

**SENATE . . . . . No. 2184**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Twelve**  
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An Act further regulating animal control.

*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. Chapter 10 of the General Laws is hereby amended by inserting after  
2 section 35SS the following section:-

3           Section 35TT. There shall be established and set up on the books of the commonwealth a  
4 separate fund, to be known as the Homeless Animal Prevention and Care Fund. The fund shall be  
5 used by the department of agricultural resources to offset costs associated with the vaccination,  
6 spaying and neutering of homeless dogs and cats, to offset costs associated with the vaccination,  
7 spaying and neutering of dogs and cats owned by low-income residents of the commonwealth  
8 and to assist with the training of animal control officers. The department may use the fund for  
9 necessary and reasonable administrative and personnel costs related to the specific purposes of  
10 the fund. The commissioner of the department of agricultural resources shall establish rules and  
11 regulations relating to the fund.

12           The fund shall consist of all revenues received by the commonwealth: (i) under the  
13 provisions of law authorizing the voluntary check-off donation indicated on the department of  
14 revenue’s annual income tax return, pursuant to section 6L of chapter 62; and (ii) from public

15 and private sources as gifts, grants and donations to further reduce the population of homeless  
16 animals.

17 The state treasurer shall deposit the fund in accordance with sections 34 and 34A of  
18 chapter 29 in such manner as will secure the highest interest rate available consistent with the  
19 safety of the fund and with the requirement that all amounts on deposit shall be available for  
20 immediate withdrawal at any time. The fund may be expended by the commissioner of the  
21 department of agricultural resources without further appropriation for the purposes stated above  
22 and any funds remaining at the end of any fiscal year shall not revert but shall be available for  
23 use in subsequent fiscal years.

24 SECTION 2. Chapter 62 of the General Laws is hereby amended by inserting after  
25 section 6L the following section:-

26 Section 6M. (a) An individual who files a separate return and a husband and wife filing a  
27 return jointly may voluntarily contribute all, or part of any refund to which they are entitled, or  
28 may voluntarily add an amount onto any amount due, to be credited to the Homeless Animal  
29 Prevention and Care Fund established under section 35TT of chapter 10.

30 A contribution made under this section may be with respect to any taxable year at the  
31 time of filing a return of the tax established by this chapter for such taxable year; provided,  
32 however, that the commissioner shall prescribe the manner in which such contribution shall be  
33 made on the face of the return required by section 5 of chapter 62C; provided further, that the  
34 commissioner shall assure that taxpayers filing any such forms are made clearly aware of their  
35 ability to make the contributions provided for by this section.

36           The commissioner shall annually report the total amount designated under this section to  
37 the state treasurer, who shall credit such amount to said Homeless Animal Prevention and Care  
38 Fund.

39           SECTION 3. Chapter 129 of the General Laws is hereby amended by inserting after  
40 section 39F the following section:-

41           Section 39G. (a) A dog or cat brought or shipped into the commonwealth shall be  
42 accompanied by an official health certificate issued by an accredited veterinarian, a copy of  
43 which shall be sent to the commissioner of agricultural resources.

44           (b) An official health certificate shall mean a legible certificate or form issued by an  
45 accredited veterinarian and approved by the chief livestock official of the state or county of  
46 origin containing the name and address of the consignor and consignee. The certificate shall also  
47 show the age, sex, breed and description of each dog or cat and certify that the dog or cat is free  
48 from visual evidence of infectious or contagious disease. A health certificate shall show proof of  
49 rabies vaccination within the previous 12 months. If a dog or cat is imported into the  
50 commonwealth with a health certificate that reflects that such dog or cat is not currently  
51 vaccinated for rabies, such dog or cat shall be vaccinated as required under section 145B of  
52 chapter 140.

53           (c) A dog or cat purchased within the commonwealth for resale by a commercial  
54 establishment or pet shop shall be accompanied by a health certificate, issued by an accredited  
55 veterinarian, which shall show the age, sex, breed and description of each dog or cat and certify  
56 that the dog or cat is free from visual evidence of infectious or contagious disease.

57 (d) A commercial establishment, pet shop, firm or corporation shall not import into the  
58 commonwealth, for sale or resale in the commonwealth, any cat or dog less than 8 weeks of age.

59 (e) A dog or cat sold in the commonwealth by a commercial establishment, pet shop, firm  
60 or corporation shall be accompanied by a health record indicating the date and type of each  
61 vaccine administered to each such dog or cat.

62 (f) No commercial establishment, pet shop, firm, corporation or person shall sell a dog or  
63 cat that has been surgically devocalized, as defined in section 80½ of chapter 272, unless written  
64 notice that such a procedure has been conducted on the animal is provided to any prospective  
65 purchaser before the purchaser enters into an agreement to purchase such animal. In addition to  
66 the penalties set forth in this section, a failure to provide such notice shall render any purchase  
67 agreement void and a violation of this paragraph shall constitute an unfair and deceptive act or  
68 practice in the conduct of a trade or commerce under chapter 93A.

69 (g) The commissioner may, after notice and hearing, revoke or suspend a license issued  
70 under section 137A of chapter 140 or section 39A of chapter 129 for a violation of this section.

71 (h) Whoever is aggrieved by an order issued under this section may, by petition, appeal  
72 within 30 days to the superior court in the county wherein the aggrieved party resides or where  
73 the aggrieved party's kennel or pet shop, which is the subject of the license, is located. The  
74 appellant shall state the findings by the commissioner and the grounds of appeal therefrom. The  
75 court shall consider the proceedings de novo and the parties shall have right of exception and  
76 appeal.

77 SECTION 4. Chapter 140 of the General Laws is hereby amended by striking out  
78 sections 136A, 137 and 137A, as appearing in the 2010 Official Edition, and inserting in place  
79 thereof the following 3 sections:-

80 Section 136A. The following words and phrases as used in sections 137 to 174D,  
81 inclusive, unless the context requires otherwise, shall have the following meanings:

82 “Adoption”, the delivery of a cat or dog to any person 18 years of age or older for the  
83 purpose of harboring such dog or cat as a pet.

84 “Animal control officer”, an appointed officer authorized to enforce sections 136A to  
85 174D, inclusive.

86 “Attack”, aggressive physical contact initiated by an animal.

87 “Commercial boarding or training kennel”, an establishment used for boarding, holding,  
88 day care, overnight stays or training of animals that are not the property of the owner of such  
89 establishment, at which such services are rendered in exchange for consideration and in the  
90 absence of the owner of such animal; provided, however, that this definition shall not include an  
91 animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a  
92 grooming facility operated solely for the purpose of grooming and not overnight boarding or  
93 individuals who temporarily, and not in the normal course of business, board or care for animals  
94 owned by others.

95 “Commercial breeder kennel”, an establishment, other than a personal kennel, engaged in  
96 the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in  
97 return for consideration.

98 “Commissioner”, the commissioner of agricultural resources.

