

SENATE No. 442

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act promoting agriculture in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>2/2/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2017</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/30/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/30/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/1/2017</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>2/1/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/1/2017</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/1/2017</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/1/2017</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>

<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/3/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/3/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/3/2017</i>

SENATE No. 442

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 442) of Anne M. Gobi, Paul A. Schmid, III, Michael J. Rodrigues, James B. Eldridge and other members of the General Court for legislation to create an Agricultural Resolve and Security Fund. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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, in line 3, the figure “17” and inserting in its
3 place thereof the following figure:- 18

4 SECTION 2. Said section 6C of said chapter 20, as so appearing, is further amended by
5 inserting in line 14 after the word “designee” the following words:-

6 ; 1 of whom shall be the commissioner of fish and game, or the commissioner’s designee

7 SECTION 3. Chapter 29 of the General Laws, as appearing in the 2014 Official Edition,
8 is hereby amended by striking out section 2III and inserting in place thereof the following
9 section:-

10 Section 2III. There shall be established and set upon the books of the commonwealth a
11 separate fund to be known as the Agricultural Resolve and Security Fund, the funds of which

12 shall be expended to foster agriculture, as defined in section 1A of chapter 128, in the
13 commonwealth and for furthering other purposes and programs of the department of agricultural
14 resources as set forth in any general or special law including, but not limited to, agricultural
15 education, support for sustainable agriculture and pollution prevention, agricultural integrated
16 pest management programs, agricultural land preservation, control of animal diseases,
17 emergency preparedness, agricultural innovation, the agricultural food safety improvement
18 program, the farm viability enhancement program and the urban agriculture program.

19 The Agricultural Resolve and Security Fund may receive monies from: (1) gifts, grants
20 and donations from public or private sources; (2) federal reimbursements and grants-in-aid; (3)
21 revenues retained equal to 10 per cent, but not exceeding \$400,000, of annual pesticide product
22 registration fees collected pursuant to section 7 of chapter 132B; and (4) any interest earned from
23 the fund. The state treasurer shall receive, deposit and invest funds held in such a manner as to
24 ensure the highest interest rate available consistent with the safety of the fund. The books and
25 records of the fund shall be subject to an annual audit by the state auditor. The department may
26 expend such funds and no expenditure from the fund shall cause it to be in deficiency at the close
27 of a fiscal year. The commissioner of the department of agricultural resources shall report
28 annually to the house and senate committees on ways and means and the joint committee on
29 environment, natural resources and agriculture on income received into the fund and sources of
30 that income, any expenditure from the fund and their purposes and fund balances. Monies
31 deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the
32 General Fund and shall be available for expenditure in the subsequent year and shall not be
33 subject to section 5C of chapter 29.

34 SECTION 4. Section 2DDDD of said chapter 29, as so appearing, is hereby amended by
35 inserting in line 17, after the word “including”, the following words:-

36 transfers to the Massachusetts Veterans and Warriors to Agriculture Program Fund
37 established in section 2SSSS of chapter 29, which shall not be subject to appropriation and shall
38 consist of 2 per cent of the total amounts credited annually to the fund but not to exceed an
39 annual amount more than \$300,000, and

40 SECTION 5. Said chapter 29 of the General Laws is hereby further amended by inserting
41 after section 2RRRR the following section:-

42 Section 2SSSS. (a) There shall be established and set up on the books of the
43 commonwealth a separate fund to be known as the Massachusetts Veterans and Warriors to
44 Agriculture Program Fund, in this section referred to as the fund. The fund shall be administered
45 by the department of agricultural resources. Notwithstanding any general or special law to the
46 contrary, there shall be credited to the fund any revenue from appropriations or other monies
47 authorized by the general court and specifically designated to be credited to the fund, and any
48 gifts, grants, private contributions, or investment income earned on the fund’s assets and all other
49 sources. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not
50 revert to the General Fund and shall be available for expenditure in the subsequent year and shall
51 not be subject to section 5C of chapter 29.

52 (b) The public purpose of the fund shall be to enhance the education, training,
53 employment, income, productivity and retention of veterans currently working or aspiring to
54 work in the field of agriculture in the commonwealth. The department of agricultural resources,
55 in consultation with the department of veteran services, shall establish, develop, and implement

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

63 SECTION 6. Section 2 of chapter 61 of the general laws, as appearing in the 2014
64 Official Edition, is hereby amended by striking out, in line 40, the word "October", and inserting
65 in place thereof the following word:- December.

