

HOUSE No. 2938**The Commonwealth of Massachusetts**

PRESENTED BY:

Paul A. Schmid, III

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 promoting agriculture in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/20/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/1/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/2/2017</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>2/1/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/2/2017</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/3/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/26/2017</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/3/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/3/2017</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/3/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/1/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/3/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/1/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/27/2017</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>2/1/2017</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>	<i>2/2/2017</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/26/2017</i>

<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2017</i>
<i>Edward F. Copping</i>	<i>10th Suffolk</i>	<i>2/2/2017</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/2/2017</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>2/3/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>2/3/2017</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>2/3/2017</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/24/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/2/2017</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/24/2017</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/2/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/25/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>2/3/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/2/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/24/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/30/2017</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/1/2017</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>2/2/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/23/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/3/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/2/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/26/2017</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/31/2017</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>2/3/2017</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/3/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/26/2017</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>2/3/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>2/3/2017</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>	<i>2/3/2017</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/25/2017</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>2/3/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/1/2017</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/30/2017</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/31/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/31/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2017</i>

<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>1/31/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/27/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/1/2017</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	<i>1/24/2017</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>1/24/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/27/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/2/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/30/2017</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/25/2017</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>	<i>2/3/2017</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>2/2/2017</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>1/31/2017</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>2/3/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/2/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/26/2017</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>1/24/2017</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>2/2/2017</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/3/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>2/3/2017</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>1/31/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/27/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/2/2017</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2017</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>2/3/2017</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/1/2017</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/30/2017</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/26/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/25/2017</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>1/26/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/30/2017</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/2/2017</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>2/1/2017</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/31/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/24/2017</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/23/2017</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/25/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/2/2017</i>

<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/27/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/3/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/3/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>2/3/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/2/2017</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/2/2017</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>2/2/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/30/2017</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/3/2017</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>2/3/2017</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>2/2/2017</i>

HOUSE No. 2938

By Mr. Schmid of Westport, a petition (accompanied by bill, House, No. 2938) of Paul A. Schmid, III and others for legislation to establish the agricultural resolve and security fund to promote and foster agriculture. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act promoting 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 6C of chapter 20 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking, in line 3, the figure “17” and inserting in its
3 place thereof the following figure:- 18

4 SECTION 2. Said section 6C of said chapter 20, as so appearing, is further amended by
5 inserting in line 14 after the word “designee” the following words:-

6 ; 1 of whom shall be the commissioner of fish and game, or the commissioner’s designee

7 SECTION 3. Chapter 29 of the General Laws, as appearing in the 2014 Official Edition,
8 is hereby amended by striking out section 2III and inserting in place thereof the following
9 section:-

10 Section 2III. There shall be established and set upon the books of the commonwealth a
11 separate fund to be known as the Agricultural Resolve and Security Fund, the funds of which

shall be expended to foster agriculture, as defined in section 1A of chapter 128, in the commonwealth and for furthering other purposes and programs of the department of agricultural resources as set forth in any general or special law including, but not limited to, agricultural education, support for sustainable agriculture and pollution prevention, agricultural integrated pest management programs, agricultural land preservation, control of animal diseases, emergency preparedness, agricultural innovation, the agricultural food safety improvement program, the farm viability enhancement program and the urban agriculture program.

The Agricultural Resolve and Security Fund may receive monies from: (1) gifts, grants and donations from public or private sources; (2) federal reimbursements and grants-in-aid; (3) revenues retained equal to 10 per cent, but not exceeding \$400,000, of annual pesticide product registration fees collected pursuant to section 7 of chapter 132B; and (4) any interest earned from the fund. The state treasurer shall receive, deposit and invest funds held in such a manner as to ensure the highest interest rate available consistent with the safety of the fund. The books and records of the fund shall be subject to an annual audit by the state auditor. The department may expend such funds and no expenditure from the fund shall cause it to be in deficiency at the close of a fiscal year. The commissioner of the department of agricultural resources shall report annually to the house and senate committees on ways and means and the joint committee on environment, natural resources and agriculture on income received into the fund and sources of that income, any expenditure from the fund and their purposes and fund balances. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

