

# SENATE . . . . . No. 2286

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Senate, May 5, 2016 -- Text of the Senate Bill promoting agriculture in the Commonwealth (Senate, No. 2286) (being the text of Senate, No. 2258, printed as amended)

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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An Act promoting 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 6C of chapter 20 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by striking out, in line 3, the figure “17” and inserting in  
3 place thereof the following figure:- 18.

4           SECTION 2. Said section 6C of said chapter 20, as so appearing, is hereby further  
5 amended by inserting after the word “designee”, in line 14, the following words:- ; 1 of whom  
6 shall be the commissioner of fish and game, or the commissioner’s designee.

7           SECTION 2A. Said section 6C of said chapter 20, as so appearing, is hereby further  
8 amended by inserting after the word “assistance”, in line 50, the following words:- ; 1 of whom  
9 shall represent an organization or entity engaged in hydroponic farming or in research related to  
10 hydroponic farming; 1 of whom shall represent an organization or entity engaged in aquaponic  
11 farming or in research related to aquaponic farming.

12           SECTION 3. Section 23 of said chapter 20, as so appearing, is hereby amended by  
13 inserting after the word “by”, in line 22, the following words:- agricultural commissions or.

14 SECTION 4. Chapter 29 of the General Laws is hereby amended by striking out section  
15 2III, as so appearing, and inserting in place thereof the following section:-

16 Section 2III. There shall be a fund to be known as the Agricultural Resolve and Security  
17 Fund. The money in this fund shall be expended to foster agriculture, as defined in section 1A of  
18 chapter 128, in the commonwealth and for furthering other purposes and programs of the  
19 department of agricultural resources as set forth in any general or special law including, but not  
20 limited to, agricultural education, support for sustainable agriculture and pollution prevention,  
21 agricultural integrated pest management programs, agricultural land preservation, control of  
22 animal diseases, emergency preparedness, agricultural innovation, the agricultural food safety  
23 improvement program, the farm viability enhancement program and the urban agriculture  
24 program.

25 The Agricultural Resolve and Security Fund may receive money from: (i) gifts, grants  
26 and donations from public or private sources; (ii) federal reimbursements and grants-in-aid; (iii)  
27 revenues retained equal to 10 per cent, but not exceeding \$400,000, of the annual pesticide  
28 product registration fees collected pursuant to section 7 of chapter 132B; (iv) any appropriations  
29 authorized by the general court specifically designated to be credited to the fund; and (v) any  
30 interest earned from the fund. The state treasurer shall be the custodian of the fund and shall  
31 receive, deposit and invest all money transmitted under this section to ensure the highest interest  
32 rate available consistent with the safety of the fund. The books and records of the fund shall be  
33 subject to an annual audit by the state auditor. The department of agricultural resources may  
34 expend money in the fund and no expenditure from the fund shall cause it to be in deficiency at  
35 the close of a fiscal year. The commissioner of agricultural resources shall report annually to the  
36 house and senate committees on ways and means and the joint committee on environment,

37 natural resources and agriculture on income received into the fund and sources of that income,  
38 any expenditure from the fund and the purpose of that expenditure and the fund's balance.  
39 Money in the fund at the end of the fiscal year shall not revert to the General Fund and shall be  
40 available for expenditure in the subsequent year and shall not be subject to section 5C of chapter  
41 29.

42 SECTION 5. Said chapter 29 is hereby further amended by inserting after section 2RRRR  
43 the following section:-

44 Section 2SSSS. (a) There shall be a fund to be known as the Massachusetts Veterans and  
45 Warriors to Agriculture Program Fund. The fund shall be administered by the department of  
46 agricultural resources. Notwithstanding any general or special law to the contrary, there shall be  
47 credited to the fund any revenue from appropriations or other money authorized by the general  
48 court and specifically designated to be credited to the fund and any gifts, grants, private  
49 contributions or investment income earned by the fund's assets and all other sources. No  
50 expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year.  
51 Money in the fund at the end of the fiscal year shall not revert to the General Fund and shall be  
52 available for expenditure in the subsequent year and shall not be subject to section 5C of chapter  
53 29.

54 (b) Funds may be expended to enhance the education, training, employment, income,  
55 productivity and retention of veterans currently working or aspiring to work in the field of  
56 agriculture in the commonwealth. The department of agricultural resources, in consultation with  
57 the department of veteran services, shall establish, develop and implement the Massachusetts  
58 Veterans and Warriors to Agriculture Program. Amounts credited to the fund shall be used,

59 without further appropriation, for the costs associated with administering and implementing the  
60 program and may also be used to provide grants or loans on a competitive basis to public, private  
61 and charitable entities to finance projects in furtherance of the Massachusetts Veterans and  
62 Warriors to Agriculture Program. Expenditures from the fund for this purpose shall complement  
63 and not replace existing local, state, private or federal funding for related training and  
64 educational programs.

65 SECTION 6. Chapter 40 of the General Laws is hereby amended by inserting after  
66 section 8K the following section:-

67 Section 8L. (a) For the purposes of this section, the terms “farming” and “agriculture”  
68 shall have the same meaning as provided in section 1A of chapter 128.

69 (b) A city or town which accepts this section may establish a municipal agricultural  
70 commission to promote and develop the agricultural resources of the city or town. A municipal  
71 agricultural commission, unless otherwise restricted by law, may: (i) buy, hold, manage, license  
72 or lease land for agricultural purposes; (ii) educate the public on agricultural issues; (iii) advocate  
73 for farmers, farm businesses and farm interests; (iv) assist farmers in resolving municipal  
74 problems or conflicts related to farms; (v) seek to coordinate agricultural related activities with  
75 other governmental bodies or unofficial local groups or organizations that promote agriculture;  
76 (vi) receive grants, gifts, bequests or devises of personal or monetary property of any nature and  
77 interest in real property in accordance with this section; (vii) apply for, receive, expend and act  
78 on behalf of the municipality in connection with federal and state grants or programs or private  
79 grants related to local agriculture, with the approval of the mayor or city manager in a city or the  
80 board of selectmen in a town; and (viii) advertise, prepare, print and distribute books, maps,

81 charts and pamphlets related to local agriculture that the municipal agricultural commission  
82 deems necessary for its work.