66 SECTION 7. Said section 2 of said chapter 61, as so appearing, is hereby amended by
67 striking out the last paragraph and inserting in place thereof the following paragraph:-

68 When in judgment of the assessors, land which is classified as forest land or which is the
69 subject of an application for such classification is not being managed under a program, or is
70 being used for purposes incompatible with forest production, or does not otherwise qualify under
71 this chapter, the assessors may, on or before February first in any year file an appeal in writing
72 mailed by certified mail to the state forester requesting a denial of application or, in the case of
73 classified land, requesting removal of the land from such classification. Such appeal shall state
74 the reasons for such request. A copy of the appeal shall be mailed by the assessors by certified
75 mail to the owner of the land. The state forester may initiate, on or before December first of any
76 year, a proceeding to remove land from classification, sending notice of his action by certified
77 mail to the assessors and the owner of such land. The state forester may deny the owner's

78 application, may withdraw all or part of the land from classification, or may grant the
79 application, imposing such terms and conditions as he deems reasonable to carry out the purpose
80 of this chapter, and shall notify the assessors and the owner of his decision no later than March
81 first of the following year. If the owner or the assessors are aggrieved by his decision they may,
82 on or before June fifteenth, give notice to the state forester of a claim of appeal. The state
83 forester shall convene within 30 days after receipt of said notice of appeal, a panel in the region
84 in which the land is located. Said panel shall consist of three members, one of whom shall be
85 named by the state forester, one of whom shall be named by the assessors, and one of whom
86 shall be named by the state forester and the assessors. Said panel shall give notice of the date and
87 place of the hearing in writing to the parties seven days at least before the date of said hearing.
88 The panel shall furnish the parties, in writing, a notice of its decision within ten days after the
89 adjournment of said hearing. Decisions of the panel shall be by majority vote of its members. If
90 the owner or the assessors are aggrieved by such decision, they may, within forty-five days from
91 receipt of the decision, petition either the superior court in the county in which the land is located
92 for a review of such decision under the provisions of chapter thirty A or the appellate tax board
93 under the provisions of chapter fifty-eight A, and said land shall not be classified or withdrawn
94 from classification until the final determination of such petition. The state forester may adopt
95 such regulations as he deems necessary to carry out the provisions of this chapter.

96 SECTION 8. Chapter 61A of the General Laws is hereby amended by striking out
97 sections 4 and 5, as appearing in the 2014 Official Edition, and inserting in place thereof the
98 following 2 sections:-

99 Section 4. (a) For general property tax purposes, the value of land, not less than 5 acres in
100 area, which is actively devoted to agricultural, horticultural or agricultural and horticultural uses

101 during the tax year in issue and has been so devoted for at least the 2 immediately preceding tax
102 years, shall upon application of the owner of such land and approval thereof, be that value which
103 such land has for agricultural or horticultural purposes.

104 (b) For the said tax purposes, land so devoted shall be deemed to include such contiguous
105 land under the same ownership as is not committed to residential, industrial or commercial use
106 and which is covered by application submitted pursuant to section 6. Land shall be deemed
107 contiguous if it is separated from other land under the same ownership only by a public or
108 private way or waterway.

109 Land under the same ownership shall be deemed contiguous if it is connected to other
110 land under the same ownership by an easement for water supply.

111 (c) For the said tax purposes, land so devoted shall be deemed to include such non-
112 contiguous land under the same ownership as is not committed to residential, industrial or
113 commercial use and which is covered by application submitted pursuant to section 6. Non-
114 contiguous land shall only be included, if it is located within a ½ mile of any boundary of other
115 land under the same ownership and it is utilized together with such other land for a unified
116 agricultural, horticultural, or agricultural and horticultural, economic purpose.

117 (d) All such land, which is considered contiguous or non-contiguous for purposes of this
118 chapter shall not exceed in acreage 100 per cent of the acreage which is actively devoted to
119 agricultural, horticultural or agricultural and horticultural uses.

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

122 Section 5. Where land, including any contiguous and non-contiguous land, in
123 agricultural, horticultural or agricultural and horticultural uses under one ownership is located in
124 more than one city or town, compliance with the 5 acre minimum area requirements of section 4
125 shall be determined on the basis of the entire area of such land so devoted in accordance with
126 said section, and not on the basis of the land area which falls within the bounds of any particular
127 city or town.