SECTION 4. Section 2DDDD of said chapter 29, as so appearing, is hereby amended by inserting in line 17, after the word “including”, the following words:-

transfers to the Massachusetts Veterans and Warriors to Agriculture Program Fund established in section 2SSSS of chapter 29, which shall not be subject to appropriation and shall consist of 2 per cent of the total amounts credited annually to the fund but not to exceed an annual amount more than \$300,000, and

SECTION 5. Said chapter 29 of the General Laws is hereby further amended by inserting after section 2RRRR the following section:-

Section 2SSSS. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Massachusetts Veterans and Warriors to Agriculture Program Fund, in this section referred to as the fund. The fund shall be administered by the department of agricultural resources. Notwithstanding any general or special law to the contrary, there shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, or investment income earned on the fund’s assets and all other sources. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

(b) The public purpose of the fund shall be to enhance the education, training, employment, income, productivity and retention of veterans currently working or aspiring to work in the field of agriculture in the commonwealth. The department of agricultural resources, in consultation with the department of veteran services, shall establish, develop, and implement

the Massachusetts Veterans and Warriors to Agriculture Program in furtherance of this purpose. Amounts credited to the fund shall be used, without further appropriation, for the costs associated with administering and implementing the program and may also be used to provide grants or loans on a competitive basis to public, private, and charitable entities to finance projects in furtherance of this public purpose. Expenditures from the fund for such purpose shall complement and not replace existing local, state, private or federal funding for related training and educational programs.

SECTION 6. Section 2 of chapter 61 of the general laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 40, the word “October”, and inserting in place thereof the following word:- December.

SECTION 7. Said section 2 of said chapter 61, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

When in judgment of the assessors, land which is classified as forest land or which is the subject of an application for such classification is not being managed under a program, or is being used for purposes incompatible with forest production, or does not otherwise qualify under this chapter, the assessors may, on or before February first in any year file an appeal in writing mailed by certified mail to the state forester requesting a denial of application or, in the case of classified land, requesting removal of the land from such classification. Such appeal shall state the reasons for such request. A copy of the appeal shall be mailed by the assessors by certified mail to the owner of the land. The state forester may initiate, on or before December first of any year, a proceeding to remove land from classification, sending notice of his action by certified mail to the assessors and the owner of such land. The state forester may deny the owner's

application, may withdraw all or part of the land from classification, or may grant the application, imposing such terms and conditions as he deems reasonable to carry out the purpose of this chapter, and shall notify the assessors and the owner of his decision no later than March first of the following year. If the owner or the assessors are aggrieved by his decision they may, on or before June fifteenth, give notice to the state forester of a claim of appeal. The state forester shall convene within 30 days after receipt of said notice of appeal, a panel in the region in which the land is located. Said panel shall consist of three members, one of whom shall be named by the state forester, one of whom shall be named by the assessors, and one of whom shall be named by the state forester and the assessors. Said panel shall give notice of the date and place of the hearing in writing to the parties seven days at least before the date of said hearing. The panel shall furnish the parties, in writing, a notice of its decision within ten days after the adjournment of said hearing. Decisions of the panel shall be by majority vote of its members. If the owner or the assessors are aggrieved by such decision, they may, within forty-five days from receipt of the decision, petition either the superior court in the county in which the land is located for a review of such decision under the provisions of chapter thirty A or the appellate tax board under the provisions of chapter fifty-eight A, and said land shall not be classified or withdrawn from classification until the final determination of such petition. The state forester may adopt such regulations as he deems necessary to carry out the provisions of this chapter.

SECTION 8. Chapter 61A of the General Laws is hereby amended by striking out sections 4 and 5, as appearing in the 2014 Official Edition, and inserting in place thereof the following 2 sections:-

Section 4. (a) For general property tax purposes, the value of land, not less than 5 acres in area, which is actively devoted to agricultural, horticultural or agricultural and horticultural uses

during the tax year in issue and has been so devoted for at least the 2 immediately preceding tax years, shall upon application of the owner of such land and approval thereof, be that value which such land has for agricultural or horticultural purposes.

(b) For the said tax purposes, land so devoted shall be deemed to include such contiguous land under the same ownership as is not committed to residential, industrial or commercial use and which is covered by application submitted pursuant to section 6. Land shall be deemed contiguous if it is separated from other land under the same ownership only by a public or private way or waterway.

