

SENATE No. 338

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

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 adoption of the accompanying bill:

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

PETITION OF:

NAME:

Stephen M. Brewer

DISTRICT/ADDRESS:

Worcester, Hampden, Hampshire and Middlesex

SENATE No. 338

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 338) of Stephen M. Brewer for legislation to clarify certain farm commodities as agriculture in the Commonwealth. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 377 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 but not limited to horses, the keeping of horses as a commercial enterprise,
9 the keeping and raising of poultry and other domestic fowl, swine, bison, cattle, sheep, goats,
10 fallow deer and other domesticated animals used for food purposes, llamas and alpacas, bees,

11 fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is
12 hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an
13 incident to or in conjunction with such farming operations, including preparations for market,
14 delivery to storage or to market or to carriers for transportation to market. For the purpose of this
15 section ratites shall 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 but not limited horses and bison, of a kind which are used in the
26 normal course of agricultural production or farming as defined pursuant to section one A of
27 chapter one hundred 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 but not limited to horses and bison, of a kind which are used in the normal

33 course of agricultural production or fanning as defined pursuant to section one A of chapter one
34 hundred twenty-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 but not limited to horses and bison, or the keeping of
39 horses as a commercial enterprise, or any other activity defined as fanning pursuant to section
40 one A of chapter one 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 but not limited to horses and bison, or the keeping of
50 horses as a commercial enterprise, or any other activity defined as farming pursuant to section
51 one A of chapter one 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.