

# HOUSE . . . . . No. 1035

By Mr. Farnsworth of Longmeadow, petition of Vernon R. Farnsworth, Jr., for legislation to restrict the use of eminent domain with respect to the taking of certain agricultural lands. The Judiciary.

## The Commonwealth of Massachusetts

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

### 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 substitut-  
4 ing in place thereof the following section:—

5 *Section 5B.* No land used for agricultural purposes or that  
6 is part of a farm shall be taken without the consent of the  
7 owner thereof, nor shall an easement be taken on such land  
8 without such consent, except after a hearing by the board at  
9 which such owner shall be entitled to be heard and allowed to  
10 introduce evidence that other non-farm land is available for  
11 the public use for which it is intended to make a taking on his  
12 land. Any such taking of the fee of or an easement on  
13 agricultural or farm land without the consent of the owner  
14 must be necessary for the public safety, health or morals. The  
15 provisions of this section shall not apply to takings in behalf  
16 of the commonwealth, or to takings authorized by the depart-  
17 ment of public utilities except that in such takings notices of  
18 hearings required by section seventy-two of chapter one  
19 hundred and sixty-four of the General Laws shall be sent  
20 to all interested parties.

