

Section 7A. As used in this chapter the following words shall, unless the context otherwise requires, have the following meanings:-

“Agriculture” and “farming”, as defined in section 1A of chapter 128.

“Arbor”, an area of land devoted to the propagation and cultivation of fruitbearing trees and shrubs, and nut trees.

“Bureau”, the bureau of land use in the division of agricultural development.

“Chief”, the chief of the bureau of land use.

“Elderly persons of low income”, persons who are age 65 or over and whose annual income is less than the amount necessary to enable them to maintain a decent standard of living, except that where there exists a surplus of land appropriate for garden use, the age requirement may be reduced by the director to age 62; but the oldest of the applicants between 62 and 65 shall be given preference.

“Families of low income”, families and persons whose net annual income is less than the amount necessary to enable them to maintain a decent standard of living.

“Farm”, a body of land devoted to agriculture.

“Garden”, a piece of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables.

“Use”, when applied to gardening; to make use of, without conveyance of title or any other ownership.

“Vacant public land”, any land owned by the commonwealth, or any county or municipality therein, that is not in use for public purpose.

Section 7B. Any person may make application to the bureau of land use on a form to be furnished by the bureau for a permit to use available vacant public land for garden, arbor, or farm purposes. Applicants shall submit a plan for said use and shall agree to maintain the land in a condition consistent with said land use plan, and shall agree to abide by the rules and regulations promulgated by said bureau. Failure to carry out the conditions of agreement shall result in the forfeiture of the garden, arbor or farm permit. Any person who is granted the use of garden, arbor, or farm land shall indemnify and save harmless the commonwealth, the department of agricultural resources and all of its officers, agents and employees against suits and claims of liability of each name and nature arising out of, or in consequence of the use of vacant public land.

Section 7C. Priority in the allotment of vacant public land for garden and arbor purposes shall be given to elderly persons of low income, families of low income and children between the ages of 7 and 16. Products grown in gardens and arbors shall not be sold.

Section 7D. The bureau shall, with the cooperation of other state agencies and cities and towns, compile a list of all vacant land, that in the opinion of the agencies and cities and towns, can be feasibly used for gardening, arbor culture or farming. The bureau shall, by letters of agreement, contract with such agencies or cities and towns for the use of said vacant land. Contracts may contain a termination date. If no date is determined, either party may terminate the contract by written notice given within 60 days; but no contract shall be terminated until the end of the harvest season. The bureau shall notify the gardeners or farmers of the notice of termination.

Section 7E. Owners of land may make available to the bureau parcels of land for the purposes set forth in section 7B under terms and conditions agreed upon between the owners and the bureau, and the commonwealth, the department and all of its officers, agents and employees shall be saved harmless as provided in section 7B.

Section 7F. The commissioner after a public hearing shall adopt and promulgate rules and regulations in accordance with chapter 30A and consistent with sections 7A to 7E, inclusive of this chapter.