83 (c) A municipal agricultural commission may conduct research and prepare agriculture  
84 related plans, including a comprehensive local agricultural land plan which shall be, to the extent  
85 possible, consistent with any current town master plan and regional area plans. The plan shall  
86 show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a  
87 tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this  
88 section; (iv) municipal lands that are held as open space; (v) non-municipal land subject to legal  
89 requirements or restrictions to protect that land or use it for open space, conservation, recreation  
90 or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii)  
91 any other information that the commission determines to be relevant to local agricultural land  
92 use. The commission may amend the plan whenever necessary.

93 (d) The commission may appoint a chair, clerks, consultants and other employees and  
94 may contract for materials and services as it may require, subject to appropriation by the  
95 municipality.

96 (e) The municipal agricultural commission shall keep accurate records of its meetings and  
97 actions and shall file an annual report with the clerk of the municipality. The commission's  
98 annual report shall be posted on the municipality's public website and, in a town, shall be printed  
99 in the annual town report for that year.

100 (f) A municipal agricultural commission shall consist of not less than 3 nor more than 7  
101 members who shall be residents of the municipality. A majority of members shall be farmers or  
102 employed in an agriculture related field. In the event that farmers or those employed in

103 agriculture are unavailable to serve on the commission, then the commission shall include a  
104 majority of members with knowledge and experience in agricultural practices or knowledge of  
105 related agricultural business. Each member of the commission shall serve for a term of 3 years;  
106 provided, however, that the initial members appointed under this section shall serve for terms of  
107 1, 2 or 3 years and the terms shall be arranged by the appointing authority so that the terms of  
108 approximately 1/3 of the commission's members shall expire each year.

109           In a city, the members of the municipal agricultural commission shall be appointed by the  
110 mayor, unless otherwise provided by the city's charter; provided, however, that in a city having a  
111 Plan D or Plan E charter, the appointments shall be made by the city manager, unless otherwise  
112 provided by the city's charter. In a town, the members of the municipal agricultural commission  
113 shall be appointed after a public hearing by the board of selectmen; provided, however, that in a  
114 town having a manager form of government the appointments shall be made by the town  
115 manager subject to the approval of the board of selectmen.

116           A member of a municipal agricultural commission may be removed for cause by the  
117 appointing authority after a public hearing, if such hearing is requested by the member. A  
118 vacancy created by a member being removed for cause shall be filled by the appointing authority  
119 for the unexpired term in the same manner as the original appointment.

120           (g) A municipal agricultural commission may receive gifts, bequests or devises of  
121 personal property or interests in real property as described in this subsection in the name of the  
122 city or town, subject to the approval of the city council or board of selectmen. The municipal  
123 agricultural commission may purchase interests in the land only with funds available to the  
124 commission. A city council or a town meeting may raise or transfer funds so that the municipal

125 agricultural commission may acquire in the name of the city or town by option, purchase, lease  
126 or otherwise the fee in the land or water rights, conservation or agricultural restrictions,  
127 easements or other contractual rights as may be necessary to acquire, maintain, improve, protect,  
128 limit the future use of or conserve and properly utilize open spaces in land and water areas within  
129 the city or town. The municipal agricultural commission shall manage and control the interests in  
130 land acquired under this subsection. The commission shall not take or obtain land by eminent  
131 domain.

132           The commission shall adopt rules and regulations governing the use of land and water  
133 under its control and prescribe civil penalties, not exceeding a fine of \$100, for any violation  
134 thereof.

135           (h) A municipality may appropriate money to an agricultural preservation fund of which  
136 the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or  
137 invest the funds in savings banks, trust companies incorporated under the laws of the  
138 commonwealth, banking companies incorporated under the laws of the commonwealth which are  
139 members of the Federal Deposit Insurance Corporation or national banks or invest the funds in:  
140 (i) paid-up-shares and accounts of and in cooperative banks; (ii) shares of savings and loan  
141 associations; or (iii) shares of federal savings and loan associations doing business in the  
142 commonwealth. Any income derived from deposits or investments under this subsection shall be  
143 credited to the fund. Money in said fund may be expended by the commission for any purpose  
144 authorized by this section.

145           SECTION 6A. Section 15 of said chapter 40, as appearing in the 2014 Official Edition,  
146 is hereby amended by striking out, in line 4, the words “or right, or part thereof” and inserting in

147 place thereof the following words:- right or restriction, as defined in section 31 of chapter 184,  
148 or part of any such land, easement, right or restriction, held by a governmental body.

149 SECTION 7. Chapter 61A of the General Laws is hereby amended by striking out section  
150 4, as so appearing, and inserting in place thereof the following section:-

151 Section 4. (a) For general property tax purposes, the value of land that is not less than 5  
152 acres in area and is actively devoted to agricultural or horticultural or agricultural and  
153 horticultural uses during the tax year in issue, and has been so devoted for at least the 2  
154 immediately preceding tax years, shall, upon application by the owner of the land and approval  
155 of that application, be the value of that land for agricultural or horticultural purposes.

156 (b) Land qualifying under subsection (a) shall include: (i) contiguous land under the same  
157 ownership that is not committed to residential, industrial or commercial use and which is covered  
158 by an application submitted pursuant to section 6; and (ii) noncontiguous land under the same  
159 ownership that is not committed to residential, industrial or commercial use and which is covered  
160 by an application submitted pursuant to said section 6 if that noncontiguous land is located  
161 within a ½ mile of any boundary of other land under the same ownership and it is utilized  
162 together with that other land for a unified agricultural, horticultural, agricultural and horticultural  
163 or economic purpose. Land shall be deemed contiguous if it is separated from other land under  
164 the same ownership by only a public or private way, waterway or an easement for water supply.

165 (c) The acreage of land, which is considered contiguous or non-contiguous for purposes  
166 of this chapter, shall not exceed 100 per cent of the acreage which is actively devoted to  
167 agricultural, horticultural or agricultural and horticultural uses.