128 SECTION 9. Said chapter 61A, as so appearing, is hereby further amended by striking
129 out section 6 and inserting in place thereof the following section:-

130 Section 6. Eligibility of land for valuation, assessment and taxation pursuant to section 4
131 shall be determined separately for each tax year. Application therefor shall be submitted to the
132 board of assessors of each city or town in which such land is situated not later than December
133 first preceding each tax year for which such valuation, assessment and taxation are being sought
134 and may not thereafter be withdrawn. Application shall be made on a form prescribed by the
135 commissioner of revenue and provided for the use of claimants by said board of assessors. Such
136 form shall provide for the reporting of information pertinent to the provisions of this chapter and
137 of Article XCIX of the Articles of Amendment to the Constitution of the Commonwealth and for
138 certification by the applicant that they will immediately, but no later than December first next
139 following, notify the board of assessors in writing of any subsequently developing circumstance
140 within their control or knowledge which may cause a change in use of the land covered by such
141 form. Any application submitted under this section and covering leased land shall be
142 accompanied by a written statement signed by any lessee of their intent to use such land for the
143 purposes set forth in said application. A certification by a landowner that the information set
144 forth in their application is true may be prescribed by said commissioner to be in lieu of a sworn

145 statement to that effect. An application so certified shall be considered as if made under oath and
146 subject to the same penalties as provided by law for perjury. Upon allowance of any such
147 application under section 9, classification as land actively devoted to agricultural, horticultural or
148 agricultural and horticultural use shall take effect on January first preceding the beginning of the
149 tax year to which the application relates and taxation under this chapter shall commence with
150 that tax year.

151 SECTION 10. Section 7 of said chapter 61A, as so appearing, is hereby amended by
152 striking out, in line 3, the words “October first and June thirtieth of the year”, and inserting in
153 place thereof the following:- December first and June thirtieth.

154 SECTION 11. Said chapter 61A, as so appearing, is hereby further amended by striking
155 out section 8, as so appearing, and inserting in place thereof the following section:-

156 Section 8. For any tax year in which a city or town has undertaken a program of
157 revaluation of all property therein and the commissioner of revenue has certified that said
158 revalued property is assessed by the board of assessors at full and fair cash valuation under
159 section 56 of chapter 40, applications made by landowners to the board of assessors for the
160 valuation, assessment and taxation of their lands as being actively devoted to agricultural or
161 horticultural uses, shall be considered as filed timely when made not later than the last day to file
162 an application for a tax abatement of assessed property as revalued and certified for such tax
163 year, notwithstanding any provision of this chapter to the contrary.

164 If a proper application by a landowner is approved for lands that qualify for valuation,
165 assessment and taxation as being actively devoted to agricultural, horticultural, or agricultural
166 and horticultural uses for any tax year that property is revalued and certified, that portion of any

167 tax assessed for such year which is in excess of the tax that otherwise would have been assessed
168 on the land, if the application had been timely made and approved, shall be abated.

169 SECTION 12. Section 14 of said chapter 61A, as so appearing, is hereby amended by
170 striking the eighteenth paragraph and inserting in place thereof the following paragraph:-

171 The assignment shall be for the purpose of maintaining no less than 70 per cent of the
172 land in use as forest land as defined in section 1 of chapter 61, as agricultural and horticultural
173 land as defined in sections 1 and 2 of this chapter or as recreation land as defined in section 1 of
174 chapter 61B, and in no case shall the assignee develop a greater proportion of the land than was
175 proposed by the developer whose offer gave rise to the assignment. All land other than land that
176 is to be developed shall then be bound by a permanent deed restriction that meets the
177 requirements of chapter 184.

178 SECTION 13. Section 3 of chapter 61B of the General Laws, as appearing in the 2014
179 Official Edition, is hereby amended by striking out said section and inserting in place thereof the
180 following section:-

181 Section 3. Eligibility of land for valuation, assessment and taxation under this chapter
182 shall be determined separately for each tax year. Application therefor shall be submitted to the
183 board of assessors of each city or town in which such land is situated not later than December
184 first preceding each tax year for which such valuation, assessment and taxation is being sought.
185 Application shall be made on a form prescribed by the commissioner of revenue and provided
186 for the use of applicants by said board of assessors. Such form shall provide for the reporting of
187 information pertinent to the provisions of this chapter and for certification by the applicant that
188 they will immediately, but no later than the December first next following, notify the board of