Land under the same ownership shall be deemed contiguous if it is connected to other land under the same ownership by an easement for water supply.

(c) For the said tax purposes, land so devoted shall be deemed to include such non-contiguous land under the same ownership as is not committed to residential, industrial or commercial use and which is covered by application submitted pursuant to section 6. Non-contiguous land shall only be included, if it is located within a ½ mile of any boundary of other land under the same ownership and it is utilized together with such other land for a unified agricultural, horticultural, or agricultural and horticultural, economic purpose.

(d) All such land, which is considered contiguous or non-contiguous for purposes of this chapter shall not exceed in acreage 100 per cent of the acreage which is actively devoted to agricultural, horticultural or agricultural and horticultural uses.

(e) The rate of tax applicable to such agricultural or horticultural land shall be the rate determined to be applicable to class 3, commercial property under chapter 59.

Section 5. Where land, including any contiguous and non-contiguous land, in agricultural, horticultural or agricultural and horticultural uses under one ownership is located in more than one city or town, compliance with the 5 acre minimum area requirements of section 4 shall be determined on the basis of the entire area of such land so devoted in accordance with said section, and not on the basis of the land area which falls within the bounds of any particular city or town.

SECTION 9. Said chapter 61A, as so appearing, is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. Eligibility of land for valuation, assessment and taxation pursuant to section 4 shall be determined separately for each tax year. Application therefor shall be submitted to the board of assessors of each city or town in which such land is situated not later than December first preceding each tax year for which such valuation, assessment and taxation are being sought and may not thereafter be withdrawn. Application shall be made on a form prescribed by the commissioner of revenue and provided for the use of claimants by said board of assessors. Such form shall provide for the reporting of information pertinent to the provisions of this chapter and of Article XCIX of the Articles of Amendment to the Constitution of the Commonwealth and for certification by the applicant that they will immediately, but no later than December first next following, notify the board of assessors in writing of any subsequently developing circumstance within their control or knowledge which may cause a change in use of the land covered by such form. Any application submitted under this section and covering leased land shall be accompanied by a written statement signed by any lessee of their intent to use such land for the purposes set forth in said application. A certification by a landowner that the information set forth in their application is true may be prescribed by said commissioner to be in lieu of a sworn

statement to that effect. An application so certified shall be considered as if made under oath and subject to the same penalties as provided by law for perjury. Upon allowance of any such application under section 9, classification as land actively devoted to agricultural, horticultural or agricultural and horticultural use shall take effect on January first preceding the beginning of the tax year to which the application relates and taxation under this chapter shall commence with that tax year.

SECTION 10. Section 7 of said chapter 61A, as so appearing, is hereby amended by striking out, in line 3, the words “October first and June thirtieth of the year”, and inserting in place thereof the following:- December first and June thirtieth.

SECTION 11. Said chapter 61A, as so appearing, is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. For any tax year in which a city or town has undertaken a program of revaluation of all property therein and the commissioner of revenue has certified that said revalued property is assessed by the board of assessors at full and fair cash valuation under section 56 of chapter 40, applications made by landowners to the board of assessors for the valuation, assessment and taxation of their lands as being actively devoted to agricultural or horticultural uses, shall be considered as filed timely when made not later than the last day to file an application for a tax abatement of assessed property as revalued and certified for such tax year, notwithstanding any provision of this chapter to the contrary.

If a proper application by a landowner is approved for lands that qualify for valuation, assessment and taxation as being actively devoted to agricultural, horticultural, or agricultural and horticultural uses for any tax year that property is revalued and certified, that portion of any

tax assessed for such year which is in excess of the tax that otherwise would have been assessed on the land, if the application had been timely made and approved, shall be abated.

SECTION 12. Section 14 of said chapter 61A, as so appearing, is hereby amended by striking the eighteenth paragraph and inserting in place thereof the following paragraph:-

The assignment shall be for the purpose of maintaining no less than 70 per cent of the land in use as forest land as defined in section 1 of chapter 61, as agricultural and horticultural land as defined in sections 1 and 2 of this chapter or as recreation land as defined in section 1 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was proposed by the developer whose offer gave rise to the assignment. All land other than land that is to be developed shall then be bound by a permanent deed restriction that meets the requirements of chapter 184.

