

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. 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 passage of the accompanying bill:

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

PETITION OF:

NAME:

Mr. Brewer

DISTRICT/ADDRESS:

Worcester, Hampden, Hampshire and Franklin

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00474 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT CLARIFYING CERTAIN FARM COMMODITIES AS AGRICULTURE IN THE COMMONWEALTH.

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

- 1 SECTION 1. Section 1A of chapter 128 of the General Laws, as amended pursuant to section
2 142 of chapter 38 of the acts of 1995, is hereby further amended by striking said section, and
3 inserting in place thereof the following new section:-
- 4 Section 1A. "Farming" or "agriculture" shall include, but not be limited to, farming in all its
5 branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing
6 and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the
7 growing and harvesting of forest products upon forest land, the raising of livestock including
8 horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry and
9 other domestic fowl, swine, cattle, sheep, goats, fallow deer and other domesticated animals
10 used for food purposes, llamas and alpacas, bees, fur-bearing animals, and any forestry or
11 lumbering operations, performed by a farmer, who is hereby defined as one engaged in
12 agriculture or farming as herein defined, or on a farm as an incident to or in con- junction with
13 such farming operations, including preparations for market, delivery to storage or to market or to
14 carriers for transportation to market. For the purpose of this section ratites shall be considered
15 domestic fowl.

16 SECTION 2. Section 1 of chapter 111 of the General Laws, as amended pursuant to section 127
17 of chapter 38 of the acts of 1995, is hereby further amended by striking the definition of
18 "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 hundred
20 and twenty-eight.

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

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

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

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

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

49 SECTION 8. Chapter 90 of the General Laws, as amended pursuant to chapter 109 of the acts of
50 1996, is hereby further amended in section 1, by striking the definitions of "Farmer" and
51 "Farming" contained therein, and inserting in place thereof the following definition:-

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