

SENATE NO. 474

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, as amended pursuant to section
2 142 of chapter 38 of the acts of 1995, is hereby further amended by striking said section, and
3 inserting in place thereof the following new section:-

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

16 SECTION 2. Section 1 of chapter 111 of the General Laws, as amended pursuant to section 127
17 of chapter 38 of the acts of 1995, is hereby further amended by striking the definition of
18 "Farming" or "Agriculture" contained therein, and inserting in place thereof the following:-

19 "Farming" or "Agriculture", shall be defined pursuant to section one A of chapter one
20 hundred and twenty-eight.

21 SECTION 3. Chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is
22 hereby amended in section 6, paragraph (p), by striking, in the first line thereof, the words
23 "livestock and poultry of a kind which ordinarily constitute food for human consumption;" and
24 inserting in place thereof the words:- "any aquacultural species, poultry or other domestic fowl,
25 and livestock, including horses, of a kind which are used in the normal course of agricultural
26 production or farming as defined pursuant to section one A of chapter one hundred twenty-
27 eight;".

28 SECTION 4. Chapter 64H of the General Laws, as so appearing, is hereby further amended by
29 striking out, in item (2) of section 6, paragraph (p), the words "livestock and poultry of a kind
30 which ordinarily constitute food for human consumption;" and inserting in place thereof the
31 words:- "any aquacultural species, poultry or other domestic fowl, and livestock, including
32 horses, of a kind which are used in the normal course of agricultural production or fanning as
33 defined pursuant to section one A of chapter one hundred twenty-eight;".

34 SECTION 5. Chapter 64H of the General Laws, as so appearing, is hereby further amended in
35 section 6, paragraph (r), line 244, by striking the words "the raising of poultry and livestock"
36 and inserting in place thereof the words:- "the raising of aquacultural species, poultry or

37 domestic fowl, or livestock including horses, or the keeping of horses as a commercial
38 enterprise, or any other activity defined as fanning pursuant to section one A of chapter one
39 hundred twenty-eight".

40 SECTION 6. Chapter 64H of the General Laws, as so appearing, is hereby further amended in
41 section 6, paragraph (s), by adding after the first sentence the following sentence:- "For the
42 purpose of this paragraph, the term equipment shall include farm tractors and other off-road
43 vehicles used directly and exclusively in agriculture or farming as defined in section one A of
44 chapter one hundred twenty-eight."

45 SECTION 7. Chapter 64H of the General Laws, as so appearing, is hereby further amended in
46 section 6, paragraph (s), line 264, by striking the words "the raising of poultry and livestock"
47 and inserting in place thereof the words:- "the raising of aquacultural species, poultry or
48 domestic fowl, or livestock including horses, or the keeping of horses as a commercial
49 enterprise, or any other activity defined as farming pursuant to section one A of chapter one
50 hundred twenty-eight".

51 SECTION 8. Chapter 90 of the General Laws, as amended pursuant to chapter 109 of the acts of
52 1996, is hereby further amended in section 1, by striking the definitions of "Farmer" and
53 "Farming" contained therein, and inserting in place thereof the following definition:-

54 "Farmer" or "farming" shall be as defined pursuant to section one A of chapter one hundred
55 twenty-eight, provided that said farmer shall meet any further income standards established
56 pursuant to this chapter.