeding.

(8) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure.

(e) Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars ($1,000) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

SECTION 2. This chapter shall take effect one year after its passage.