189 assessors in writing of any subsequent circumstance within their control or knowledge which
190 may cause a change in use of the land covered by such form. Any application submitted under
191 this section and covering leased land shall be accompanied by a written statement signed by the
192 lessee of their intent to use such land for the purposes set forth in said application. A certification
193 by a landowner that the information set forth in their application is true may be prescribed by
194 said commissioner to be in lieu of a sworn statement to that effect. An application so certified
195 shall be considered as if made under oath and subject to the same penalties as provided by law
196 for perjury. Upon allowance of any such application under section 6, classification as recreation
197 land shall take effect on January first preceding the beginning of the tax year to which the
198 application relates and taxation under this chapter shall commence with that tax year

199 SECTION 14. Section 4 of said chapter 61B, as so appearing, is hereby amended by
200 striking out, in line 2, the words “October first and June thirtieth of the year”, and inserting in
201 place thereof the following:- December first and June thirtieth.

202 SECTION 15. Said chapter 61B is hereby further amended by striking out section 5, as so
203 appearing, and inserting in place thereof the following section:-

204 Section 5. For any tax year in which a city or town has undertaken a program of
205 revaluation of all property therein and the commissioner of revenue has certified that said
206 revalued property is assessed by the board of assessors at full and fair cash valuation under
207 section 56 of chapter 40, applications made by landowners to the board of assessors for the
208 valuation, assessment and taxation of their lands on the basis as being maintained in recreational
209 use, shall be considered as filed timely when made not later than the last day to file an

210 application for a tax abatement of assessed property as revalued and certified for such tax year,
211 notwithstanding any provision of this chapter to the contrary.

212 If a proper application by a landowner is approved for lands that qualify for valuation,
213 assessment and taxation as being maintained for recreational use for any tax year that property is
214 revalued and certified, that portion of any tax assessed for such year which is in excess of the tax
215 that otherwise would have been assessed on the land, if the application had been timely made
216 and approved, shall be abated.

217 SECTION 16. Section 6 of said chapter 61B, as so appearing, is hereby amended by
218 striking out, in line 13, the words “a disallowance”, and inserting in place thereof the following
219 words:- an allowance.

220 SECTION 17. Section 9 of said chapter 61B, as so appearing, is hereby amended by
221 striking out the eighteenth paragraph and inserting in place thereof the following paragraph:-

222 The assignment shall be for the purpose of maintaining no less than 70 per cent of the
223 land in use as forest land as defined in section 1 of chapter 61, as agricultural and horticultural
224 land as defined in sections 1 and 2 of chapter 61A or as recreation land as defined in section 1 of
225 this chapter, and in no case shall the assignee develop a greater proportion of the land than was
226 proposed by the developer whose offer gave rise to the assignment. All land other than land that
227 is to be developed shall then be bound by a permanent deed restriction that meets the
228 requirements of chapter 184.

229 SECTION 18. Section 5 of chapter 65C of the General Laws, as appearing in the 2014
230 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof
231 the following 2 subsections:-

232 (c) If the gross estate of a decedent includes real property devoted to use as a farm for
233 farming purposes, the estate may elect to either value such property in accordance with section
234 2032A of the Code, in effect on January 1, 1985 or, if the gross estate of a decedent includes
235 real property devoted to use for closely held agricultural land, the value of such land shall be
236 valued pursuant to the valuation set by the farmland valuation advisory commission established
237 pursuant to section 11 of chapter 61A for the fiscal year of the most recent growing season. If a
238 federal return is required to be filed the election under this subsection shall be consistent with the
239 election made for federal estate tax purposes. All the substantive and procedural provisions of
240 said section 2032A shall, insofar as pertinent and consistent, apply to the election made under
241 this subsection. The commissioner shall promulgate regulations to carry out the provisions of this
242 subsection and subsection (d).

243 (d) Land shall qualify for valuation as closely held agricultural land under subsection (c)
244 of this section if it meets the definition of: forest land under chapter 61; land in agricultural or
245 horticultural use under chapter 61A; land used for farming or agriculture pursuant to chapter
246 128, section 1A that is eligible pursuant to chapter 61B; provided that the land need not be
247 classified by municipal assessors as forest land under chapter 61, land in agricultural or
248 horticultural use under chapter 61A or recreational land under chapter 61B to qualify for
249 valuation as closely held agricultural land under said subsection (c) if it otherwise meets the
250 applicable definitions.