168 (d) The rate of tax applicable to such agricultural or horticultural land shall be the rate  
169 determined to be applicable to class 3, commercial property under chapter 59.

170 SECTION 8. Said chapter 61A is hereby further amended by striking out sections 5 and  
171 6, as so appearing, and inserting in place thereof the following 2 sections:-

172 Section 5. When land, including any contiguous and noncontiguous land, being used for  
173 agricultural, horticultural or agricultural and horticultural purposes is under 1 ownership and is  
174 located in more than 1 city or town, compliance with the 5 acre minimum area requirements of  
175 section 4 shall be determined on the basis of the entire area of the land and not on the basis of the  
176 land area which falls within the bounds of a particular city or town.

177 Section 6. The eligibility of land for valuation, assessment and taxation pursuant to  
178 section 4 shall be determined separately for each tax year. An application for eligibility shall be  
179 submitted to the board of assessors in the city or town in which the land is situated by not later  
180 than December 1 preceding each tax year for which the valuation, assessment and taxation are  
181 being sought. The application may not be withdrawn after it is submitted. An application shall  
182 be made on a form prescribed by the commissioner of revenue and provided to applicants by the  
183 board of assessors. The form shall provide for the reporting of information pertinent to this  
184 chapter and of Article XCIX of the Articles of Amendment to the Constitution of the  
185 Commonwealth and for certification by the applicant that the applicant will immediately, but not  
186 later than December 1 of the following year, notify the board of assessors in writing of any  
187 subsequently developing circumstance within the applicant's control or knowledge which may  
188 cause a change in use of the land covered by the form. An application submitted under this  
189 section for leased land shall be accompanied by a written statement of the lessee's intent to use

190 the land for the purposes in the application and shall be signed by the lessee. The landowner shall  
191 certify, in a manner prescribed by the commissioner, that under the penalties of perjury the  
192 information in the landowner's application is true. If the application is allowed under section 9,  
193 then the classification of the land as actively devoted to agricultural, horticultural or agricultural  
194 and horticultural use shall take effect on January 1 preceding the beginning of the tax year to  
195 which the application relates and taxation under this chapter shall commence with that tax year.

196 SECTION 9. Section 7 of said chapter 61A, as so appearing, is hereby amended by  
197 striking out, in line 3, the words "October first and June thirtieth of the year" and inserting in  
198 place thereof the following words:- December 1 and June 30.

199 SECTION 10. Said chapter 61A, as so appearing, is hereby further amended by striking  
200 out section 8, as so appearing, and inserting in place thereof the following section:-

201 Section 8. Notwithstanding any provision of this chapter to the contrary, in any tax year  
202 for which a city or town has undertaken and completed a program of revaluation of all property  
203 in that city or town, applications by landowners for the valuation, assessment and taxation of  
204 their lands on the basis of being actively devoted to agricultural or horticultural or agricultural  
205 and horticultural use that are filed with the board of assessors by not later than the last day for  
206 filing an application for abatement of the tax assessed on the new valuation shall be deemed to  
207 have been timely made for the tax year of the revaluation program. If the application is approved  
208 and the lands qualify for valuation, assessment and taxation as lands actively devoted to  
209 agricultural, horticultural or agricultural and horticultural use in that tax year, then the portion of  
210 any tax assessed for that year which is in excess of the tax that would have been assessed on the  
211 lands, if the application had been timely made and approved, shall be abated.

212 SECTION 11. Section 14 of said chapter 61A, as so appearing, is hereby amended by  
213 striking out the eighteenth paragraph and inserting in place thereof the following paragraph:-

214 The assignment shall be for the purpose of maintaining not less than 70 per cent of the  
215 land in use as forest land as defined in section 1 of chapter 61, as agricultural and horticultural  
216 land as defined in sections 1 and 2 of this chapter or as recreational land as defined in section 1  
217 of chapter 61B, and in no case shall the assignee develop a greater proportion of the land than  
218 was proposed by the developer whose offer gave rise to the assignment. All land other than land  
219 that is to be developed shall then be bound by a permanent deed restriction that meets the  
220 requirements of chapter 184.

221 SECTION 12. Chapter 61B of the General Laws is hereby amended by striking out  
222 section 3, as so appearing, and inserting in place thereof the following section:-

223 Section 3. The eligibility of land for valuation, assessment and taxation under this chapter  
224 shall be determined separately for each tax year. An application for eligibility shall be submitted  
225 to the board of assessors in the city or town in which the land is situated by not later than  
226 December 1 preceding each tax year for which the valuation, assessment and taxation is being  
227 sought. The application shall be made on a form prescribed by the commissioner of revenue and  
228 provided to applicants by the board of assessors. The form shall provide for the reporting of  
229 information pertinent to this chapter and for certification by the applicant that the applicant will  
230 immediately, but not later than the December 1 of the following year, notify the board of  
231 assessors in writing of any subsequent circumstance within the applicant's control or knowledge  
232 which may cause a change in use of the land covered by the form. An application submitted  
233 under this section for leased land shall be accompanied by a written statement of the lessee's

234 intent to use the land for the purposes in the application and shall be signed by the lessee. The  
235 landowner shall certify, in a manner prescribed by the commissioner, that under the penalties of  
236 perjury the information in the landowner's application is true. If the application is allowed under  
237 section 6, then the classification of the land as recreational land shall take effect on January 1  
238 preceding the beginning of the tax year to which the application relates and taxation under this  
239 chapter shall commence with that tax year.

240 SECTION 13. Section 4 of said chapter 61B, as so appearing, is hereby amended by  
241 striking out, in lines 2 and 3, the words "October first and June thirtieth of the year" and inserting  
242 in place thereof the following words:- December 1 and June 30.