SECTION 13. Section 3 of chapter 61B of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out said section and inserting in place thereof the following section:-

Section 3. Eligibility of land for valuation, assessment and taxation under this chapter shall be determined separately for each tax year. Application therefor shall be submitted to the board of assessors of each city or town in which such land is situated not later than December first preceding each tax year for which such valuation, assessment and taxation is being sought. Application shall be made on a form prescribed by the commissioner of revenue and provided for the use of applicants by said board of assessors. Such form shall provide for the reporting of information pertinent to the provisions of this chapter and for certification by the applicant that they will immediately, but no later than the December first next following, notify the board of

assessors in writing of any subsequent circumstance within their control or knowledge which may cause a change in use of the land covered by such form. Any application submitted under this section and covering leased land shall be accompanied by a written statement signed by the lessee of their intent to use such land for the purposes set forth in said application. A certification by a landowner that the information set forth in their application is true may be prescribed by said commissioner to be in lieu of a sworn statement to that effect. An application so certified shall be considered as if made under oath and subject to the same penalties as provided by law for perjury. Upon allowance of any such application under section 6, classification as recreation land shall take effect on January first preceding the beginning of the tax year to which the application relates and taxation under this chapter shall commence with that tax year

SECTION 14. Section 4 of said chapter 61B, as so appearing, is hereby amended by striking out, in line 2, the words "October first and June thirtieth of the year", and inserting in place thereof the following:- December first and June thirtieth.

SECTION 15. Said chapter 61B is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. For any tax year in which a city or town has undertaken a program of revaluation of all property therein and the commissioner of revenue has certified that said revalued property is assessed by the board of assessors at full and fair cash valuation under section 56 of chapter 40, applications made by landowners to the board of assessors for the valuation, assessment and taxation of their lands on the basis as being maintained in recreational use, shall be considered as filed timely when made not later than the last day to file an

210 application for a tax abatement of assessed property as revalued and certified for such tax year,
211 notwithstanding any provision of this chapter to the contrary.

212 If a proper application by a landowner is approved for lands that qualify for valuation,
213 assessment and taxation as being maintained for recreational use for any tax year that property is
214 revalued and certified, that portion of any tax assessed for such year which is in excess of the tax
215 that otherwise would have been assessed on the land, if the application had been timely made
216 and approved, shall be abated.

217 SECTION 16. Section 6 of said chapter 61B, as so appearing, is hereby amended by
218 striking out, in line 13, the words “a disallowance”, and inserting in place thereof the following
219 words:- an allowance.

220 SECTION 17. Section 9 of said chapter 61B, as so appearing, is hereby amended by
221 striking out the eighteenth paragraph and inserting in place thereof the following paragraph:-

222 The assignment shall be for the purpose of maintaining no less than 70 per cent of the
223 land in use as forest land as defined in section 1 of chapter 61, as agricultural and horticultural
224 land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of
225 this chapter, and in no case shall the assignee develop a greater proportion of the land than was
226 proposed by the developer whose offer gave rise to the assignment. All land other than land that
227 is to be developed shall then be bound by a permanent deed restriction that meets the
228 requirements of chapter 184.

229 SECTION 18. Section 1 of chapter 94 of the General Laws, as appearing in the 2014
230 Official Edition, is hereby amended by inserting after the definition of “rolls” the following
231 definitions:-

“shared animal ownership agreement”, includes a cow share or goat share that is an undivided interest in a cow, goat, or dairy herd, created through a written contractual relationship between a shareholder and farmer that includes a legal bill of sale to the shareholder for an interest in a cow, goat, or dairy herd, and under which the shareholder agrees to pay or reimburse a farmer, or otherwise accept financial responsibility for the care and boarding of a cow, goat, or dairy herd, and under which the shareholder is entitled to receive a raw milk share from the cow, goat, or dairy herd.

“shareholder,” refers to an individual who owns an undivided interest in a cow, goat, or dairy herd created through a shared animal ownership agreement.

SECTION 19. Section 13 of said chapter 94, as so appearing, is hereby amended by inserting, in line 17, after the word "precluded", the following words:-

; and provided further, the provisions of this chapter shall be inapplicable to a shareholder, or any individual participating in a shared animal ownership agreement, who is using any product derived from such animal for personal consumption.

