

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

204 Section 5. For any tax year in which a city or town has undertaken a program of  
205 revaluation of all property therein and the commissioner of revenue has certified that said  
206 revalued property is assessed by the board of assessors at full and fair cash valuation under  
207 section 56 of chapter 40, applications made by landowners to the board of assessors for the  
208 valuation, assessment and taxation of their lands on the basis as being maintained in recreational  
209 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:-

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

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

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

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

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

248 Section 13 A ½. (a) Licensed raw milk farmers shall be allowed to deliver raw milk  
249 directly to the consumer, off-site from the farm, provided that the raw milk farmer has a direct,  
250 contractual relationship with the consumer. The raw milk farmer may contract with a third party  
251 for delivery provided that the raw milk farmer shall maintain the contractual relationship with the  
252 consumer. The raw milk farmer may deliver raw milk through a community supported  
253 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.

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

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

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

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

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

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

294 A public market or public market place used by farmers that is established by a  
295 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

401 (b) There shall be established an advisory committee to make recommendations to the  
402 board of examiners of plumbers and gas fitters for amendments to the Uniform State Plumbing  
403 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.