243 SECTION 14. Said chapter 61B is hereby further amended by striking out section 5, as so  
244 appearing, and inserting in place thereof the following section:-

245 Section 5. Notwithstanding any provision of this chapter to the contrary, in any tax year  
246 for which a city or town has undertaken and completed a program of revaluation of all property  
247 in that city or town, applications by landowners for the valuation, assessment and taxation of  
248 their lands on the basis of being maintained in recreational use that are filed with the board of  
249 assessors by not later than the last day for filing an application for abatement of the tax assessed  
250 on the new valuation shall be deemed to have been timely made for the tax year of the  
251 revaluation program. If the application is approved and the lands qualify for valuation,  
252 assessment and taxation as lands actively devoted to agricultural, horticultural or agricultural and  
253 horticultural use in that tax year, then the portion of any tax assessed for that year which is in  
254 excess of the tax which would have been assessed on the lands, if the application been timely  
255 made and approved, shall be abated.

256 SECTION 15. Section 6 of said chapter 61B, as so appearing, is hereby amended by  
257 striking out, in line 13, the words “a disallowance”, and inserting in place thereof the following  
258 words:- an allowance.

259 SECTION 16. Section 9 of said chapter 61B, as so appearing, is hereby amended by  
260 striking out the eighteenth paragraph and inserting in place thereof the following paragraph:-

261 The assignment shall be for the purpose of maintaining not less than 70 per cent of the  
262 land in use as forest land as defined in section 1 of chapter 61, as agricultural and horticultural  
263 land as described in sections 1 and 2 of chapter 61A or as recreation land as described in section  
264 1 of this chapter and the assignee shall not develop a greater proportion of the land than was  
265 proposed by the developer whose offer gave rise to the assignment. All land other than land that  
266 is to be developed shall then be bound by a permanent deed restriction that meets the  
267 requirements of chapter 184.

268 SECTION 17. Chapter 94 of the General Laws is hereby amended by inserting after  
269 section 13E the following section:-

270 Section 13F. (a) A dairy farmer manufacturing raw milk for human consumption shall be  
271 licensed under section 16A of chapter 94 and section 5 of chapter 94A. A licensed raw milk  
272 farmer may deliver raw milk directly to a consumer, off-site from the farm, if the raw milk  
273 farmer has a direct, contractual relationship with the consumer. The raw milk farmer may  
274 contract with a third party for such delivery; provided, however, that the raw milk farmer shall  
275 maintain the contractual relationship with the consumer. The raw milk farmer may deliver raw  
276 milk through a community supported agriculture, or CSA, delivery system; provided, however,  
277 that the raw milk farmer shall maintain a contractual relationship with the consumer. Delivery

278 may be made directly to the consumer's residence or to a pre-established receiving site. A  
279 receiving site shall not be in a retail setting with the exception of a CSA delivery. In such  
280 instances, raw milk shall be kept separate from retail items for sale and shall not be accessible to  
281 the general public.

282 (b) A raw milk farmer may sell raw milk from the farmer's farm stands even if not  
283 contiguous to the farmer's raw milk dairy; provided however, the farmer shall comply with  
284 section 3 of chapter 40A .

285 (c) The department of agricultural resources and the department of public health, acting  
286 jointly, shall adopt and promulgate rules and regulations governing the handling, packaging,  
287 storage, testing and transportation of raw milk; provided, however, that any delivery vehicle  
288 transporting raw milk shall comply with the inspection requirements set forth in sections 33, 35  
289 and 40.

290 (d) The label on any raw milk sold pursuant to this section shall contain: (i) the identity  
291 of the farm where the raw milk was packaged, including the licensee's name, address and license  
292 number; and (ii) the following warning: "Raw milk is not pasteurized. Pasteurization destroys  
293 organisms that may be harmful to health."

294 SECTION 17A. Section 31 of chapter 111 of the General Laws, as appearing in the 2014  
295 Official Edition, is hereby amended by inserting after the first paragraph the following  
296 paragraph:-

297 In a city or town with a municipal agricultural commission, as defined in section 8L of  
298 chapter 40, the board of health in that city or town shall, during the publication period, solicit and

299 consider comments submitted by the municipal agricultural commission on regulations that have  
300 an impact on farming or agriculture as defined in section 1A of chapter 128.

301 SECTION 17B. Section 1 of chapter 128, as appearing in the 2014 Official Edition, is  
302 hereby amended by inserting after the definition of “Nursery stock” the following 2 definitions:-

303 “Recyclable paper bag”, a paper bag that is 100 per cent recyclable and has the words  
304 “Recyclable” and “Reusable” in a clearly visible manner on the outside of the bag.

305 “Reusable Bag”, a bag with handles that is specifically designed and manufactured to be  
306 used multiple times and is made of cloth, industrial vinyl or other machine washable fabric  
307 suitable to be used at least 125 times.

308 SECTION 17C. Said section 1 of said chapter 128, as so appearing, is hereby further  
309 amended by inserting after the definition of “Riding school operator” the following definition:-

310 “Single-use plastic carryout bag”, a non-reusable bag made of plastic that is provided to a  
311 customer by a store at the point of sale.

312 SECTION 18. Section 1A of said chapter 128, as so appearing, is hereby amended by  
313 adding the following definition:-

314 “Farmers’ market”, a building, structure or market that is used by 2 or more farmers for  
315 the direct sale of food crops and other farm related or locally hand crafted items to the public that  
316 operates or occurs more than once per year for the primary purpose of promoting goods  
317 produced in the commonwealth; provided, however, that the origin of all products is clearly  
318 identified.

319 SECTION 18A. Said chapter 128 is hereby further amended by inserting after section  
320 1A the following section:-

321 Section 1B. A vendor at a farmers' market shall not provide a single-use plastic carryout  
322 bag to a customer at the point of sale; provided, however, that a plastic bag without handles that  
323 is used to protect items from damage or from damaging or contaminating other purchased items  
324 or to contain an unwrapped food item may be distributed to a customer by a vendor at the point  
325 of sale.

326 Recyclable paper bags shall be provided without cost to customers upon request and  
327 reusable bags may be offered for sale or provided without cost to customers, subject to  
328 regulations by the department.

329 SECTION 18B. Section 2 of said chapter 128, as appearing in the 2014 Official Edition,  
330 is hereby amended by adding the following subsection:-

331 (l) Promulgate regulations on product signage at farmers' markets to identify the  
332 producer or source of each product including if the product was grown, raised or made  
333 exclusively by the vendor and if the product was grown, raised or made exclusively in the  
334 commonwealth. The commissioner may develop enforcement mechanisms to ensure compliance  
335 with this subsection.