99 “Dangerous dog”, a dog that either: (i) without justification, attacks a person or domestic  
100 animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person  
101 would believe poses an unjustified imminent threat of physical injury or death to 1 or more  
102 persons, domestic or owned animals; provided, however, that no dog shall be deemed dangerous:

103 (A) solely based upon growling or barking or solely growling and barking;

104 (B) based upon the breed of such dog; or

105 (C) if such dog was reacting to another animal or to a person and such dog’s reaction was  
106 not grossly disproportionate to any of the following circumstances:

107 (1) such dog was protecting or defending itself, its offspring, another domestic animal or  
108 a person from attack or assault;

109 (2) the person who was attacked or threatened by the dog was committing a crime upon  
110 the person or property of the owner or keeper of such dog;

111 (3) the person attacked or threatened by the dog was engaged in teasing, tormenting,  
112 battering, assaulting, injuring or otherwise provoking such dog; or

113 (4) at the time of such attack or threat, the person or animal that was attacked or  
114 threatened by such dog had breached an enclosure or structure in which the dog was kept apart  
115 from the public and such person or animal was not authorized by the owner of the premises to be  
116 within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed,  
117 whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be

118 a rebuttable presumption that such person was not committing a crime, provoking the dog or  
119 trespassing.

120 “Department”, the department of agricultural resources.

121 “Domestic animal”, any animal on the list of animals appearing in 321 CMR 9.02.

122 “Domestic charitable corporation kennel”, a facility operated, owned or maintained by a  
123 domestic charitable corporation registered with the department, or an animal welfare society or  
124 other nonprofit organization incorporated for the purpose of providing for and promoting the  
125 welfare, protection and humane treatment of animals, including a veterinary hospital or clinic  
126 operated by a licensed veterinarian, which operates consistent with such purpose while providing  
127 veterinary treatment and care.

128 “Euthanize”, to take the life of an animal by the administration of barbiturates in a  
129 manner deemed acceptable by the American Veterinary Association Guidelines on Euthanasia.

130 “Hearing authority”, the selectmen of a town, mayor of a city, the officer in charge of the  
131 animal commission, the chief or commissioner of a police department, the chief or  
132 commissioner’s designee or the person charged with the responsibility of handling dog  
133 complaints in a town or city.

134 “Keeper”, any person, business, corporation, entity or society, other than the  
135 owner, harboring or having in such person’s possession any dog.

136 “Kennel”, a pack or collection of dogs on a single premise, including a  
137 commercial boarding or training kennel, commercial breeder kennel, domestic charitable  
138 corporation kennel, personal kennel or veterinary kennel.

139                   “License period”, the period of time for which a municipal licensing authority  
140 prescribes the validity of a dog license, including the date of issuance of such license through the  
141 date on which such license expires, inclusive.

142                   “Licensing authority”, the police commissioner of the city of Boston and the  
143 clerks of any other municipality.

144                   “Live stock or fowl”, any fowl or other animal kept or propagated by the owner  
145 for food or as a means of livelihood and deer, elk, cottontail rabbit, northern hare, pheasant,  
146 quail, partridge and other birds and quadrupeds determined by the department of fisheries,  
147 wildlife and environmental law enforcement to be wild and kept by, or under a permit from, said  
148 department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats  
149 and other pets.

150                   “Nuisance dog”, a dog that: (i) by excessive barking or other disturbance is a  
151 source of annoyance to any sick person residing in the vicinity; or (ii) by excessive barking,  
152 causing damage or other interference, a reasonable person would find disruptive to one’s quiet  
153 and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a  
154 person, but such threat or attack was not a grossly disproportionate reaction under all the  
155 circumstances.

156                   "Personal kennel", a pack or collection of more than 4 dogs, 3 months old or older,  
157 owned or kept under single ownership, for private personal use; provided, however, that  
158 breeding of personally owned dogs may take place for the purpose of improving, exhibiting or  
159 showing the breed, use in legal sporting activity or other personal reasons; provided, further, that  
160 selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to



161 other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops;  
162 provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not  
163 bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a  
164 personal kennel, in conjunction with an animal shelter or rescue registered with the department,  
165 may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting  
166 thereby.

167 “Research institution”, any institution operated by the United States, the commonwealth  
168 or a political subdivision thereof, a school or college of medicine, public health, dentistry,  
169 pharmacy, veterinary medicine or agriculture, a medical diagnostic laboratory or biological  
170 laboratory, or a hospital or other educational or scientific establishment within the  
171 commonwealth above the rank of secondary school, which, in connection with any of the  
172 activities thereof, investigates or provides instruction relative to the structure or functions of  
173 living organisms or to the causes, prevention, control or cure of diseases or abnormal conditions  
174 of human beings or animals.

175 “Shelter”, a public animal control facility or any other facility which is operated by an  
176 organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

177 “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in  
178 addition to medical treatment or care; provided, however, that this definition shall not include a  
179 hospital or clinic used solely to house dogs that have undergone veterinary treatment,  
180 observation, or will do so, only for the period of time needed to accomplish the needed  
181 veterinary care.

182 Section 137. (a) The owner or keeper of any dog over the age of 6 months shall obtain a  
183 license for the dog. The registering, numbering, describing and licensing of a dog shall be  
184 conducted in the office of a licensing authority.

185 (b) A licensing authority shall not grant a license for a dog unless the owner of the  
186 dog provides the licensing authority with a veterinarian's certification that the dog has been  
187 vaccinated in accordance with section 145B, certification that such dog is exempt from the  
188 vaccination requirement under said section 145B or a notarized letter from a veterinarian that  
189 either of these certifications was issued relative to such dog.

190 (c) The license shall be subject to the condition expressed in the license that the dog  
191 which is the subject of the license shall be controlled and restrained from killing, chasing or  
192 harassing live stock or fowl. The owner of a dog may add descriptive words, not over 10 in  
193 number, upon the license form to indicate the color, breed, weight and special markings of the  
194 licensed dog. The owner or keeper of a licensed dog shall keep affixed around such dog's neck  
195 or body, a collar or harness of leather or other suitable material, to which shall be securely  
196 attached a tag. This tag shall have inscribed upon it such dog's license number, the name of the  
197 city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper  
198 of such dog shall immediately secure a substitute tag from the licensing authority at a cost to be  
199 determined by such city or town and the fee for the substitute shall, if received by a city or town  
200 clerk, be retained by the clerk unless otherwise provided by law. This section shall not apply to a  
201 person to whom a valid kennel license has been issued.

202 Section 137A. (a) Every person maintaining a kennel shall obtain a kennel license. An  
203 owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may

204 elect to secure a kennel license in lieu of licensing the dogs under section 137, and shall be  
205 subject to this section and to sections 137B and 137C and to so much of section 141 as relates to  
206 violations of this section to the same extent as though the owner or keeper were maintaining a  
207 kennel. In the case of an applicant for initial licensure, and in the case of an applicant for license  
208 renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection  
209 by an animal control officer.

