

By Mr. Chmura of Springfield, petition of Rudy Chmura relative to restricting the use of eminent domain in the taking of certain agricultural lands. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT TO PARTIALLY RESTRICT THE USE OF EMINENT DOMAIN WITH RESPECT TO CERTAIN AGRICULTURAL LANDS.

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 5B of chapter 79 of the General Laws as most
2 recently amended by chapter 532 of the acts of 1950 is hereby
3 further amended by striking out said section and substituting
4 in place thereof the following section:—

5 *Section 5B.* No property used for agricultural purposes as
6 defined in section 1A of chapter 128 of the General Laws shall
7 be taken without the consent of the owner thereof, nor shall
8 an easement be taken on such property without such consent,
9 except after a hearing by the board of officers authorized to
10 make the taking at which such owner shall be entitled to be
11 heard and allowed to introduce evidence that other land not
12 used for agricultural purposes and without occupied buildings
13 situated thereon is available for the public use for which it
14 is intended to take his property. If such evidence is intro-
15 duced and accepted by the board as valid, the agricultural
16 property shall be exempt from the taking. The provisions of
17 this section shall not apply to takings in behalf of the com-
18 monwealth, or to takings for highway purposes when required
19 for the public safety, or to takings authorized by the depart-
20 ment of public utilities except that in such takings notices
21 of hearings required by section seventy-two of chapter one
22 hundred and sixty-four of the General Laws shall be sent to
23 all interested parties.

The Government of Massachusetts

Be it enacted by the Senate and House of Representatives in

the year of our Lord one thousand nine hundred and

thirty and of the Independence of the United States the

thirty-third, that the following be the law of the

State: Section 1. The Board of Public Health shall

have the honor to certify to the Governor that the

Board of Public Health has complied with the

requirements of the law in relation to the