336 SECTION 19. Section 46 of chapter 132 of the General Laws, as so appearing, is hereby  
337 amended by striking out, in lines 12 and 13, the words "on June thirtieth of each year" and  
338 inserting in place thereof the following words:- 3 years after the date the license was issued to  
339 the timber harvester.



340 SECTION 20. Section 49 of said chapter 132, as so appearing, is hereby amended by  
341 striking out, in line 8, the words "annually on the anniversary date of the license granted for said"  
342 and inserting in place thereof the following words:- 3 years after the date the license was issued  
343 to the.

344 SECTION 21. Section 50 of said chapter 132, as so appearing, is hereby amended by  
345 striking out, in lines 7 and 8, the words "Massachusetts Association of Professional Foresters"  
346 and inserting in place thereof the following words:- Massachusetts Forest Alliance Limited.

347 SECTION 22. Chapter 132A of the General Laws is hereby amended by inserting after  
348 section 2D the following 2 sections:-

349 Section 2E. (a) The commissioner of conservation and recreation shall develop a  
350 program to promote the use of designated land in state-owned parks and reservations throughout  
351 the commonwealth for community gardens. Lands so designated shall be restricted to  
352 noncommercial, horticultural uses of growing and harvesting food crops by residents of local  
353 communities.

354 Community gardens shall be established as authorized by the commissioner, in open  
355 spaces that are suitable for noncommercial gardening activities accessible to the public.  
356 Improvements to community garden lands shall, to the extent practicable, preserve the natural  
357 state of the park and reservation areas.

358 Under the program, specific planting areas available within designated community  
359 garden sites shall be allotted for personal use on a seasonal basis by permits issued to qualifying  
360 residents of the community.

361           The department shall evaluate, identify and map community garden lands and post  
362 relevant information about the sites and any potential sites on the department's public website.

363           (b) The commissioner may license cities and towns to establish, improve, maintain,  
364 operate and access local community gardens on designated department land. The licenses shall  
365 be granted upon such terms, restrictions and agreements and for such period of years, not  
366 exceeding 10 years, as the commissioner deems appropriate; provided, however, that the land  
367 licensed shall be utilized for the department's community garden program and such use shall be  
368 consistent with the applicable rules and regulations of the department; and provided further, that  
369 under any such license, a city or town may be responsible for the costs and expenses, or portion  
370 thereof, to establish, improve, maintain and operate community gardens.

371           A city or town applying for a license to use department lands under the community  
372 garden program shall submit a plan related to such use and the plan shall be subject to approval  
373 by the commissioner.

374           (c) The commissioner may license qualified nonprofit organizations to establish,  
375 improve, maintain, operate and access community gardens on designated department land. The  
376 licenses shall be granted upon such terms, restrictions and agreements and for such period of  
377 years, not exceeding 5 years, as the commissioner deems appropriate; provided, however, that  
378 the land shall be used for the department's community garden program and such use shall be  
379 consistent with the applicable rules and regulations of the department. Licenses shall be granted  
380 based on a competitive application and proposal process. A license shall not be granted to a  
381 nonprofit organization for designated land unless the commissioner has first provided the city or

382 town where the available land is located with the option to be granted a license for such  
383 community garden site.

384 (d) Cities and towns and nonprofit organizations, as part of the terms of such licenses,  
385 shall abide by the rules and regulations adopted by the department relating to the use and  
386 operation of community garden lands.

387 Licenses granted for community garden lands under this section shall be revocable at any  
388 time by the commissioner for the failure of a recipient city or town or nonprofit organizations to  
389 comply with the license terms, restrictions and agreements.

390 The granting of a license under this section shall not be construed to confer on the city or  
391 the nonprofit organization any title, right to acquire title or ownership interest in licensed lands.  
392 This subsection shall not prohibit the commissioner from leasing such lands to municipalities or  
393 qualified nonprofit organizations under applicable law for the purposes of the community garden  
394 program.

395 (e) The department or its employees shall not be liable for injuries or death to persons, or  
396 damage to property, resulting from any conduct related to the operation and use of community  
397 gardens on department lands in the absence of willful, wanton or reckless conduct on the part of  
398 the department or any of its employees if the community garden where the injury or death  
399 occurred is enclosed by suitable fencing of not less than 4 feet in height and conspicuous signage  
400 warning of the limitation of liability is posted on or near the fence at garden entryways.

401 (f) The department shall adopt rules and regulations related to the establishment, use and  
402 operation of community gardens under the department's community garden program.

403           Section 2F. The commissioner of conservation and recreation shall develop a program to  
404 promote the seasonal use of areas in state-owned parks and reservations for farmers' markets as  
405 defined in section 1A of chapter 128. The farmers' market shall promote food and other  
406 agricultural products that are grown, raised or produced on farms in the commonwealth.

407           The temporary establishment of a farmers' market as approved by the commissioner shall  
408 be at suitable land and parking areas accessible by the public and at appropriate times during  
409 daylight hours. Under the program, the commissioner may issue special seasonal permits to  
410 farmer vendors, which shall be restricted to specific approved public market sites and times, and  
411 shall be upon such terms and conditions as the commissioner may deem appropriate. As a  
412 condition of the issuance of a permit, a farmer vendor shall be required to comply with any laws  
413 and regulations applicable to the vending of food and agricultural products at the farmers'  
414 market. A farmer vendor shall not engage in the preparation or sale of value-added agriculture  
415 products or food without a license and inspection by the local board of health pursuant to state  
416 and federal food safety regulations.

417           Special permits issued by the commissioner shall be based on a competitive application  
418 and proposal process and shall be subject to revocation by the commissioner at any time.

419           The commissioner, in consultation with the commissioner of agricultural resources, shall  
420 adopt rules and regulations for conducting farmers' markets.

421           Farmers' markets allowed pursuant to this section shall not be subject to the commercial  
422 limitations in section 2B.