210 (b) A kennel license shall be in lieu of any other license for a dog kept at a kennel  
211 during any portion of the period for which the kennel license is valid. A kennel licensee shall  
212 cause each dog kept in its kennel to wear, while it is at large, a collar or harness of leather or  
213 other suitable material, to which shall be securely attached a tag. The tag shall have inscribed  
214 upon it the number of the kennel license, the name of the city or town issuing the license and the  
215 year of issue. Tags shall be furnished to the owner or keeper by the licensing authority in  
216 quantities not less than the number of dogs kept in the kennel. The issuing city or town shall  
217 determine the period of time for which a kennel license is valid, including the date of issuance of  
218 such license through the date on which such license expires, inclusive, and shall further  
219 determine the fee for the issuance and renewal of said license. To determine the amount of the  
220 license fee for a kennel, a dog under the age of 6 months shall not be counted in the number of  
221 dogs kept in a kennel. The name and address of the owner of each dog kept in a kennel, if other  
222 than the person maintaining the kennel, shall be kept at the kennel and available for inspection  
223 by an animal control officer, natural resource officer, deputy natural resource officer, fish and  
224 game warden or police officer.

225 (c) The licensing authority shall issue a kennel license without charge to a  
226 domestic charitable corporation incorporated exclusively for the purpose of protecting animals  
227 from cruelty, neglect or abuse or for the relief of suffering.

228 SECTION 5. Section 137B of said chapter 140, as so appearing, is hereby  
229 amended by inserting after the word “town”, in lines 14 and 18, the following words, in each  
230 instance:- or city.

231 SECTION 6. Said chapter 140 is hereby further amended by striking out section 137C, as  
232 so appearing, and inserting in place thereof the following section:-

233 Section 137C. The mayor of a city, the selectmen of a town, the police commissioner in  
234 the city of Boston, a chief of police or an animal control officer may at any time inspect a kennel  
235 or cause the inspection of a kennel. If, in the judgment of such person or body, the kennel is not  
236 being maintained in a sanitary and humane manner or if records are not properly kept as required  
237 by law, such person or body shall, by order, revoke or suspend the license for such kennel. Upon  
238 the petition of 25 citizens, filed with the mayor of a city, the selectmen of a town or the police  
239 commissioner in the city of Boston setting forth a statement that such citizens are aggrieved or  
240 annoyed to an unreasonable extent by 1 or more dogs maintained in such city or town, due to  
241 excessive barking of the dogs or other conditions connected with a kennel constituting a  
242 nuisance, the mayor, selectmen or police commissioner, as the case may be, shall, within 7 days  
243 after the filing of the petition, give notice to all parties in interest of a public hearing to be held  
244 within 14 days after the date of such notice. The mayor, selectmen or police commissioner shall,  
245 within 7 days after the public hearing, investigate or cause to be investigated the subject matter  
246 of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate

247 the kennel, or dismiss the petition. Written notice of an order revoking, suspending or reinstating  
248 a license shall be mailed immediately to the officer issuing the license and to the holder of the  
249 license. Within 10 days after the order, the holder of the license may bring a petition in the  
250 district court within the judicial district in which the kennel is maintained, addressed to the  
251 justice of the court, praying that the order be reviewed by the court. After notice to all parties as  
252 the court may consider necessary, the court shall review the action, hear the witnesses and affirm  
253 the order unless it shall appear that it was made without proper cause or in bad faith, in which  
254 case the order shall be reversed. The decision of the court shall be final and conclusive upon the  
255 parties. A person maintaining a kennel after the license to maintain a kennel has been so revoked,  
256 or while such a license is suspended, shall be punished by a fine of not more than \$250.

257 SECTION 7. Section 137D of said chapter 140 , as so appearing, is hereby amended by  
258 striking out, in line 15, the word “two” and inserting in place thereof the following figure:- 5.

259 SECTION 8. Section 138 of said chapter 140 , as so appearing, is hereby amended by  
260 inserting after the word “town”, in lines 2 and 3, the following words, in each instance:- or city.

261 SECTION 9. Said section 138 of said chapter 140, as so appearing, is hereby further  
262 amended by striking out, in line 9, the word “three” and inserting in place thereof the following  
263 figure:- 6.

264 SECTION 10. Section 138A of said chapter 140 is hereby repealed.

265 SECTION 11. Said chapter 140 is hereby further amended by striking out section 139, as  
266 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

267           Section 139. (a) The fee for every license shall, except as otherwise provided, be  
268 determined by a city or town.

269           (b) The license fee for a spayed or neutered dog shall be less than the license fee of an  
270 intact dog. Upon application for a license, a city or town clerk shall require a certificate from the  
271 veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered;  
272 provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian  
273 who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a  
274 bill from the veterinarian who performed such procedure or a statement signed under the  
275 penalties of perjury by a veterinarian registered and practicing in the commonwealth describing  
276 the dog and stating that the veterinarian has examined the dog, which appears to have been  
277 spayed or neutered and incapable of propagation.

278           (c) No fee shall be charged for a license issued under this section for a service animal as  
279 defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee  
280 shall be charged for a license for a dog owned by a person aged 70 years or over in any city or  
281 town that accepts this provision. A license fee, or portion thereof, shall not be refunded because  
282 of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of  
283 the dog, nor shall a license fee, or portion thereof, paid by mistake be paid or recovered after it  
284 has been paid over to a city or town under section 147.

285           SECTION 12. Section 139A of said chapter 140, as so appearing, is hereby amended by  
286 striking out, in lines 2 and 3, the words “a deposit of not less than ten nor more than thirty  
287 dollars” and inserting in place thereof the following words:- a written agreement is entered into  
288 and a deposit of not less than \$40.

289 SECTION 13. Said section 139A of said chapter 140, as so appearing, is hereby further  
290 amended by adding the following paragraph:-

291 The commissioner may set fines for violations and may further establish regulations to  
292 ensure compliance with this section. Additionally, an animal control officer, an officer licensed  
293 under section 57 of chapter 22C, a police officer or the owner, director or a duly authorized agent  
294 of an animal shelter from which an animal was obtained may bring a petition in the district court  
295 within the judicial district of which the dog or cat is owned or kept for an action of forfeiture and  
296 relinquishment of ownership. Legal fees or court costs incurred in the enforcement of this section  
297 shall be the responsibility of the owner of the animal.

298 SECTION 14. Said chapter 140 is hereby further amended by striking out section 141, as  
299 so appearing, and inserting in place thereof the following section:-

300 Section 141. Whoever violates section 137, 137A, 137B or 138 shall be assessed a fee of  
301 not less than \$50, which shall be paid to the city or town wherein the violation occurred.

302 SECTION 15. Section 145 of said chapter 140, as so appearing, is hereby amended by  
303 striking out, in lines 3 and 4, the words “to the director of accounts upon application therefor.”