251 When land valued as closely held agricultural land under said subsection (c) no longer
252 meets the definition of forest land under chapter 61, land in agricultural or horticultural use under
253 chapter 61A, recreational land under chapter 61B that is used for farming or agriculture pursuant
254 to chapter 128, section 1A, the land shall be subject to roll-back taxes, in the current tax year in

255 which it is disqualified and in those years of the 9 immediately preceding tax years in which the
256 land was so valued. Roll-back taxes shall be calculated: under section 7 of chapter 61 for forest
257 land, under section 13 of chapter 61A for lands in agricultural or horticultural use under chapter
258 61A, or under section 8 of chapter 61B for land used for farming or agriculture pursuant to
259 chapter 128, section 1A; and eligible as chapter 61B recreational land.

260 SECTION 19. Section 1 of chapter 94 of the General Laws, as appearing in the 2014
261 Official Edition, is hereby amended by inserting after the definition of “rolls” the following
262 definitions:-

263 “shared animal ownership agreement”, includes a cow share or goat share that is an
264 undivided interest in a cow, goat, or dairy herd, created through a written contractual relationship
265 between a shareholder and farmer that includes a legal bill of sale to the shareholder for an
266 interest in a cow, goat, or dairy herd, and under which the shareholder agrees to pay or reimburse
267 a farmer, or otherwise accept financial responsibility for the care and boarding of a cow, goat, or
268 dairy herd, and under which the shareholder is entitled to receive a raw milk share from the cow,
269 goat, or dairy herd.

270 “shareholder,” refers to an individual who owns an undivided interest in a cow, goat, or
271 dairy herd created through a shared animal ownership agreement.

272 SECTION 20. Section 13 of said chapter 94, as so appearing, is hereby amended by
273 inserting, in line 17, after the word "precluded", the following words:-

274 ; and provided further, the provisions of this chapter shall be inapplicable to a
275 shareholder, or any individual participating in a shared animal ownership agreement, who is
276 using any product derived from such animal for personal consumption.

277 SECTION 21. Said chapter 94 of the General Laws, is hereby amended by inserting after
278 section 13 the following section:-

279 Section 13 A ½. (a) Licensed raw milk farmers shall be allowed to deliver raw milk
280 directly to the consumer, off-site from the farm, provided that the raw milk farmer has a direct,
281 contractual relationship with the consumer. The raw milk farmer may contract with a third party
282 for delivery provided that the raw milk farmer shall maintain the contractual relationship with the
283 consumer. The raw milk farmer may deliver raw milk through a community supported
284 agriculture (CSA) delivery system provided that the raw milk farmer shall maintain a contractual
285 relationship with the consumer. Delivery may be made directly to the consumer's residence or to
286 a pre-established receiving site; said sites shall not be in a retail setting with the exception of
287 CSA delivery. In such instances, raw milk shall be kept separated from retail items for sale and
288 will not be accessible to the general public.

289 (b) Raw milk farmers may sell raw milk from their farm stands even if not contiguous to
290 their raw milk dairy and shall comply with section 3 of chapter 40 of the General Laws.

291 (c) The department of agricultural resources and the department of public health, acting
292 jointly, shall adopt and promulgate reasonable rules and regulations governing the handling,
293 packaging, storage, testing, and transportation of raw milk, provided that non-mechanical
294 refrigeration shall be permitted.

295 SECTION 22. Said chapter 94 is hereby further amended by inserting after section 13E
296 the following section:-

297 Section 13F. (a) Any farmer may participate in a shared animal ownership agreement if
298 said farmer has no more than twelve lactating cows, goats, or cows and goats, and enters a shared

299 animal ownership agreement through a written contractual relationship, provided that the
300 contract shall include:

301 (1) the name and address of the farm, owner of the farm and name of the farmer;

302 (2) the name and address of the shareholder;

303 (3) a prominent warning statement that the raw milk is not pasteurized nor subject to
304 inspection by the department of public health nor the department of agricultural resources and
305 that the raw milk is subject to limited safety testing by the department of agricultural resources.

306 (b) A farmer participating in a shared animal ownership agreement shall keep a record of
307 when a shareholder receives a raw milk share and the farmer shall maintain such record for no
308 less than 60 days. A farmer participating in a shared animal ownership agreement shall only
309 distribute raw milk off of their farm.

310 (c) Any shareholder of a cow share or goat share within a cow, goat, or dairy herd may
311 receive raw milk on behalf of another shareholder within the same cow, goat, or dairy herd.