423 SECTION 23. Chapter 138 of the General Laws, as appearing in the 2014 Official  
424 Edition, is hereby amended by striking out section 15F and inserting in place thereof the  
425 following section:-

426 Section 15F. Notwithstanding any other provision of this chapter, in any city or town  
427 wherein the granting of licenses to sell wines and malt beverages is authorized under this  
428 chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-  
429 winery under section 19B a special license for the sale of wine produced by or for the licensee or  
430 to an applicant authorized to operate a farmer-brewery under section 19C a special license for the  
431 sale of malt beverages produced by or for the licensee and, in any city or town wherein the  
432 granting of licenses to sell all alcoholic beverages is authorized under this chapter, the local  
433 licensing authority may issue to an applicant authorized to operate a farmer-distillery under  
434 section 19E a special license for the sale of distilled spirits produced by or for the licensee, in  
435 sealed containers, for off-premises consumption at an indoor or outdoor agricultural event.

436 All sales of alcoholic beverages shall be conducted by the licensee or by an agent,  
437 representative or solicitor of the licensee to customers who are at least 21 years of age. A  
438 licensee under this section may provide, without charge, samples of its alcoholic beverages to  
439 prospective customers at an indoor or outdoor agricultural event. All samples shall be served by  
440 the licensee or by an agent, representative or solicitor of the licensee to individuals who are at  
441 least 21 years of age and all samples shall be consumed in the presence of such licensee or in the  
442 presence of an agent, representative or solicitor of the licensee; provided, however, that no  
443 sample of wine shall exceed 1 ounce, no sample of malt beverages shall exceed 2 ounces and no  
444 sample of distilled spirits shall exceed 1/4 ounce; and provided further that not more than 5  
445 samples shall be served to an individual prospective customer. For the purposes of this section,

446 “agricultural event” shall be limited to those events certified by the department of agricultural  
447 resources as set forth in this section.

448           An applicant for a special license under this section shall first submit a plan to the  
449 department of agricultural resources that shall demonstrate that the event is an agricultural event.  
450 The plan shall include a description of the event, the date, time and location of the event, a copy  
451 of the operational guidelines or rules for the event, written proof that the prospective licensee has  
452 been approved as a vendor at the event, including the name and contact information of the on-  
453 site manager, and a plan depicting the premises and the specific location where the license shall  
454 be exercised.

455           Upon review of the plan, the department may certify that the event is an agricultural  
456 event; provided, however, that in making that determination, the department shall consider the  
457 following factors: (i) operation as a farmers' market or agricultural fair approved or inspected by  
458 the department; (ii) frequency and regularity of the event, including dates, times and locations;  
459 (iii) number of vendors; (iv) terms of vendor agreements; (v) presence of an on-site manager;  
460 (vi) training of the on-site manager; (vii) operational guidelines or rules which shall include  
461 vendor eligibility and produce source; (viii) focus of event on local agricultural products grown  
462 or produced within the market area; (ix) types of shows or exhibits, including those described in  
463 subsection (f) of section 2 of chapter 128; and (x) sponsorship or operation by an agricultural or  
464 horticultural society organized under the laws of the commonwealth, or by a local grange  
465 organization or association which has a primary purpose of promoting agriculture and its allied  
466 industries. The department of agricultural resources may promulgate rules and regulations  
467 necessary for the operation, oversight, approval and inspection of agricultural events under this  
468 section.

469 An applicant for a special license under this section shall file with the local licensing  
470 authority along with its application proof of certification from the department of agricultural  
471 resources that the event is an agricultural event. A special license under this section shall  
472 designate the specific premises and the dates and times covered. A special license may be  
473 granted for an indoor or outdoor agricultural event which takes place on multiple dates or times  
474 during a single calendar year but no special license shall be granted for an agricultural event that  
475 will not take place within 1 calendar year. The special license shall be conspicuously displayed at  
476 the licensed premises. A copy of a special license granted by the local licensing authority shall  
477 be submitted by the authority to the commission at least 7 days before the date the agricultural  
478 event is first scheduled to begin. The local licensing authority may charge a fee for each special  
479 license granted but such fee shall not exceed \$50. A special license granted under this section  
480 shall be nontransferable to any other person, corporation or organization and shall be clearly  
481 marked "nontransferable" on its face.

482 The commission may promulgate rules and regulations as it deems appropriate to  
483 effectuate this section.

484 A special license under this section may be granted by the local licensing authorities for a  
485 portion of premises that are licensed under section 12; provided, however, that: (i) the holder of  
486 the special license shall document the legal basis for use of the section 12 licensed premises; (ii)  
487 the area in which the special license is to be approved shall be physically delineated from the  
488 area remaining under the control of the section 12 license holder; (iii) the holder of the special  
489 license shall be solely liable for all activities that arise out of the special license; and (iv) the  
490 holder of the special license shall not pay any consideration, directly or indirectly, to the section  
491 12 license holder for the access to or use of the section 12 licensee's premises.

492 SECTION 24. Section 7B of chapter 242 of the General Laws, as so appearing, is hereby  
493 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

494 (a) Any person who: (i) operates an off-highway or recreational vehicle in a manner that  
495 damages or destroys a field crop product or agricultural property situated on the land of another;  
496 or (ii) without the permission of the owner, willfully and intentionally removes, damages or  
497 destroys a field crop product or property used primarily for agricultural purposes situated on the  
498 land of another shall be liable to the owner of such product or property in tort.

499 SECTION 25. Said section 7B of said chapter 242, as so appearing, is hereby further  
500 amended by striking out, in line 25, the words “Section 1A of chapter 128” and inserting in place  
501 thereof the following words:- section 1A of chapter 128 or any forest product produced on land  
502 under a certified forest management plan.

503 SECTION 26. Said section 7B of said chapter 242, as so appearing, is hereby further  
504 amended by inserting after the word “structure”, in line 27, the following words:- or device.

505 SECTION 27. (a) Notwithstanding any general or special law to the contrary, the board  
506 of state examiners of plumbers and gas fitters shall conduct a review of the rules and regulations  
507 of the Uniform State Plumbing Code under 248 CMR 10.00 to consider amending the code, to  
508 provide separate regulatory provisions specific to buildings and operations related to farming as  
509 defined in section 1A of chapter 128 of the General Laws. Amendments to the code adopted by  
510 the board pursuant to this act shall be consistent with subsection (c).