304 SECTION 16. Section 145A of said chapter 140, as so appearing, is hereby amended by  
305 striking out the fourth to seventh sentences, inclusive.

306 SECTION 17. Said chapter 140 is hereby further amended by striking out section 145B,  
307 as so appearing, and inserting in place thereof the following section:-

308 Section 145B. Whoever is the owner or keeper of a dog, cat or ferret in the  
309 commonwealth, 6 months of age or older, shall cause such dog, cat or ferret to be vaccinated

310 against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's  
311 directions and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by  
312 the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth  
313 shall be vaccinated within 30 days after the acquisition or arrival of such animal into the  
314 commonwealth or upon reaching the age of 6 months, whichever last occurs. It shall be the duty  
315 of each veterinarian, at the time of vaccinating any dog, cat or ferret, to complete a certificate of  
316 rabies vaccination which shall include, but not be limited to, the following information: the  
317 owner's name and address; a description of the animal, including breed, sex, age, name and  
318 distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of  
319 rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine  
320 lot number.

321         The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be  
322 secured by the owner or keeper of such dog, cat or ferret to a collar or harness made of suitable  
323 material to be worn by the dog, cat or ferret; provided, however, that the owner of a cat or ferret  
324 may choose not to affix a tag to a cat, but shall have the tag available for inspection by  
325 authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon  
326 presentation of the original vaccination certificate, be issued a new tag.

327         In order for a dog, cat or ferret to be accepted at an animal hospital, veterinarian's office  
328 or boarding facility, an owner or keeper of such animal shall show proof of current vaccination  
329 against rabies; provided, however, that if an animal has not been so vaccinated or such owner or  
330 keeper fails to show proof of vaccination, the animal shall be vaccinated against rabies prior to  
331 being discharged if the animal's medical condition permits.



332 A licensing authority may grant an exemption from this section for any dog, cat or ferret  
333 that:

334 (i) the local board of health has declared exempt from the rabies vaccination requirement  
335 upon presentation of a veterinarian's certificate stating that because of an infirmity, other  
336 physical condition or regimen of therapy, that such inoculation is considered inadvisable for a  
337 specified period of time for such reasons;

338 (ii) is in transit; or

339 (iii) was brought into the commonwealth temporarily for the sole purpose of  
340 display in shows or for exhibition.

341 This section shall not apply to dogs, cats or ferrets housed in a research  
342 institution.

343 Whoever violates this section shall be punished by a fine of not more than \$100.

344 SECTION 18. Section 146 of said chapter 140, as so appearing, is hereby amended by  
345 striking out, in lines 5 to 8, inclusive, the words "to which such dog has been removed, and such  
346 clerk shall take up the same and issue to said owner or keeper a transfer license, together with a  
347 tag, for such dog upon payment of twenty-five cents" and inserting in place thereof the following  
348 words:- or city to which such dog has been removed, and such clerk shall take up the same and  
349 issue to such owner or keeper a transfer license and a tag for such dog upon payment of an  
350 amount to be determined by the city or town.

351 SECTION 19. Said chapter 140 is hereby further amended by striking out sections 147  
352 and 147A, as so appearing, and inserting in place thereof the following section:-

353           Section 147. The police commissioner of the city of Boston and the clerks of other cities  
354 and towns shall issue dog licenses and tags, receive the money therefor and pay it into the  
355 treasuries of their respective cities and towns on the first Monday of each month or more often.  
356 The clerks of cities and towns, except the city of Boston, may retain for their own use 75 cents  
357 for each such license issued, unless otherwise provided by law, and shall certify under penalties  
358 of perjury to the amounts of money thus received and paid over to them. The police  
359 commissioner of the city of Boston and each city or town clerk shall make a record of the name  
360 of the owner or keeper of each dog licensed and of the name, registered number and description  
361 of each dog licensed. Such records shall be open to public inspection during the usual office  
362 hours of the city or town clerk. All blanks for the licenses and tags and the record books shall be  
363 paid for out of the city or town treasury. The police commissioner of the city of Boston and any  
364 city or town clerk or city or town treasurer violating this section shall be punished by a fine of  
365 not less than \$50 nor more than \$500 or by imprisonment for not less than 1 month nor more  
366 than 1 year in the house of correction, or both. If a city or town clerk neglects or fails to pay the  
367 money into the city or town treasury as required by this section, the city or town may recover the  
368 amount thereof for the benefit of the city or town, with all damages sustained through such  
369 neglect or failure, and interest thereon, in an action on the official bond required, in the case of a  
370 city clerk, by section 13A of chapter 41 and, in the case of a town clerk, by section 13 of said  
371 chapter 41. All payments required under this section shall be subject to section 52 of said chapter  
372 41.

373           SECTION 20. Section 147B of said chapter 140 is hereby repealed.

374 SECTION 21. Said chapter 140 is hereby further amended by striking out sections 149,  
375 150, 151, 151A and 151B, as appearing in the 2010 Official Edition, and inserting in place  
376 thereof the following 6 sections:-

377 Section 149. Each city or town treasurer shall keep an accurate and separate account of  
378 all money received and expended by such treasurer under this chapter relating to animals.

379 Section 150. Persons authorized or directed by section 4 of chapter 51 or by any special  
380 law, to make lists of residents 3 years of age or older shall make a list of all dogs owned by the  
381 inhabitants at the time of making such lists and shall annually return the same, in duplicate, to  
382 the city or town clerk or, to the police commissioner in the city of Boston. An owner or keeper of  
383 a dog who refuses to answer or answers falsely to persons directed or authorized to make such a  
384 list shall be punished by a fine of not less than \$20 which shall be paid to the city or town.

385 Section 151. (a) The mayor of each city and the board of selectmen of each town shall  
386 annually designate 1 or more animal control officers, who may be police officers or constables.  
387 The mayor or board of selectman shall immediately submit to the commissioner the names and  
388 addresses of such animal control officers. Except as provided in this section, if any city or town  
389 shall fail to make such appointment, the commissioner shall appoint an animal control officer for  
390 that city or town. An animal control officer who fails to comply with the terms of such officer's  
391 warrant shall immediately be removed from office by the mayor or board of selectmen and  
392 notice of the removal shall immediately be given to the commissioner. Animal control officers  
393 shall have completed, under the supervision of a veterinarian registered under section 55 or 56C  
394 of chapter 112, a course of instruction in humane techniques for the execution of animals before  
395 euthanizing any animal. Before euthanizing or giving or turning over to another any dog or cat in

396 the officer's possession, such animal control officer shall first examine the animal for the  
397 presence of a microchip or tattoo, check the description of such animal against descriptions  
398 within the city or town relative to such species of animal licensed or registered in such  
399 municipality in order to verify the identity of the animal and to provide notice to the owner of the  
400 animal before the animal is euthanized, given away or turned over to another. Bills for such  
401 services shall be approved by the mayor of the city or the board of selectmen of the town in  
402 which the dogs or cats are kept or euthanized and shall be paid by such city or town. Each animal  
403 control officer appointed under this section shall also attend to all complaints or other matters  
404 pertaining to animals, as prescribed by their respective city or town, in addition to the duties  
405 imposed upon the officer by the officer's warrant, and shall be paid for such services by the town  
406 or city treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of  
407 any city or the board of selectmen of any town may, instead of appointing an animal control  
408 officer, enter into a contract with a domestic charitable corporation incorporated exclusively for  
409 the purpose of protecting animals from cruelty, neglect or abuse to perform the duties required of  
410 an animal control officer. In that case, the payments to the corporation under the terms of the  
411 contract shall be in full for all services rendered by it in that capacity.