SECTION 20. Said chapter 94 of the General Laws, is hereby amended by inserting after section 13 the following section:-

Section 13 A ½. (a) Licensed raw milk farmers shall be allowed to deliver raw milk directly to the consumer, off-site from the farm, provided that the raw milk farmer has a direct, contractual relationship with the consumer. The raw milk farmer may contract with a third party for delivery provided that the raw milk farmer shall maintain the contractual relationship with the consumer. The raw milk farmer may deliver raw milk through a community supported agriculture (CSA) delivery system provided that the raw milk farmer shall maintain a contractual

254 relationship with the consumer. Delivery may be made directly to the consumer's residence or to
255 a pre-established receiving site; said sites shall not be in a retail setting with the exception of
256 CSA delivery. In such instances, raw milk shall be kept separated from retail items for sale and
257 will not be accessible to the general public.

258 (b) Raw milk farmers may sell raw milk from their farm stands even if not contiguous to
259 their raw milk dairy and shall comply with section 3 of chapter 40 of the General Laws.

260 (c) The department of agricultural resources and the department of public health, acting
261 jointly, shall adopt and promulgate reasonable rules and regulations governing the handling,
262 packaging, storage, testing, and transportation of raw milk, provided that non-mechanical
263 refrigeration shall be permitted.

264 SECTION 21. Said chapter 94 is hereby further amended by inserting after section 13E
265 the following section:-

266 Section 13F. (a) Any farmer may participate in a shared animal ownership agreement if
267 said farmer has no more than twelve lactating cows, goats, or cows and goats, and enters a shared
268 animal ownership agreement through a written contractual relationship, provided that the
269 contract shall include:

270 (1) the name and address of the farm, owner of the farm and name of the farmer;

271 (2) the name and address of the shareholder;

272 (3) a prominent warning statement that the raw milk is not pasteurized nor subject to
273 inspection by the department of public health nor the department of agricultural resources and
274 that the raw milk is subject to limited safety testing by the department of agricultural resources.

(b) A farmer participating in a shared animal ownership agreement shall keep a record of when a shareholder receives a raw milk share and the farmer shall maintain such record for no less than 60 days. A farmer participating in a shared animal ownership agreement shall only distribute raw milk off of their farm.

(c) Any shareholder of a cow share or goat share within a cow, goat, or dairy herd may receive raw milk on behalf of another shareholder within the same cow, goat, or dairy herd.

(d) No shareholder who receives raw milk through a shared animal ownership agreement under this section shall sell or redistribute the raw milk to any person who does not own a raw milk share within the same cow, goat, or dairy herd.

(e) The department of agricultural resources may issue rules and regulations pursuant to the testing of raw milk distributed through a shared animal ownership agreement, provided that the testing is done not more than once every two months, and provided that the testing requirements are not overly burdensome to the farmer or cost-prohibitive.

SECTION 22. Chapter 128 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 1A the following section:-

Section 1B. "Farmers Market" shall mean a public market or public market place located in a city or town that operates or occurs more than once per year for the primary purpose for Massachusetts farmers, from more than 1 farm, to vend food, crops and other farm related items that they have produced directly to the public.

A public market or public market place used by farmers that is established by a municipality under section 10 of chapter 40, or operates on department of conservation and

296 recreation land by special permit under section 2F of chapter 132A, shall be deemed under this
297 definition as a “Farmers Market”.

298 SECTION 23. Section 46 of chapter 132 of the General Laws, as appearing in the 2014
299 Official Edition, is hereby amended by striking out, in the third sentence of the first paragraph,
300 the words “on June thirtieth of each year” and inserting in place thereof the following words:-

301 3 years following the anniversary date of the license granted to said applicant.

302 SECTION 24. Section 49 of said chapter 132, as so appearing, is hereby amended by
303 striking out, in line 8, the words "annually on" and inserting in place thereof the following
304 words:-

305 3 years following

306 SECTION 25. Chapter 132A of the General Laws, as appearing in the 2014 Official
307 Edition, is hereby amended by inserting after section 2D, the following 2 sections:-

308 Section 2E. (a) The commissioner of the department of conservation and recreation shall
309 establish a program to provide for the use of designated lands in state-owned department parks
310 and reservations throughout the commonwealth for community gardens. Lands so designated
311 shall be restricted to noncommercial horticultural uses of growing and harvesting food crops by
312 inhabitants of local communities.