312 (d) No shareholder who receives raw milk through a shared animal ownership agreement
313 under this section shall sell or redistribute the raw milk to any person who does not own a raw
314 milk share within the same cow, goat, or dairy herd.

315 (e) The department of agricultural resources may issue rules and regulations pursuant to
316 the testing of raw milk distributed through a shared animal ownership agreement, provided that
317 the testing is done not more than once every two months, and provided that the testing
318 requirements are not overly burdensome to the farmer or cost-prohibitive.

319 SECTION 23. Chapter 128 of the General Laws, as appearing in the 2014 Official
320 Edition, is hereby amended by inserting after section 1A the following section:-

321 Section 1B. "Farmers Market" shall mean a public market or public market place located
322 in a city or town that operates or occurs more than once per year for the primary purpose for
323 Massachusetts farmers, from more than 1 farm, to vend food, crops and other farm related items
324 that they have produced directly to the public.

325 A public market or public market place used by farmers that is established by a
326 municipality under section 10 of chapter 40, or operates on department of conservation and
327 recreation land by special permit under section 2F of chapter 132A, shall be deemed under this
328 definition as a "Farmers Market".

329 SECTION 24. Section 46 of chapter 132 of the General Laws, as appearing in the 2014
330 Official Edition, is hereby amended by striking out, in the third sentence of the first paragraph,
331 the words "on June thirtieth of each year" and inserting in place thereof the following words:-

332 3 years following the anniversary date of the license granted to said applicant.

333 SECTION 25. Section 49 of said chapter 132, as so appearing, is hereby amended by
334 striking out, in line 8, the words "annually on" and inserting in place thereof the following
335 words:-

336 3 years following

337 SECTION 26. Chapter 132A of the General Laws, as appearing in the 2014 Official
338 Edition, is hereby amended by inserting after section 2D, the following 2 sections:-

339 Section 2E. (a) The commissioner of the department of conservation and recreation shall
340 establish a program to provide for the use of designated lands in state-owned department parks
341 and reservations throughout the commonwealth for community gardens. Lands so designated
342 shall be restricted to noncommercial horticultural uses of growing and harvesting food crops by
343 inhabitants of local communities.

344 Community gardens shall be established as authorized by the commissioner, in open
345 spaces that are suitable for such recreational gardening activities which are accessible to the
346 public. Improvements to community garden lands shall to the extent as is practicable, preserve
347 the natural state of such park and reservation areas.

348 Under the program, specific planting areas that are available within designated
349 community garden sites shall be allotted for personal use on a seasonal basis by special permits
350 issued to qualifying individual gardeners.

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

353 (b) The commissioner shall be authorized to license cities or towns to, establish, improve,
354 maintain, operate and access local community gardens on designated department land. Said
355 licenses shall be granted for no fee, upon such terms, restrictions and agreements, and for such
356 period of years, not exceeding 10, as the commissioner may deem appropriate; provided, that the
357 land licensed is utilized for the purposes of the department's community garden program
358 consistent with the applicable rules and regulations of the department, and provided further, that
359 under said licenses, cities and towns may be responsible for their costs and expenses, or portion
360 thereof, to establish, improve, maintain and operate community gardens.

361 Cities and towns applying for a license to use department lands under the community
362 garden program shall submit a plan related to said use, which shall be subject to approval by the
363 commissioner.

364 (c) The commissioner shall be authorized to license qualified non-profit organizations to,
365 establish, improve, maintain, operate and access community gardens on designated department
366 land. Said licenses shall be granted, upon such terms, restrictions and agreements, and for such
367 period of years, not exceeding 5, as the commissioner may deem appropriate; provided, that the
368 land is used for the purposes of the department's community garden program consistent with the
369 applicable rules and regulations of the department; and provided further, said licenses are granted
370 based on a competitive application and proposal process. Notwithstanding, no license shall be
371 granted to a non-profit organization for designated land unless, the commissioner has first
372 provided the city or town where the available land is located, the option to be granted a license
373 for such community garden site.

374 (d) Cities and towns, and non-profit organizations as part of the terms of said licenses,
375 shall abide by the rules and regulations adopted by the department relating to the use and
376 operation of community garden lands.

377 Licenses granted for community garden lands under this section shall be revocable at any
378 time by the commissioner for the failure of recipient municipalities or non-profit organizations to
379 comply with such license terms, restrictions and agreements.