412 (b) An animal control officer shall not be a licensed animal dealer registered with the  
413 United States Department of Agriculture. An animal control officer shall not give, sell or turn  
414 over any animal which may come into the officer's custody to any business or institution  
415 licensed or registered as a research facility or animal dealer with the United States Department of  
416 Agriculture either privately or in the course of carrying out such officer's official assignments as  
417 an agent for the officer's municipality. A municipality shall not give, sell or turn over any animal  
418 which may come into its custody to any business or institution licensed or registered as a

419 research facility or animal dealer with the United States Department of Agriculture. Whoever  
420 violates this subsection shall be punished by a fine of not more than \$1,000.

421           Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to the  
422 animal control officer or officers directing the officer or officers to seek out, catch and confine  
423 all dogs within the city or town which are not licensed, collared or harnessed, or tagged, as  
424 required by this chapter, and to enter and prosecute a complaint for failure to comply with this  
425 chapter against the owners or keepers of such dogs, if known, and to euthanize or cause to be  
426 euthanized only by the administration of barbiturates in a manner deemed acceptable by the  
427 American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case  
428 of emergency, each such dog not licensed, collared or harnessed, or tagged after being detained  
429 by or for the officer for a period of 7 days; provided, however, that after 7 days, the animal  
430 control officer may make available for adoption any dog found free of disease for a sum of not  
431 less than \$10 and shall keep an account of all moneys received by such officer for the adoption  
432 and shall immediately pay over the sums to the treasurer who shall forward the money to the city  
433 or town. Before delivery of a dog so adopted, the animal control officer shall require the  
434 purchaser to show identification and to procure a license and tag for the dog from the clerk of the  
435 city or town wherein the dog is to be kept. Dogs detained under this section shall be confined in a  
436 place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be  
437 placed in the care of the holder of a kennel license or of a domestic charitable corporation  
438 incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse.  
439 The commissioner from time to time shall cause such places wherein animals are detained under  
440 this section to be inspected and shall make necessary order in relation thereto. An animal control  
441 officer having custody of a detained dog or cat shall be allowed a sum determined by the city or

442 town per day for the care of the dog or cat, payable by the owner or keeper, if known, otherwise  
443 by the city or town.

444 (b) Every animal control officer shall make, keep and maintain systems of records or  
445 forms which fully and correctly disclose the following information concerning each animal in the  
446 officer's custody:

447 (1) the date and location of apprehension;

448 (2) a description of the animal;

449 (3) the place of detainment;

450 (4) if tagged, the name and address of the owner of the animal;

451 (5) the name and address of a new owner, if any, including the date of sale or transfer of  
452 the animal;

453 (6) if the animal is euthanized, the method and date of such euthanization and the name  
454 of the person who euthanized the animal; and

455 (7) the date, location, description of any animal shot by gunshot in case of emergency, the  
456 disposition of the animal remains, as well as description of the situation requiring such gunshot.

457 Every animal control officer shall forward a copy of the record to the town or city clerk  
458 within 30 days. Copies of the record shall be kept for 2 years in the offices of the city or town  
459 clerk where such animal control officer is employed.

460 Section 151B. Any veterinarian registered under section 55 or 56A of chapter 112, who  
461 renders emergency care or treatment to, or who euthanizes, a dog or cat that is injured on any

462 way shall receive payment from the owner of such dog or cat, if known, or, if not known, from  
463 the city or town in which the injury occurred in an amount not to exceed \$250 for such care,  
464 treatment or euthanization; provided, however, such emergency care, treatment or euthanization  
465 shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating  
466 suffering until the owner or keeper of such dog or cat is identified or for a period of 24 hours,  
467 whichever is sooner. Any veterinarian who renders such emergency care or treatment to a dog or  
468 cat or euthanizes a dog or cat shall notify the municipal animal control officer and such animal  
469 control officer shall assume control of such dog or cat or the remains of such dog or cat.

470           Section 151C. The commissioner shall, from time to time, and subject to the availability  
471 of funds from the Homeless Animal Prevention and Care Fund in section 35TT of chapter 10,  
472 provide for a training course for animal control officers. For any training course established  
473 under this section, there shall be a preference for persons who have been in the employ of a city  
474 or town as an animal control officer for 12 months or less. Any training course that is offered by  
475 any private entity, including, but not limited to, the Animal Control Officers Association, shall  
476 be approved by the commissioner.

477           SECTION 22. Section 152 of said chapter 140, as appearing in the 2010 Official Edition,  
478 is hereby amended by striking out, in line 1, the word “dog” and inserting in place thereof the  
479 following words:- animal control.

480           SECTION 23. Said section 152 of said chapter 140, as so appearing, is hereby further  
481 amended by inserting after the word “dogs”, in line 6, the following words:- and cats.

482 SECTION 24. Said section 152 of said chapter 140, as so appearing, is hereby further  
483 amended by striking out, in line 10, the word “dogs” and inserting in place thereof the following  
484 word:- animals.

485 SECTION 25. Section 153 of said chapter 140, as so appearing, is hereby amended by  
486 striking out, in line 2, the words “, except Suffolk county”.

487 SECTION 26. Said section 153 of said chapter 140, as so appearing, is hereby further  
488 amended by striking out, in lines 13 to 18, inclusive, the words “by methods of execution other  
489 than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the  
490 control of the federal Drug Enforcement Administration, unless by a veterinarian,  
491 succinylcholine choline, any drugs that have curariform-like action, electrocution or any other  
492 method which causes an unnecessarily cruel death” and inserting in place thereof the following  
493 words:- only by the administration of barbiturates in a manner deemed acceptable by the  
494 American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case  
495 of emergency.

496 SECTION 27. Said section 153 of said chapter 140, as so appearing, is hereby further  
497 amended by striking out, in lines 18 to 21, inclusive, the words “ten days, shall not then have  
498 been duly licensed, collared or harnessed, and tagged, except that any male or any spayed female  
499 dog not found to be diseased may be made available for adoption for not less than three dollars”  
500 and inserting in place thereof the following words:- 7 days, shall not then have been duly  
501 licensed, collared or harnessed, and tagged, except that any dog not found to be diseased may be  
502 made available for adoption for not less than \$10.



503 SECTION 28. Said section 153 of said chapter 140, as so appearing, is hereby further  
504 amended by inserting after the word “dogs”, in line 34, the following words:- and cats.