313 Community gardens shall be established as authorized by the commissioner, in open
314 spaces that are suitable for such recreational gardening activities which are accessible to the
315 public. Improvements to community garden lands shall to the extent as is practicable, preserve
316 the natural state of such park and reservation areas.

Under the program, specific planting areas that are available within designated community garden sites shall be allotted for personal use on a seasonal basis by special permits issued to qualifying individual gardeners.

The department shall evaluate, identify and map community garden lands, and post relevant information about the sites and potential sites on the department's public website.

(b) The commissioner shall be authorized to license cities or towns to, establish, improve, maintain, operate and access local community gardens on designated department land. Said licenses shall be granted for no fee, upon such terms, restrictions and agreements, and for such period of years, not exceeding 10, as the commissioner may deem appropriate; provided, that the land licensed is utilized for the purposes of the department's community garden program consistent with the applicable rules and regulations of the department, and provided further, that under said licenses, cities and towns may be responsible for their costs and expenses, or portion thereof, to establish, improve, maintain and operate community gardens.

Cities and towns applying for a license to use department lands under the community garden program shall submit a plan related to said use, which shall be subject to approval by the commissioner.

(c) The commissioner shall be authorized to license qualified non-profit organizations to, establish, improve, maintain, operate and access community gardens on designated department land. Said licenses shall be granted, upon such terms, restrictions and agreements, and for such period of years, not exceeding 5, as the commissioner may deem appropriate; provided, that the land is used for the purposes of the department's community garden program consistent with the applicable rules and regulations of the department; and provided further, said licenses are granted

based on a competitive application and proposal process. Notwithstanding, no license shall be granted to a non-profit organization for designated land unless, the commissioner has first provided the city or town where the available land is located, the option to be granted a license for such community garden site.

(d) Cities and towns, and non-profit organizations as part of the terms of said licenses, shall abide by the rules and regulations adopted by the department relating to the use and operation of community garden lands.

Licenses granted for community garden lands under this section shall be revocable at any time by the commissioner for the failure of recipient municipalities or non-profit organizations to comply with such license terms, restrictions and agreements.

In no event shall the granting of said licenses be construed to create in such municipalities or non-profit organizations, any title, right to acquire title, or ownership interest in licensed lands. The provisions of this subsection shall not prohibit the commissioner from leasing such lands to municipalities or qualified non-profit organizations under applicable law, for the purposes of the community garden program.

(e) The department or its employees shall not be liable for injuries or death to persons, or damage to property, resulting from any conduct related to the operation and use of community gardens on department lands, in the absence of willful, wanton, or reckless conduct on the part of said department or employees; provided, the community garden where such injury or death occurred, is enclosed by suitable fencing of not less than 4 feet in height and conspicuous signage warning of such limitation of liability is posted on or near such fence at garden entryways.

(f) The department shall adopt rules and regulations related to the establishment, use and operation of community gardens under the department's community garden program.

Section 2F. The commissioner of the department of conservation and recreation shall establish a program to provide for the seasonal use of areas in department parks and reservations by farmers for public market places. Such public markets shall be limited mainly to the vending of food and other agricultural products that are grown, raised or produced on Massachusetts farms.

The temporary establishment of said public markets as approved by the commissioner shall be at suitable land and parking areas accessible by the public and at appropriate times during daylight hours. Under the program, the commissioner shall be authorized to issue special seasonal permits to farmer vendors, which shall be restricted to specific approved public market sites and times, upon such terms and conditions as the commissioner may deem appropriate. As a condition of the issuance of a permit, a farmer vendor shall be required to comply with any laws and regulations applicable to the vending of food and agricultural products at said public markets.

Special permits issued by the commissioner shall be based on a competitive application and proposal process and be subject to revocation by the commissioner at any time.

The commissioner, in consultation with the commissioner of the department of agricultural resources, shall adopt rules and regulations for said public markets.

Farmers markets allowed pursuant to this section shall not be subject to the commercial limitations under section 2B of chapter 132A.

