

HOUSE No. 2924

By Ms. Gobi of Spencer, petition of Anne M. Gobi and others establishing the open space preservation fund within the Department of Agricultural Resources. Revenue.

The Commonwealth of Massachusetts

PETITION OF:

Anne M. Gobi	Rosemary Sandlin
Peter V. Kocot	William Smitty Pignatelli
Todd M. Smola	Christine E. Canavan
Donald F. Humason, Jr.	

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING THE OPEN SPACE PRESERVATION FUND.

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 61A of the General Laws is hereby amended by inserting
2 these new Sections 24 through 27 and redesignating the current
3 section 24 as section 28:—

4 Section 24. There is hereby established and placed within the
5 Massachusetts Department of Agricultural Resources, referred to in
6 this section as the department, the Open Space Preservation Fund,
7 referred to in this section as the fund, into which shall be credited
8 retail milk dealer fees established under Chapter 94A.

9 Section 25. The department shall hold the fund in an account seg-
10 regated from other department funds and accounts and shall utilize,
11 invest or reinvest the proceeds of the fund and income derived there-
12 from for the following general purposes:—

13 a. To compensate existing dairy farmers for providing the public
14 benefit of preserving open space from development pressure;

15 b. To compensate existing dairy farmers for providing the public
16 benefit of providing working landscapes in the Commonwealth;

17 c. To compensate existing dairy farmers for providing the public
18 benefit of fostering agro-tourism in the Commonwealth;

19 d. To compensate existing dairy farmers for providing the public
20 benefit of preserving agrarian traditions and rural culture in the
21 Commonwealth;

22 e. To purchase with funds not immediately required for use pur-
23 suant to clauses (1) through (4), such securities as may be lawful
24 investments for fiduciaries in the commonwealth.

25 Section 26. The department shall make continuing grants to all
26 dairy producers licensed as of April, 2007 in the Commonwealth on
27 a monthly basis. The grants shall be an amount equal to the differ-
28 ence between the average net raw milk price per hundredweight
29 received by producers, as published by the Department under
30 Chapter 94A, and \$18.00 per hundredweight multiplied by the
31 average monthly production volume of each such dairy producer for
32 the three years preceding April, 2007. The department may not
33 impose further conditions upon receipt of said grants by producers.

34 Section 27. Beginning dairy farmers starting new dairy produc-
35 tion facilities after April 2007 may apply for eligibility to receive
36 grants from the fund in the same manner as existing licensed dairy
37 producers. The department may approve such applications, after pro-
38 viding the opportunity for a hearing, after determining whether
39 approval will further the purposes of this Act. The department may
40 condition or limit approval or amount of any such grants based upon
41 the size, ownership, management, or character of the new dairy pro-
42 duction facility utilizing criteria determined relevant and appropriate
43 by the department.