

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 1002) of Stephen M. Brewer, Stephen Kulik, George N. Peterson, Jr., and Shaun P. Kelly for legislation to clarify certain farm commodities as agriculture in the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

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,
2 as amended pursuant to Section 142 of Chapter 38 of the Acts of
3 1995, is hereby further amended by striking said section, and
4 inserting in place thereof, the following new section:—

5 Section 1A: “Farming” or “agriculture” shall include, but not
6 be limited to, farming in all its branches and the cultivation and
7 tillage of the soil, dairying, the production, cultivation, growing
8 and harvesting of any agricultural, aquacultural, floricultural or
9 horticultural commodities, the growing and harvesting of forest
10 products upon forest land, the raising of livestock including
11 horses, the keeping of horses as a commercial enterprise, the
12 keeping and raising of poultry and other domestic fowl, swine,
13 cattle, sheep, goats, fallow deer and other domesticated animals
14 used for food purposes, llamas and alpacas, bees, fur-bearing ani-
15 mals, and any forestry or lumbering operations, performed by a
16 farmer, who is hereby defined as one engaged in agriculture or
17 farming as herein defined, or on a farm as an incident to or in con-
18 junction with such farming operations, including preparations for
19 market, delivery to storage or to market or to carriers for trans-
20 portation to market. For the purposes of this section ratites shall
21 be considered to be domestic fowl.

1 SECTION 2. Section 1 of Chapter 111 of the General Laws, as
2 amended pursuant to Section 127 of Chapter 38 of the Acts of
3 1995, is hereby further amended by striking the definition of
4 “Farming” or “Agriculture” contained therein, and inserting in
5 place thereof, the following:—

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

1 SECTION 3. Said Chapter 111 of the General Laws, as
2 appearing in the 1994 Official Edition, is hereby amended in
3 Section 143 by striking the third paragraph.

1 SECTION 4. Chapter 61A of the General Laws, as appearing
2 in the 1994 Official Edition, is hereby amended by striking
3 section one in its entirety, and inserting in place thereof the
4 following section:—

5 Section 1. Land shall be deemed to be in agricultural use when
6 primarily and directly used in raising animals, including, but not
7 limited to, dairy cattle, beef cattle, poultry and other domestic
8 fowl, sheep, swine, horses, ponies, mules, llamas and alpacas,
9 fallow deer, goats, bees, freshwater or saltwater fish or other
10 aquatic species, and fur-bearing animals, for the purpose of selling
11 such animals or a product derived from such animals in the reg-
12 ular course of business, or the keeping of horses as a commercial
13 enterprise, except at a pari-mutuel racetrack; or when primarily
14 and directly used in a related manner which is incidental thereto
15 and represents a customary and necessary use in raising such ani-
16 mals and preparing them or the products derived therefrom for
17 market. For the purposes of this section, ratites shall be consid-
18 ered to be domestic fowl.

1 SECTION 5. Said Chapter 61A, as so appearing, is hereby fur-
2 ther amended in Section 2, Line 4, by inserting after the words
3 “greenhouse products,” the words:— “aquatic plants,”.

1 SECTION 6. Chapter 64H of the General Laws, as appearing
2 in the 1994 Official Edition, is hereby amended in Section 6,
3 Paragraph (p), by striking, in the first line thereof, the words:—
4 “livestock and poultry of a kind which ordinarily constitute food

5 for human consumption;” and inserting in place thereof the
6 words:— “any aquacultural species, poultry or other domestic
7 fowl, and livestock, including horses, of a kind which are used in
8 the normal course of agricultural production or farming as defined
9 pursuant to section one A of chapter one hundred twenty-eight;”.

1 SECTION 7. Chapter 64H of the General Laws, as so
2 appearing, is hereby further amended by striking out, in item (2)
3 of Section 6, paragraph (p), the words:— “livestock and poultry of
4 a kind which ordinarily constitute food for human consumption,”
5 and inserting in place thereof the words:— “any aquacultural
6 species, poultry or other domestic fowl, and livestock, including
7 horses, of a kind which are used in the normal course of agricul-
8 tural production or farming as defined pursuant to section one A
9 of chapter one hundred twenty-eight,”.

1 SECTION 8. Chapter 64H of the General Laws, as so
2 appearing, is hereby further amended in Section 6, paragraph (r),
3 line 244, by striking the words:— “the raising of poultry and live-
4 stock” and inserting in place thereof, the words:— “the raising of
5 aquacultural species, poultry or domestic fowl, or livestock
6 including horses, or the keeping of horses as a commercial enter-
7 prise, or any other activity defined as farming pursuant to section
8 one A of chapter one hundred twenty-eight”.

1 SECTION 9. Chapter 64H of the General Laws, as so
2 appearing, is hereby further amended in Section 6, paragraph(s),
3 line 264, by striking the words:— “the raising of poultry and live-
4 stock” and inserting in place thereof, the words:— “the raising of
5 aquacultural species, poultry or domestic fowl, or livestock
6 including horses, or the keeping of horses as a commercial enter-
7 prise, or any other activity defined as farming pursuant to section
8 one A of chapter one hundred twenty-eight”.

1 SECTION 10. Chapter 90 of the General Laws, as amended
2 pursuant to Chapter 109 of the Acts of 1996, is hereby further
3 amended in Section 1, by striking the definitions of “Farmer” and
4 “Farming” contained therein, and inserting in place thereof, the
5 following definition:—

6 "Farmer" or "farming" shall be as defined pursuant to section
7 one A of chapter one hundred twenty-eight, provided that said
8 farmer shall meet any further income standards established pur-
9 suant to this chapter.

1 SECTION 11. Chapter 40A of the General Laws, as appearing
2 in the 1994 Official Edition, is hereby amended severally in
3 Section 3, by inserting in lines 28, 31, and 39, each time following
4 the word "agriculture," the word "aquaculture,".