

**SENATE . . . . . No. 377**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

An Act clarifying certain farm commodities as agriculture in the Commonwealth..

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

1 SECTION 1. Section 1A of chapter 128 of the General Laws, as amended pursuant to  
2 section 142 of chapter 38 of the acts of 1995, is hereby further amended by striking said section,  
3 and inserting in place thereof the following new section:-

4 Section 1A. "Farming" or "agriculture" shall include, but not be limited to, farming in all  
5 its branches and the cultivation and tillage of the soil, dairying, the production, cultivation,  
6 growing and harvesting of any agricultural, aquacultural, floricultural or horticultural  
7 commodities, the growing and harvesting of forest products upon forest land, the raising of  
8 livestock including horses, the keeping of horses as a commercial enterprise, the keeping and  
9 raising of poultry and other domestic fowl, swine, cattle, sheep, goats, fallow deer and other  
10 domesticated animals used for food purposes, llamas and alpacas, bees, fur-bearing animals, and  
11 any forestry or lumbering operations, performed by a farmer, who is hereby defined as one  
12 engaged in agriculture or farming as herein defined, or on a farm as an incident to or in con-  
13 junction with such farming operations, including preparations for market, delivery to storage or

14 to market or to carriers for transportation to market. For the purpose of this section ratites shall  
15 be considered domestic fowl.

16 SECTION 2. Section 1 of chapter 111 of the General Laws, as amended pursuant to  
17 section 127 of chapter 38 of the acts of 1995, is hereby further amended by striking the definition  
18 of "Farming" or "Agriculture" contained therein, and inserting in place thereof the following:-

19 "Farming" or "Agriculture", shall be defined pursuant to section one A of chapter one  
20 hundred and twenty-eight.

21 SECTION 3. Chapter 64H of the General Laws, as appearing in the 2004 Official  
22 Edition, is hereby amended in section 6, paragraph (p), by striking, in the first line thereof, the  
23 words "livestock and poultry of a kind which ordinarily constitute food for human consumption;"  
24 and inserting in place thereof the words:- "any aquacultural species, poultry or other domestic  
25 fowl, and livestock, including horses, of a kind which are used in the normal course of  
26 agricultural production or farming as defined pursuant to section one A of chapter one hundred  
27 twenty-eight;"

28 SECTION 4. Chapter 64H of the General Laws, as so appearing, is hereby further  
29 amended by striking out, in item (2) of section 6, paragraph (p), the words "livestock and  
30 poultry of a kind which ordinarily constitute food for human consumption;" and inserting in  
31 place thereof the words:- "any aquacultural species, poultry or other domestic fowl, and  
32 livestock, including horses, of a kind which are used in the normal course of agricultural  
33 production or fanning as defined pursuant to section one A of chapter one hundred twenty-  
34 eight;"

35 SECTION 5. Chapter 64H of the General Laws, as so appearing, is hereby further  
36 amended in section 6, paragraph (r), line 244, by striking the words "the raising of poultry and  
37 livestock" and inserting in place thereof the words:- "the raising of aquacultural species, poultry  
38 or domestic fowl, or livestock including horses, or the keeping of horses as a commercial  
39 enterprise, or any other activity defined as fanning pursuant to section one A of chapter one  
40 hundred twenty-eight".

41 SECTION 6. Chapter 64H of the General Laws, as so appearing, is hereby further  
42 amended in section 6, paragraph (s), by adding after the first sentence the following sentence:-  
43 "For the purpose of this paragraph, the term equipment shall include farm tractors and other off-  
44 road vehicles used directly and exclusively in agriculture or farming as defined in section one A  
45 of chapter one hundred twenty-eight."

46 SECTION 7. Chapter 64H of the General Laws, as so appearing, is hereby further  
47 amended in section 6, paragraph (s), line 264, by striking the words "the raising of poultry and  
48 livestock" and inserting in place thereof the words:- "the raising of aquacultural species, poultry  
49 or domestic fowl, or livestock including horses, or the keeping of horses as a commercial  
50 enterprise, or any other activity defined as farming pursuant to section one A of chapter one  
51 hundred twenty-eight".

52 SECTION 8. Chapter 90 of the General Laws, as amended pursuant to chapter 109 of the  
53 acts of 1996, is hereby further amended in section 1, by striking the definitions of "Farmer" and  
54 "Farming" contained therein, and inserting in place thereof the following definition:-

55 "Farmer" or "farming" shall be as defined pursuant to section one A of chapter one  
56 hundred twenty-eight, provided that said farmer shall meet any further income standards  
57 established pursuant to this chapter.