511 (b) There shall be established an advisory committee to make recommendations to the  
512 board of state examiners of plumbers and gas fitters for amendments to the Uniform State  
513 Plumbing Code under 248 CMR 10.00 to adopt separate regulatory provisions specific to



514 buildings and operations related to farming. The advisory committee shall consist of: the  
515 chairperson of the board of state examiners of plumbers and gas fitters, or designee, who shall  
516 serve as a co-chair of the advisory committee; the commissioner of agricultural resources, or  
517 designee, who shall serve as a co-chair of the advisory committee; the commissioner of public  
518 health or designee; the chair of the Northeast Regional Coalition of the International Code  
519 Council or designee; 1 person shall be appointed by the governor who shall be employed as a  
520 municipal plumbing inspector for at least 10 years and who has no other financial interest related  
521 to the plumbing business; and 2 person to be appointed by the commissioner of agricultural  
522 resources, of whom 1 shall be a farmer and a member of the Massachusetts Farm Bureau  
523 Federation and 1 shall be an organic farmer and a member of the Northeast Organic Farming  
524 Association/Massachusetts Chapter.

525           Recommendations by the advisory committee to amend the code shall be based on  
526 standards that: (i) protect the public's health and safety; (ii) preserve the environment; (iii)  
527 provide alternative plumbing practices and methods which are reasonable, suitable and effective  
528 for farming buildings and operations; and (iv) promote farming development by reducing  
529 requirements that are unnecessarily excessive or costly, to achieve intended purposes in farming  
530 applications. The advisory committee, as a part of such recommendations, shall provide  
531 proposals for specific amendments to the code.

532           The advisory committee shall submit its written recommendations to the board for review  
533 within 12 months after the effective date of this act. A copy of the recommendations shall be  
534 submitted to the senate and house chairs of the joint committee of environment, natural resources  
535 and agriculture.

536 (c) Within 6 months after the board receives the advisory committee's recommendations,  
537 the board shall complete its review of the code and any recommendations. Determinations by the  
538 board to amend the code to adopt separate provisions specific to farming buildings and  
539 operations shall take into consideration the recommendations of the advisory committee. If the  
540 board decides to amend the regulations under the code, it shall, within 30 days of completing its  
541 review, provide notice under sections 2 and 3 of chapter 30A.

542 If the board rejects, in whole or part, the recommendations of the advisory committee, the  
543 board shall submit a report within 30 days after completing its review. The report shall detail the  
544 specific reasons for rejecting the advisory committee's recommendations to the senate and house  
545 chairs of the joint committee of environment, natural resources and agriculture.

546 SECTION 28. (a) Notwithstanding any general or special law to the contrary, the  
547 secretary of energy and environmental affairs, in consultation with the farmland protection and  
548 viability advisory commission established into subsection (b), shall develop a farmland action  
549 plan. The plan shall set forth the commonwealth's goals, priorities and recommended actions for  
550 farmland protection and access to reflect the importance of farmlands of the commonwealth to its  
551 citizens who derive their livelihoods from farming and the importance of protected farmland for  
552 ecosystem health and biodiversity.

553 The plan shall include, but not be limited to: (i) an inventory of state land in active  
554 agricultural production or that is potentially suitable for farming; (ii) a review of state agency  
555 policies related to the use or lease of land for farming and recommendations related to state  
556 policies for the use and lease of state-owned land for farming; (iii) an analysis of recent trends  
557 and potential threats related to farmland loss and conversion and its recommendations, including

558 resources necessary to improve state data collection for farmland trends and to establish a system  
559 for tracking acres of farmland in production over time; (iv) recommended statutory, regulatory or  
560 policy revisions to the agricultural preservation restriction program to support the long-term  
561 economic viability of protected farms, to address housing needs and to ensure the program is  
562 managed in a transparent and consistent manner and with policies that keep pace with changes in  
563 agriculture and associated markets; (v) an analysis of farmland enrolled in a program under  
564 chapter 61A of the General Laws and recommendations for improving enrollment of farmland in  
565 the program; and (vi) measurable statewide goals and benchmarks related to farmland  
566 conversion, farmland protection and farmland access and recommendations for state policy  
567 changes and program funding levels to meet these goals and benchmarks. The plan may include  
568 maps, illustrations and other media and shall be based on best available science and best  
569 management practices.

570 (b) There shall be a farmland protection and viability advisory commission to assist the  
571 secretary in developing the farmland action plan. The commission shall consist of: 2 members of  
572 the senate or a designee, 1 of whom shall be appointed by the minority leader; 2 members of the  
573 house of representatives or a designee, 1 of whom shall be appointed by the minority leader; 1  
574 member of the board of food and agriculture, as elected by the board of food and agriculture for  
575 this purpose who shall chair the commission; the commissioner of agricultural resources or a  
576 designee; a representative of the Center for Agriculture, Food and the Environment at the  
577 University of Massachusetts at Amherst; a representative of the Massachusetts Farm Bureau  
578 Federation; a representative of The Trustees of Reservations; a representative of the American  
579 Farmland Trust; and 3 persons to be appointed by the governor, 1 of whom shall be a farmer, 1

580 of whom shall be a representative of an urban agriculture organization and 1 of whom shall be a  
581 representative of a farmland access organization.

582 The advisory commission shall meet at least quarterly and otherwise at the discretion of  
583 the chair. The commission shall make recommendations to the secretary for the proper  
584 management and development of the farmland action plan. The secretary shall consider the  
585 recommendations of the commission.

586 (c) The farmland action plan shall be delivered to the joint committee on environment,  
587 natural resources and agriculture not later than December 31, 2017. The executive office of  
588 energy and environmental affairs and the department of agricultural resources shall provide  
589 technical support to the commission.

590 (d) The secretary shall develop and implement a public outreach and information  
591 program to provide information to the public regarding the farmland action plan.