SECTION 26. Section 7B of chapter 242 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Any person who, (i) operates an off-highway or recreational vehicle in a manner that damages or destroys a field crop product or agricultural property situated on the land of another, or (ii) without the permission of the owner, willfully and intentionally removes, damages or destroys, a field crop product or property used primarily for agricultural purposes situated on the land of another, shall be liable to the owner of such product or property in tort.

SECTION 27. Subsection (f) of said section 7B of said chapter 242, as so appearing, is hereby amended by inserting after the words “husbandry, structure”, in line 27, the words:- or device

SECTION 28. (a) Notwithstanding any general or special law to the contrary, the board of examiners of plumbers and gas fitters shall conduct a formal review of the rules and regulations of the Uniform State Plumbing Code under 248 CMR 10.00, for the purpose to consider amending said uniform code, to provide separate regulatory provisions specific to farming buildings and operations. Amendments to said uniform code adopted by the board pursuant to this act shall be consistent with the provisions under subsection (c). For the purposes of this act, the term “farming” shall have the meaning as defined in section 1A of chapter 128, of the General Laws.

(b) There shall be established an advisory committee to make recommendations to the board of examiners of plumbers and gas fitters for amendments to the Uniform State Plumbing Code under 248 CMR 10.00, to adopt separate regulatory provisions specific to farming

404 buildings and operations. The advisory committee shall consist of 7 members who shall be
405 citizens of the commonwealth, one of whom shall be chair of the board of examiners of plumbers
406 and gas fitters, or his designee, who shall serve as a co-chair of the advisory committee; one of
407 whom shall be commissioner of the department of agricultural resources, who shall serve as a co-
408 chair of the advisory committee; one of whom shall be the commissioner of the department of
409 public health, or his designee; and 3 members to be appointed by the director of the division of
410 professional licensure, one of whom shall be employed as municipal plumbing inspector, in rural
411 or suburban towns for a period not less than 10 years, and who has no other financial interest
412 related to the plumbing business and, one of whom shall be employed as municipal plumbing
413 inspector, in suburban or urban cities for a period not less than 10 years, and who has no other
414 financial interest related to the plumbing business; and 1 member to be appointed by the
415 commissioner of the department of agricultural resources, who shall be a farmer and a member
416 of the Massachusetts Farm Bureau Federation.

417 Recommendations by the advisory committee to amend said uniform code, shall be based
418 on standards for proposed regulations that: (i) protect the public's health and safety; (ii) preserve
419 the environment; (iii) provide alternative plumbing practices and methods which are reasonable,
420 suitable and effective for farming buildings and operations, and (iv) promote farming
421 development by reducing requirements that are unnecessarily excessive or costly, to achieve
422 intended purposes in farming applications. The advisory committee, as a part of such
423 recommendations, shall provide proposals of specific amendments to said uniform code.

424 The advisory committee shall submit its written recommendations to the board for review
425 within 12 months after the effective date of this act. A copy of the recommendations shall be

426 submitted to the senate and house chairs of the joint committee of environment, natural resources
427 and agriculture.

428 (c) Within 6 months after the board receives the advisory committee's recommendations,
429 the board shall complete its review of said uniform code and recommendations. Determinations
430 by the board to amend said uniform code to adopt separate provisions specific to farming
431 buildings and operations shall take into consideration the recommendations of the advisory
432 committee. If the board decides to amend the regulations under said uniform code, then within
433 30 days of completing its review, the board shall provide notice under the respective sections 2
434 and 3 of chapter 30A.

435 If the board declines to adopt, in whole or part, the recommendations of the advisory
436 committee the board shall make a report detailing the specific reasons for disallowing such
437 recommendations. The board, within 30 days of completing its review, shall submit a copy of
438 such report to the senate and house chairmen of the joint committee of environment, natural
439 resources and agriculture.

440 SECTION 29. Notwithstanding any general or special law, rule or regulation to the
441 contrary, the state board of building regulations and standards shall amend the state building
442 code to include rain sensor devices for newly installed or renovated residential outdoor landscape
443 sprinkler systems.

444 SECTION 30. Sections 6 to 17, inclusive, shall be effective for tax years beginning on or
445 after, January 1, 2018.

446 SECTION 31. The regulations required pursuant to section 20, 21, 25 and 29 shall be
447 promulgated not later than 270 days after the effective date of this act.