

The National Agricultural
Law Center



An Agricultural Law Research Project

States' Right-To-Farm Statutes

State of Massachusetts

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States' Right-to-Farm Statutes

STATE OF MASSACHUSETTS

Mass. Gen. Laws ch. 243, § 6
Mass. Gen. Laws ch. 128, § 1A

Current through Chapter 121 of the 2010 2nd Annual Session.

M.G.L.A. 243 § 6. Actions against farming operations; limitations

No action in nuisance may be maintained against any person or entity resulting from the operation of a farm or any ancillary or related activities thereof, if said operation is an ordinary aspect of said farming operation or ancillary or related activity; provided, however, that said farm shall have been in operation for more than one year. This section shall not apply if the nuisance is determined to exist as the result of negligent conduct or actions inconsistent with generally accepted agricultural practices. For the purposes of this section, "agriculture" and "farming" shall be as defined in section one A of chapter one hundred and twenty-eight.

M.G.L.A. 128 § 1A. Farming, agriculture, farmer; definitions

"Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.