380 In no event shall the granting of said licenses be construed to create in such
381 municipalities or non-profit organizations, any title, right to acquire title, or ownership interest in
382 licensed lands. The provisions of this subsection shall not prohibit the commissioner from

383 leasing such lands to municipalities or qualified non-profit organizations under applicable law,
384 for the purposes of the community garden program.

385 (e) The department or its employees shall not be liable for injuries or death to persons, or
386 damage to property, resulting from any conduct related to the operation and use of community
387 gardens on department lands, in the absence of willful, wanton, or reckless conduct on the part of
388 said department or employees; provided, the community garden where such injury or death
389 occurred, is enclosed by suitable fencing of not less than 4 feet in height and conspicuous
390 signage warning of such limitation of liability is posted on or near such fence at garden
391 entryways.

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

394 Section 2F. The commissioner of the department of conservation and recreation shall
395 establish a program to provide for the seasonal use of areas in department parks and reservations
396 by farmers for public market places. Such public markets shall be limited mainly to the vending
397 of food and other agricultural products that are grown, raised or produced on Massachusetts
398 farms.

399 The temporary establishment of said public markets as approved by the commissioner
400 shall be at suitable land and parking areas accessible by the public and at appropriate times
401 during daylight hours. Under the program, the commissioner shall be authorized to issue special
402 seasonal permits to farmer vendors, which shall be restricted to specific approved public market
403 sites and times, upon such terms and conditions as the commissioner may deem appropriate. As a
404 condition of the issuance of a permit, a farmer vendor shall be required to comply with any laws

405 and regulations applicable to the vending of food and agricultural products at said public
406 markets.

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

409 The commissioner, in consultation with the commissioner of the department of
410 agricultural resources, shall adopt rules and regulations for said public markets.

411 Farmers markets allowed pursuant to this section shall not be subject to the commercial
412 limitations under section 2B of chapter 132A.

413 SECTION 27. Section 7B of chapter 242 of the General Laws, as appearing in the 2014
414 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
415 the following subsection:-

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

421 SECTION 28. Subsection (f) of said section 7B of said chapter 242, as so appearing, is
422 hereby amended by inserting after the words "husbandry, structure", in line 27, the words:- or
423 device

424 SECTION 29. (a) Notwithstanding any general or special law to the contrary, the board
425 of examiners of plumbers and gas fitters shall conduct a formal review of the rules and

426 regulations of the Uniform State Plumbing Code under 248 CMR 10.00, for the purpose to
427 consider amending said uniform code, to provide separate regulatory provisions specific to
428 farming buildings and operations. Amendments to said uniform code adopted by the board
429 pursuant to this act shall be consistent with the provisions under subsection (c). For the purposes
430 of this act, the term “farming” shall have the meaning as defined in section 1A of chapter 128, of
431 the General Laws.

432 (b) There shall be established an advisory committee to make recommendations to the
433 board of examiners of plumbers and gas fitters for amendments to the Uniform State Plumbing
434 Code under 248 CMR 10.00, to adopt separate regulatory provisions specific to farming
435 buildings and operations. The advisory committee shall consist of 7 members who shall be
436 citizens of the commonwealth, one of whom shall be chair of the board of examiners of plumbers
437 and gas fitters, or his designee, who shall serve as a co-chair of the advisory committee; one of
438 whom shall be commissioner of the department of agricultural resources, who shall serve as a co-
439 chair of the advisory committee; one of whom shall be the commissioner of the department of
440 public health, or his designee; and 3 members to be appointed by the director of the division of
441 professional licensure, one of whom shall be employed as municipal plumbing inspector, in rural
442 or suburban towns for a period not less than 10 years, and who has no other financial interest
443 related to the plumbing business and, one of whom shall be employed as municipal plumbing
444 inspector, in suburban or urban cities for a period not less than 10 years, and who has no other
445 financial interest related to the plumbing business; and 1 member to be appointed by the
446 commissioner of the department of agricultural resources, who shall be a farmer and a member
447 of the Massachusetts Farm Bureau Federation.

448 Recommendations by the advisory committee to amend said uniform code, shall be based
449 on standards for proposed regulations that: (i) protect the public's health and safety; (ii) preserve
450 the environment; (iii) provide alternative plumbing practices and methods which are reasonable,
451 suitable and effective for farming buildings and operations, and (iv) promote farming
452 development by reducing requirements that are unnecessarily excessive or costly, to achieve
453 intended purposes in farming applications. The advisory committee, as a part of such
454 recommendations, shall provide proposals of specific amendments to said uniform code.

