HOUSE DOCKET, NO. 1343 FILED ON: 1/20/2011

HOUSE . . . . . No. 1838

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 passage of the accompanying:

An Act relative to agricultural crop and property destruction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul A. Schmid, III	*8th Bristol*

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HOUSE . . . . . No. 1838

By Mr. Schmid of Westport, a petition (accompanied by bill, House, No. 1838) of Paul A. Schmid III for legislation to impose a penalty for the destruction of crops and agricultural property. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1676* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to agricultural crop and property destruction.

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

SECTION 1. Chapter 242 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 7A thereof the following new section:Section 7B. Field crop product and agricultural property destruction.(a) Any person who, without permission of the owner, willfully and intentionally removes, damages, or destroys a field crop product and agricultural property situated on the land of another shall be liable to the owner of such product in tort.(b) A party recovering judgment under this section shall be entitled to an award of damages in an amount up to, but not greater than, three times the amount assessed for the removal, damage or destruction of the farm crop product and agricultural property, plus attorney fees and litigation costs. In assessing damages under this subsection, the courts shall consider the market value of the field crop product and agricultural property prior to its removal, damage or destruction, and all costs directly related to the production, research, testing, replacement and development of the field crop product and agricultural property.(c) Damages awarded under this section shall not limit remedies available under chapter 266 or under any other applicable local, state or federal laws.(d) Liability under this section shall not apply to any federal, state or local government agency, including the department of agricultural resources, or to any employee of any such agency acting in the course of their employment.(e) For purposes of this section, a “field crop product” shall mean any product of the soil that is grown in the context of a research or product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency or any crop

20 produced for commercial purposes on an agricultural operation as defined by M.G.L. chapter
21 128 Section 1A.

22 (f) For purposes of this section, an "agricultural property" shall mean any implement of
23 husbandry, structure used for the conveyance of water, or structure used in the production,
24 growing, processing of field crop products or keeping and raising of livestock.