505 SECTION 29. Said section 153 of said chapter 140, as so appearing, is hereby further  
506 amended by striking out, in lines 41 to 84, inclusive, the words "nineteen hundred and \_\_\_\_\_

507 Mayor of (or Chairman of the Selectmen of)

508 In the cities and towns of Suffolk County such warrant may be in the following form:

509 COMMONWEALTH OF MASSACHUSETTS

510 (Seal)

511 , ss.

512 To , constable of the city (or town) of

513 In the name of the commonwealth of Massachusetts, you are hereby required to  
514 proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly  
515 licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred  
516 and forty of the General Laws, and you are further required to make and enter complaint against  
517 the owner or keeper of every such dog, and to kill or cause to be killed by methods of execution  
518 other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not  
519 under the control of the federal Drug Enforcement Administration, unless by a veterinarian,  
520 succinylcholine cholide, any drugs that have a curariform-like action, electrocution, or any other  
521 method which causes an unnecessarily cruel death each such dog which, after being detained for  
522 a period of seven days, shall not then have been duly licensed, collared or harnessed, except that  
523 any male or any spayed female dog not found to be diseased may be made available for adoption

524 for not less than three dollars, and you shall keep an account of any such sale and forthwith pay  
525 over the money to the town treasurer. Before delivery of any dog so adopted you shall require the  
526 purchaser to show identification and to register and procure a license and tag for such dog from  
527 the town clerk of the town where the dog is to be kept, in accordance with the provisions of  
528 section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

529 Hereof fail not, and make due return of this warrant with your doings therein, on or  
530 before the first day of October next, on or before the first day of January next, and on or before  
531 the first day of April next, and at the expiration of your term of office, stating the number of dogs  
532 caught, confined and/or killed, or adopted, and the names of the owners or keepers thereof, and  
533 whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed, or  
534 adopted, and the names of persons against whom complaints have been made under the  
535 provisions of said chapter one hundred and forty, and whether complaints have been made and  
536 entered against all the persons who have failed to comply with the provisions of said chapter one  
537 hundred and forty.

538 Given under my hand and seal at \_\_\_ aforesaid the \_\_\_ day of \_\_\_ in the year  
539 nineteen hundred and \_\_\_\_\_ Mayor of (or Chairman of the  
540 Selectmen of)” and inserting in place thereof the following words:- two thousand.

541 Mayor of (or Chairman of the Selectmen of).

542 SECTION 30. Section 156 of said chapter 140, as so appearing, is hereby amended by  
543 inserting after the word “dog”, in line 11, the first time it appears, the following sentence:- Any  
544 person killing or wounding a dog under the conditions set out in this section shall promptly  
545 report to the owner, animal control officer or police officer such killing or wounding.

546 SECTION 31. Said chapter 140 is hereby further amended by striking out sections 157,  
547 158, 159, 160 and 161, as so appearing, and inserting in place thereof the following 6 sections:-

548 Section 157. (a) Any person may file a complaint in writing to the hearing authority  
549 complaining that a dog owned or kept in the city or town is a nuisance dog or is a dangerous dog.  
550 Such hearing authority shall investigate the complaint, or cause the investigation of the  
551 complaint, including an examination under oath of the complainant at a public hearing in such  
552 municipality to determine whether the dog is a nuisance or a dangerous dog. Based on the  
553 credible evidence and testimony presented at the public hearing, the hearing authority shall, if the  
554 dog is complained of as a nuisance dog, either: (i) dismiss the complaint; or (ii) deem such dog a  
555 nuisance dog, or, if the dog is complained of as a dangerous dog, either: (i) dismiss the  
556 complaint; (ii) deem such dog a nuisance dog; or (iii) deem such dog a dangerous dog.

557 (b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further  
558 order that the owner or keeper of such dog take remedial action to ameliorate the cause of the  
559 nuisance behavior.

560 (c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order  
561 1 or more of the following:

562 (i) that the dog shall be humanely restrained; provided, however, that no order  
563 shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to any  
564 inanimate object including, but not limited to, a tree, post or building;

565 (ii) that the dog shall be confined to the premises of the keeper of such dog;  
566 provided, however, that “confined” shall mean securely confined indoors or confined outdoors in  
567 a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper;

568 provided further, that such pen or dog run shall have a secure roof and if such enclosure has no  
569 floor secured to the sides thereof, the sides shall be embedded into the ground not less than 2  
570 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper  
571 shelter from the elements shall be provided to protect such dog;

572 (iii) that when removed from the premises of the owner or the premises of the  
573 person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a  
574 chain or other tethering device having a minimum tensile strength of 300 pounds and not  
575 exceeding 3 feet in length;

576 (iv) that the owner or keeper of the dog shall provide proof of a policy of  
577 insurance in an amount not less than \$100,000 insuring such owner or keeper against any claim,  
578 loss, damage or injury to persons, domestic animals or property resulting from the acts, whether  
579 intentional or unintentional, of such dog or proof that reasonable efforts were made to obtain  
580 such insurance if a policy has not been issued. If such a policy has been issued, the owner or  
581 keeper shall produce such policy upon request of the hearing authority or a justice of the district  
582 court or proof of efforts to obtain same if such a policy has not been issued.

583 (v) that the owner or keeper of the dog shall provide to the licensing authority or  
584 animal control officer, or such other entity identified in the order, information by which such dog  
585 may be identified, throughout its lifetime including, but not limited to, photographs, videos,  
586 veterinary examination, tattooing or microchip implantations or a combination of such methods  
587 of identification;

588 (vi) that unless an owner or keeper of the a dog provides evidence that a  
589 veterinarian is of the opinion the such dog is unfit for alterations because of medical condition,

590 the owner or keeper of the dog shall cause the dog to be altered such that the dog shall not be  
591 reproductively intact; or

592 (vii) that the dog shall be humanely euthanized.

593 No order shall be issued directing that a dog deemed dangerous be removed from the  
594 town or city in which the owner of such dog resides. No city or town shall regulate dogs in a  
595 manner that is specific to breed.

596 (d) Within 10 days after any order issued under subsections (a) to (c), inclusive, the  
597 owner or keeper of a dog may bring a petition in the district court within the judicial district in  
598 which the order relative to such dog was issued or where the dog is owned or kept, addressed to  
599 the justice of the court, praying that the order be reviewed by the court or magistrate of the court.  
600 After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the  
601 order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it  
602 was made without proper cause or in bad faith, in which case the order shall be reversed. A party  
603 shall have the right to request a de novo hearing on the complaint before a justice of the court.

604 (e) (1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority  
605 may file a petition in the district court to request an order of impoundment at a facility the  
606 municipality uses to shelter animals for a dog complained of as being a dangerous dog. A  
607 municipality shall not incur liability for failure to request impoundment of any dog under this  
608 subsection.