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

459 (c) Within 6 months after the board receives the advisory committee's recommendations,
460 the board shall complete its review of said uniform code and recommendations. Determinations
461 by the board to amend said uniform code to adopt separate provisions specific to farming
462 buildings and operations shall take into consideration the recommendations of the advisory
463 committee. If the board decides to amend the regulations under said uniform code, then within
464 30 days of completing its review, the board shall provide notice under the respective sections 2
465 and 3 of chapter 30A.

466 If the board declines to adopt, in whole or part, the recommendations of the advisory
467 committee the board shall make a report detailing the specific reasons for disallowing such
468 recommendations. The board, within 30 days of completing its review, shall submit a copy of

469 such report to the senate and house chairmen of the joint committee of environment, natural
470 resources and agriculture.

471 SECTION 30. Notwithstanding any general or special law, rule or regulation to the
472 contrary, the state board of building regulations and standards shall amend the state building
473 code to include rain sensor devices for newly installed or renovated residential outdoor landscape
474 sprinkler systems.

475 SECTION 31. (a) Notwithstanding any general or special law to the contrary, the
476 secretary of energy and environmental affairs, in consultation with the farmland protection and
477 viability advisory commission established into subsection (b), shall develop a farmland
478 protection and viability plan. The plan shall set forth the commonwealth's goals, priorities and
479 recommended actions for farmland protection and access to reflect the importance of farmlands
480 of the commonwealth to its citizens who derive their livelihoods from farming, the food that is
481 produced, and the importance of protected farmland for ecosystem health and biodiversity.

482 The plan shall include, but not be limited to: (i) an inventory of state land in active
483 agricultural production or that is potentially suitable for farming; (ii) a review of state agency
484 policies related to the use or lease of land for farming and recommendations related to state
485 policies for the use and lease of state-owned land for farming; (iii) an analysis of recent trends
486 and potential threats related to farmland loss and conversion and its recommendations, including
487 resources necessary to improve state data collection for farmland trends and to establish a system
488 for tracking acres of farmland in production over time; (iv) recommended statutory, regulatory or
489 policy revisions to the agricultural preservation restriction program to support the long-term
490 economic viability of protected farms, to address housing needs and to ensure the program is

491 managed in a transparent and consistent manner and with policies that keep pace with changes in
492 agriculture and associated markets; (v) an analysis of farmland enrolled in a program under
493 chapter 61A of the General Laws and recommendations for improving enrollment of farmland in
494 the program; and (vi) measurable statewide goals and benchmarks related to farmland
495 conversion, farmland protection and farmland access and recommendations for state policy
496 changes and program funding levels to meet these goals and benchmarks. The plan may include
497 maps, illustrations and other media and shall be based on best available science and best
498 management practices.

499 (b) There shall be a farmland protection and viability advisory commission to assist the
500 secretary in developing the farmland action plan. The commission shall be chaired by a farmer
501 and to be appointed by the secretary and shall consist of: 2 members of the senate or a designee,
502 1 of whom shall be appointed by the minority leader; 2 members of the house of representatives
503 or a designee, 1 of whom shall be appointed by the minority leader; 1 member of the board of
504 food and agriculture; the commissioner of agricultural resources or a designee; a representative
505 of the Center for Agriculture, Food and the Environment at the University of Massachusetts at
506 Amherst; a representative of the Massachusetts Farm Bureau Federation; a representative of The
507 Trustees of Reservations; a representative of the American Farmland Trust; and 3 persons to be
508 appointed by the governor, 1 of whom shall be a farmer, 1 of whom shall be a representative of
509 an urban agriculture organization, 1 of whom shall be a representative of a farmland access
510 organization.

511 The advisory commission shall meet at least quarterly and otherwise at the discretion of
512 the chair. The commission shall make recommendations to the secretary for the proper
513 management and development of the farmland protection and viability plan.

514 (c) The farmland action plan shall be delivered to the joint committee on environment,
515 natural resources and agriculture not later than December 31, 2018. The executive office of
516 energy and environmental affairs and the department of agricultural resources shall provide
517 technical support to the commission.

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

520 SECTION 32. Sections 6 to 18, inclusive, shall be effective for tax years beginning on or
521 after, January 1, 2018.

522 SECTION 33. The regulations required pursuant to section 21, 22, 26 and 30 shall be
523 promulgated not later than 270 days after the effective date of this act.