

HOUSE No. 1689

By Mr. Quinn of Dartmouth, petition of John F. Quinn relative to agricultural crop and property destruction. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO AGRICULTURAL CROP AND PROPERTY 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 2000 Offi-
2 cial Edition, is hereby amended by inserting after Section 7A thereof
3 the following new section:—

4 Section 7B. Field crop product and agricultural property destruc-
5 tion.

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

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

20 (c) Damages awarded under this section shall not limit remedies
21 available under Chapter 266 or under any other applicable local,
22 state or federal laws.

23 (d) Liability under this section shall not apply to any federal, state
24 or local government agency, including the department of agricultural

25 resources, or to any employee of any such agency acting in the
26 course of their employment.

27 (e) For purposes of this section, a “field crop product” shall mean
28 any product of the soil that is grown in the context of a research or
29 product development program in conjunction or coordination with a
30 private research facility or a university or any federal, state or local
31 governmental agency or any crop produced for commercial purposes
32 on an agricultural operation as defined by M.G.L. Chapter 128
33 Section 1A.

34 (f) For purposes of this section, an “agricultural property” shall
35 mean any implement of husbandry, structure used for the con-
36 veyance of water, or structure used in the production, growing, pro-
37 cessing of field crop products or keeping and raising of livestock.