609 (2) A justice of a district court may, upon probable cause to believe a dog is a dangerous  
610 dog or a dog is being kept in violation of this section or in violation of an order issued under this  
611 section by a hearing authority or a court, issue an order:

612 (i) of restraint;

613 (ii) of confinement of the dog as considered necessary for the safety of other animals and  
614 the public; provided, however, that if an order of confinement is issued, the person to whom the  
615 order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or

616 (iii) of impoundment in a humane place of detention where the municipality uses to  
617 shelter animals or such other order as the court deems necessary to protect other animals and the  
618 public from such dog.

619 (f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d).  
620 Based on the credible evidence and testimony presented at trial, the court shall, whether the dog  
621 was initially complained of as a nuisance dog or as a dangerous dog, either: (i) dismiss the  
622 complaint; (ii) deem such dog a nuisance dog; or (iii) deem such dog a dangerous dog. The  
623 decision of the court shall be final and conclusive upon the parties.

624 (g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall  
625 reimburse the city or town for all reasonable costs incurred for housing and care of such dog  
626 during its impoundment and throughout the appeals process, if any. Unpaid costs shall be  
627 recovered by the municipality in which the owner or keeper of the dog resides on behalf of the  
628 hearing authority by 1 of the following methods:

629 (1) a lien on any property owned by the owner or keeper of such dog;

630 (2) an additional, earmarked charge to appear on the vehicle excise tax of the  
631 owner or keeper of such dog; or

632 (3) a direct bill sent to the owner or keeper of such dog.

633 All funds recovered by a municipality under this subsection shall be transferred to the  
634 organization or entity charged with the responsibility of handling dog complaints and  
635 impoundment. If the organization or entity falls under the management or direction of the  
636 municipality, costs recovered shall be distributed at the discretion of the municipality.

637 If the court overturns an order of euthanasia the city or town shall pay all reasonable costs  
638 incurred for any housing and care of such dog during any period of impoundment.

639 (h) If an owner or keeper of a dog is found in violation of an order issued under this  
640 section, such dog shall be subject to seizure and impoundment by a law enforcement or animal  
641 control officer. If the keeper, not the owner of such dog, is in violation, all reasonable effort shall  
642 be made by the seizing authority to notify the owner of such dog of the seizure. Upon receipt of  
643 such notice, the owner may file a petition with the hearing authority, within 7 days, for the return  
644 of the dog to such owner. Such owner or keeper shall be ordered to immediately surrender to the  
645 licensing authority the license and tags in such person's possession, if any, and such owner or  
646 keeper shall be banned from licensing any dog within the commonwealth for 5 years. A hearing  
647 authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has  
648 violated an order issued under this section shall report such violations to the issuing licensing  
649 authority within 30 days.

650 (i) Orders issued by a hearing authority shall be valid throughout the commonwealth  
651 unless and until overturned under subsections (d) or (f).

652 Section 157A. (a) An owner or keeper of a dog who fails to comply with an order of a  
653 hearing authority or district court shall be punished by a fine of not more than \$500 or  
654 imprisonment for not more than 60 days in the house of correction, or both, for a first offense

655 and not more than \$1,000 or imprisonment for not more than 90 days in the house of correction,  
656 or both, for a second or subsequent such offense.

657 (b) No person over the age of 17 who has actual knowledge that a dog has been deemed  
658 dangerous under section 157 shall permit a child under the age of 17 to own, possess or have the  
659 care or custody of such dog.

660 (c) No person shall transfer ownership or possession of a dog which such person knows,  
661 or reasonably should have known, has been deemed dangerous pursuant to section 157 or offer  
662 such a dangerous dog for sale or breed without informing the recipient of the dog of the finding  
663 of dangerousness.

664 Section 158. Any police officer, constable or animal control officer may capture, detain  
665 or, in the case of a threat to public safety, euthanize a dog, in a humane manner if found to be in  
666 violation of an order of a hearing authority or a district court and may euthanize a dog, in a  
667 humane manner, if it is living in a wild state.

668 Section 159. If a hearing authority or a district court has deemed a dog to be a dangerous  
669 dog and such dog wounds any person or worries, wounds or kills any live stock or fowl, the  
670 owner or keeper of such dog shall be liable in tort to the person injured by the dog in treble the  
671 amount of damages sustained by such person.

672 Section 160. The mayor of any city, the selectmen of any town, or their agents who are  
673 authorized in writing, to act in such mayor or selectmen's stead may, after written notice to the  
674 owner or keeper, enter upon the premises of the owner or keeper of any dog known to such  
675 persons to have worried or killed live stock or fowl, and then and there euthanize such dog, in a  
676 humane manner, unless such owner or keeper whose premises are thus entered for said purpose



677 shall give a bond in the sum of \$200, with sufficient sureties, conditioned that the dog shall be  
678 restrained for 12 months next ensuing. If the owner or keeper of the dog declares an intention to  
679 give such a bond, the selectmen, chief of police, or the agent of the selectmen or chief, as the  
680 case may be, shall allow the owner or keeper 7 days, exclusive of Sundays and holidays, in  
681 which to procure and prepare such bond and to present it, or to file it with the clerk of the town  
682 or city in which the owner or keeper resides.

683           Section 161. Whoever suffers loss by the worrying, maiming or killing of such person's  
684 live stock or fowl by a dog, outside the premises of the owner or keeper of such dog, may, if the  
685 damage is done in a city, inform the animal control officer and may, if the damage is done in a  
686 town, inform the chairman of the selectmen of the town or, if the chairman is absent or ill, any  
687 1 of the selectmen. Such chairman or selectman shall proceed to the premises where the damage  
688 was done and determine whether the damage was inflicted by a dog and, if so, appraise the  
689 amount of damage if it does not exceed \$100. If in the opinion of such officer, chairman or  
690 selectman, the amount of damage exceeds \$100, the damage shall be appraised, on oath, by 3  
691 persons, of whom 1 shall be such officer, chairman or selectman, 1 shall be appointed by the  
692 person alleged to be damaged, and the third shall be appointed by the other 2 appointees. Within  
693 10 days, the appraisers shall consider and include in their appraisal the labor and time necessarily  
694 to be expended to find and collect the live stock or fowl injured or separated and the value of  
695 those lost or otherwise damaged by a dog. Such officer, chairman or selectman shall return a  
696 certificate of the damages found to the treasurer of the city or town in which the damage was  
697 done within 10 days after such appraisal is made. The treasurer shall immediately submit the  
698 appraisal to the city or town clerk who, within 30 days, shall examine all bills for damages. A  
699 city or town clerk may summons such appraisers or, upon the request of an interested party, shall

700 summons such appraisers and all parties interested and make such investigation as such clerk  
701 deems proper, and shall issue an order upon the treasurer of the city or town for such amounts, if  
702 any, determined to be just and shall notify all interested parties of the decision. The treasurer  
703 shall pay all orders drawn upon the treasurer in full, for the above purpose and payments made  
704 shall be charged to the city or town.

