

By Mr. Peterson of Grafton, petition of George N. Peterson, Jr. relative to the liability of persons willfully causing agricultural crop destruction. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO AGRICULTURAL CROP DESTRUCTION.

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

1 Chapter 242 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by inserting after section 7A
3 thereof the following new section:—

4 Section 7B. Field crop product destruction.

5 (a) Any person who, without permission of the owner, willfully
6 and intentionally removes, damages, or destroys a field crop
7 product situated on the land of another shall be liable to the owner
8 of such product in tort.

9 (b) A party recovering judgment under this section shall be
10 entitled to an award of damages in an amount up to, but not
11 greater than, three times the amount assessed for the removal,
12 damage or destruction of the farm crop product, plus attorney fees
13 and litigation costs. In assessing damages under this subsection,
14 the courts shall consider the market value of the field crop product
15 prior to its removal, damage or destruction, and all costs directly
16 related to the production, research, testing, replacement and devel-
17 opment of the field crop product.

18 (c) Damages awarded under this section shall not limit reme-
19 dies available under chapter 266 or under any other applicable
20 local, state or federal laws.

21 (d) Liability under this section shall not apply to any federal,
22 state or local government agency, including the department of
23 food and agriculture, or to any employee of any such agency
24 acting in the course of their employment.

25 (e) For purposes of this section, a “field crop product” shall
26 mean any product of the soil that is grown in the context of a
27 research or product development program in conjunction or coor-
28 dination with a private research facility or a university or any fed-
29 eral, state or local governmental agency.