SENATE DOCKET, NO. 1004 FILED ON: 1/20/2011

SENATE . . . . . No. 338

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	*Worcester, Hampden, Hampshire, Franklin*

SENATE DOCKET, NO. 1004 FILED ON: 1/20/2011

SENATE . . . . . No. 338

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

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

The Commonwealth of Massachusetts

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:

SECTION 1. Section 1A of chapter 128 of the General Laws, as amended pursuant to section 142 of chapter 38 of the acts of 1995, is hereby further amended by striking said section, and inserting in place thereof the following new section:-

Section 1A. "Farming" or "agriculture" shall include, but not be limited to, farming in all its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including but not limited to horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry and other domestic fowl, swine, bison, cattle, sheep, goats, fallow deer and other domesticated animals used for food purposes, llamas and alpacas, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in con- junction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. For the purpose of this section ratites shall be considered domestic fowl.

SECTION 2. Section 1 of chapter 111 of the General Laws, as amended pursuant to section 127 of chapter 38 of the acts of 1995, is hereby further amended by striking the definition of "Farming" or "Agriculture" contained therein, and inserting in place thereof the following:-

"Farming" or "Agriculture", shall be defined pursuant to section one A of chapter one hundred and twenty-eight.

SECTION 3. Chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in section 6, paragraph (p), by striking, in the first line thereof, the words "livestock and poultry of a kind which ordinarily constitute food for human consumption;" and inserting in place thereof the words:- "any aquacultural species, poultry or other domestic fowl, and livestock, including but not limited horses and bison, of a kind which are used in the normal course of agricultural production or farming as defined pursuant to section one A of chapter one hundred twenty-eight;".

SECTION 4. Chapter 64H of the General Laws, as so appearing, is hereby further amended by striking out, in item (2) of section 6, paragraph (p), the words "livestock and poultry of a kind which ordinarily constitute food for human consumption;" and inserting in place thereof the words:- "any aquacultural species, poultry or other domestic fowl, and livestock, including but not limited to horses and bison, of a kind which are used in the normal course of agricultural production or fanning as defined pursuant to section one A of chapter one hundred twenty-eight;".

SECTION 5. Chapter 64H of the General Laws, as so appearing, is hereby further amended in section 6, paragraph (r), line 244, by striking the words "the raising of poultry and livestock" and inserting in place thereof the words:- "the raising of aquacultural species, poultry or domestic fowl, or livestock including but not limited to horses and bison, or the keeping of horses as a commercial enterprise, or any other activity defined as fanning pursuant to section one A of chapter one hundred twenty-eight".

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

SECTION 7. Chapter 64H of the General Laws, as so appearing, is hereby further amended in section 6, paragraph (s), line 264, by striking the words "the raising of poultry and livestock" and inserting in place thereof the words:- "the raising of aquacultural species, poultry or domestic fowl, or livestock including but not limited to horses and bison, or the keeping of horses as a commercial enterprise, or any other activity defined as farming pursuant to section one A of chapter one hundred twenty-eight".

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

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