705 SECTION 32. Section 162 of said chapter 140 is hereby repealed.

706 SECTION 33. Said chapter 140 is hereby further amended by striking out section 163, as  
707 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

708 Section 163. If the mayor, aldermen or selectmen determine, after notice to parties  
709 interested and a hearing, the identity of the owner or keeper of any dog which is found to have  
710 worried, maimed or killed any live stock or fowl, thereby causing damages for which the owner  
711 of the live stock or fowl may become entitled to compensation from the city or town under  
712 section 161, the mayor, aldermen or selectmen shall serve upon the owner or keeper of such dog  
713 a notice directing him, within 24 hours, to euthanize the dog in a humane manner or restrain the  
714 dog.

715 SECTION 34. Section 164 of said chapter 140, as so appearing, is hereby amended by  
716 striking out, in lines 2 to 6, inclusive, the words “such notice and does not within twenty-four  
717 hours kill such dog or thereafter keep it on his premises or under the immediate restraint and  
718 control of some person, shall be punished by a fine of not more than twenty-five dollars; and any  
719 police officer, constable or dog officer may kill such dog” and inserting in place thereof the  
720 following words:- such notice under section 163 and does not within 24 hours euthanize such  
721 dog or thereafter keep it on such owner’s or keeper’s premises or under the immediate restraint

722 and control of some person, shall be punished by a fine of not less than \$25; and any police  
723 officer, constable or animal control officer may euthanize such dog in a humane manner.

724 SECTION 35. Said chapter 140 is hereby further amended by striking out section 165, as  
725 so appearing, and inserting in place thereof the following section:-

726 Section 165. A city or town may investigate any case of damage done by a dog of which  
727 the chairman of the board of selectmen, mayor or animal control officer shall have been  
728 informed as provided in section 161. If the chairman, mayor or animal control officer believes  
729 that the evidence is sufficient to sustain an action against the owner or keeper of the dog and  
730 believes that such owner or keeper is able to satisfy any judgment recovered in such action, such  
731 chairman, mayor or animal control officer shall bring the action, unless the owner or keeper pays  
732 such amount in settlement of the damage as such chairman, mayor or officer deems reasonable  
733 before the action is brought. Such action may be brought in the name of such chairman, mayor or  
734 officer who shall prosecute the action and shall have the same powers and authority as police  
735 officers, constables or animal control officers appointed under section 151 and acting under  
736 sections 136A to 174D, inclusive. All damages received or recovered under this section shall be  
737 paid over to the city or town treasurer.

738 SECTION 36. Said chapter 140 is hereby further amended by striking out section 167, as  
739 so appearing, and inserting in place thereof the following section:-

740 Section 167. The mayor, aldermen or selectmen may order that all dogs shall be  
741 restrained from running at large during such time as shall be prescribed by the order. Once  
742 passed, a certified copy of such order shall be posted in 2 or more public places in the city or  
743 town or, if a daily newspaper is published in the city or town, by publishing a copy once in that

744 newspaper. Following such publication, the mayor, aldermen or selectmen may issue their  
745 warrant to 1 or more of the police officers or constables of such city or town, who shall, not  
746 sooner than 24 hours after the publication of such notice, euthanize all dogs in a humane manner  
747 found running at large contrary to such order. Notwithstanding the foregoing, a police officer or  
748 constable may, in such officer's or constable's discretion, hold any such dog for a period not to  
749 exceed 7 days. If the owner of the dog claims it and pays to such officer or constable a fee of \$40  
750 for each day that the dog has been held, the dog shall be returned to its owner. The fee shall be  
751 paid over to the city or town.

752 SECTION 37. Section 168 of said chapter 140, as so appearing, is hereby amended by  
753 striking out, in line 1, the words "aldermen or selectmen" and inserting in place thereof the  
754 following words:- aldermen, selectmen or mayor.

755 SECTION 38. Said section 168 of said chapter 140, as so appearing, is hereby further  
756 amended by striking out, in line 5, the words "more than twenty-five dollars" and inserting in  
757 place thereof the following words:- less than \$25.

758 SECTION 39. Section 169 of said chapter 140, as so appearing, is hereby amended by  
759 striking out the first sentence and inserting in place thereof the following sentence:- A city or  
760 town officer who refuses or willfully neglects to perform the duties imposed upon him by the  
761 provisions of this chapter relating to dogs shall be punished by a fine of not less than \$100,  
762 which shall be paid to the city or town.

763 SECTION 40. Section 170 of said chapter 140 is hereby repealed.

764 SECTION 41. Said chapter 140 is hereby further amended by striking out section 171, as  
765 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

766 Section 171. The owner or keeper of a dog which has done damage to live stock or fowl  
767 shall be liable in tort to the city or town for all damages so done which the mayor, aldermen or  
768 selectmen thereof have ordered to be paid as provided in this chapter.

769 SECTION 42. Section 172 of said chapter 140 is hereby repealed.

770 SECTION 43. Said chapter 140 is hereby further amended by striking out section 173, as  
771 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

772 Section 173. A town or city may make additional ordinances or by-laws relative to the  
773 licensing and control of animals not inconsistent with sections 136A to 174D, inclusive.

774 SECTION 44. The first paragraph of section 173A of said chapter 140, as so appearing,  
775 is hereby amended by striking out the second to fourth sentences, inclusive, and inserting in  
776 place thereof the following 3 sentences:- For the first offense committed by a person within a  
777 calendar year, the clerk shall dismiss the charge without the payment of any fine; for a second  
778 offense in such city or town within a calendar year, the payment of a fine of \$50 shall operate as  
779 a final disposition of the case; for a third offense in such city or town in a calendar year, payment  
780 of a fine of \$60 shall operate as a final disposition of the case; and for a fourth or subsequent  
781 offense in such city or town within the calendar year, payment of a fine of \$100 shall operate as a  
782 final disposition of the case. Payment shall be made only by postal note, money order or check.  
783 Notwithstanding the foregoing procedure and schedules of fines, but subject to all of the other  
784 provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative  
785 procedure and a different schedule of fines.

786 SECTION 45. Said chapter 140 is hereby further amended by striking out section 174A,  
787 as so appearing, and inserting in place thereof the following section:-

788           Section 174A. A dog or cat whose killing is authorized under this chapter shall be  
789 euthanized only by the administration of barbiturates in a manner deemed acceptable by the  
790 American Veterinary Medical Association Guidelines on Euthanasia or as allowed by in section  
791 151A.

792           SECTION 46. Section 174B of said chapter 140, as so appearing, is hereby amended by  
793 striking out, in line 4, the words “fifty dollars” and inserting in place thereof the following  
794 figure:- \$100.

795           SECTION 47. Section 174D of said chapter 140, as so appearing, is hereby amended by  
796 inserting after the word “commissioner”, in lines 4, 5, 6, 14, 16, 19, 28, 31 and 36, the following  
797 words, in each instance:- of public health.