592 SECTION 29. Notwithstanding any general or special law to the contrary, the state board  
593 of building regulations and standards shall amend the state building code to include rain sensor  
594 devices for newly-installed or renovated residential outdoor landscape sprinkler systems.

595 SECTION 29A. There shall be an advisory committee to study methods to encourage  
596 development of domestic farms as well as the production and use of locally grown ingredients  
597 for wine, beer and spirits. The committee shall consist of 1 representative of the Massachusetts  
598 Brewers Guild, Inc.; 1 representative of the alcoholic beverages control commission; the  
599 commissioner of agricultural resources or a designee, who shall serve as chair of the advisory  
600 committee; the house and senate chairs of the joint committee on environment, natural resources  
601 and agriculture or their designees; the house and senate chairs of the joint committee on

602 consumer protection and professional licensure or their designees; the minority leader of the  
603 senate or a designee; the minority leader of the house of representatives or a designee; a  
604 representative of the Massachusetts Farm Bureau Federation, Incorporated; a representative of  
605 the Federation of Massachusetts Farmers Markets; and 4 persons to be appointed by the  
606 governor, 2 of whom shall be representatives of licensed farmer-breweries, 1 of whom shall be a  
607 representative of a licensed farmer-winery and 1 of whom shall be a representative of a licensed  
608 farmer-distillery. The advisory committee shall make recommendations to the general court  
609 including, but not be limited to, standard requirements or goals for farmer-wineries, farmer-  
610 breweries and farmer-distilleries related to the growth of locally grown ingredients and the  
611 amount of barrel production. The advisory committee shall conduct a comprehensive review and  
612 evaluation of the production of ingredients and the ingredients used by existing farmer-wineries,  
613 farmer-breweries and farmer-distilleries. The advisory committee shall submit its findings and  
614 recommendations to the clerks of the senate and the house of representatives, the alcoholic  
615 beverages control commission and the executive office of energy and environmental affairs by  
616 not later than March 1, 2017.

617           SECTION 29B. The department of agricultural resources, in collaboration with The  
618 Center for Agriculture, Food and the Environment at the University of Massachusetts at  
619 Amherst, shall conduct a cost-benefit analysis on the effects of adding hydroponic and aquaponic  
620 farming methods to the definition of “farming” or “agriculture” under section 1A of chapter 128  
621 of the General Laws. The department shall submit a final report that includes the results of its  
622 cost-benefit analysis and the department’s recommendations, if any, to the clerks of the senate  
623 and house of representatives and the joint committee on environment, natural resources and  
624 agriculture by not later than December 31, 2016.

625 SECTION 29C. (a) There shall be a special commission established pursuant to section  
626 2A of chapter 4 to investigate and study methods and solutions to protect and promote  
627 pollinators' health. The commission shall consist of: 1 member of the senate; 1 member of the  
628 house of representatives; 1 member of the senate appointed by the minority leader of the senate;  
629 1 member of the house of representatives appointed by the minority leader of the house of  
630 representatives; the secretary of energy and environmental affairs or a designee, who shall serve  
631 as chair; 6 people to be appointed by the governor, 1 of whom shall be a University of  
632 Massachusetts faculty member specializing in the science of pollinator health, 1 of whom shall  
633 represent an advocacy group for farmers, 1 of whom shall represent an advocacy group for  
634 organic farmers, 1 of whom shall represent an advocacy group for cranberry producers, 1 of  
635 whom shall be a commercial beekeeper, 1 of whom shall be a representative of the University of  
636 Massachusetts Extension with knowledge in crops which rely on pollinators and pollinator  
637 health; and 6 people to be appointed by the attorney general, 1 of whom is certified as a master  
638 gardener representing the public, 1 of whom shall represent an advocacy group dedicated to the  
639 protection of pollinators and invertebrates, 2 of whom shall be beekeepers representing the  
640 county beekeeping associations, 1 of whom shall represent an advocacy group for nurseries and  
641 1 of whom shall represent an advocacy group dedicated to environmental protection.

642 (b) The special commission shall examine issues relevant to pollinator health, including:

- 643 (i) studying current regulations in the commonwealth and other states and countries related to
- 644 pollinators and pollinator health; (ii) studying public education and outreach plans regarding
- 645 pollinator health that have been successful in other states; (iii) evaluating the current apiary
- 646 inspection program with specific focus on parasitic diseases; (iv) identifying adequacy of
- 647 funding for efforts to promote or protect pollinator health; (v) investigating other methods to

648 increase and strengthen pollinator vitality including proposed changes in law or regulation; (vi)  
649 investigating the means used by other states to gather data on populations of pollinators; (vii)  
650 evaluating existing best management practices for promoting pollinator health including, but not  
651 limited to, foraging and proper food source diversity; (viii) evaluating proposed pollinator  
652 protection plans; and (ix) studying the use of nonagricultural lands and how those lands may be  
653 used to provide pollinator forage and unique opportunities to increase pollinator populations.

654 (c) The special commission may take actions necessary and proper to carry out the work  
655 of the commission including, but not limited to, scheduling hearings and taking testimony on  
656 matters related to pollinator health.

657 (d) The special commission shall defer to the pesticide board on matters regarding the  
658 regulation, review and use of pesticides under chapter 132B, including, but not limited to the  
659 regulation, review or use of neonicotinoids.

660 (e) No later than June 30, 2017, the special commission shall submit a report to the clerks  
661 of the senate and house of representatives and to the joint committee on environment, natural  
662 resources and agriculture detailing the results of its investigation and study and provide  
663 recommendations, together with drafts of legislation.

664 SECTION 30. A municipal agricultural commission duly formed prior to the effective  
665 date of this act shall have the authority as provided in section 8L of chapter 40 of the General  
666 Laws without further action to accept said section 8L of said chapter 40.

667 SECTION 31. Sections 7 to 16, inclusive, shall be effective for tax years beginning on or  
668 after January 1, 2017.

669 SECTION 32. The regulations required to be promulgated pursuant to sections 17, 22 and  
670 29 shall be completed not later than 270 days after the effective date of this act.

671 SECTION 33. Sections 17B, 17C and 18A shall take effect on May 1, 2017.