SENATE DOCKET, NO. 1729 FILED ON: 1/21/2011

SENATE . . . . . No. 1033

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 passage of the accompanying:

An Act further regulating municipal animal control.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	☐ *[District]* ☐
Cory Atkins	*14th Middlesex*
Jennifer E. Benson	*37th Middlesex*
Cheryl A. Coakley-Rivera	*10th Hampden*
William N. Brownsberger	☐ *[District]* ☐
Denise Andrews	*2nd Franklin*
Brian M. Ashe	*2nd Hampden*
Bruce J. Ayers	*1st Norfolk*
Ruth B. Balser	*12th Middlesex*
Michael D. Brady	*9th Plymouth*
Antonio F. D. Cabral	*13th Bristol*
Christine E. Canavan	*10th Plymouth*
Gale D. Candaras	☐ *[District]*

	□
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
James J. Dwyer	*30th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
James B. Eldridge	□ *[District]* □
John P. Fresolo	*16th Worcester*
Sean Garballey	*23rd Middlesex*
Anne M. Gobi	*5th Worcester*
Sheila C. Harrington	*1st Middlesex*
Jonathan Hecht	*29th Middlesex*
Robert L. Hedlund	□ *[District]* □
Kay Khan	*11th Middlesex*
Jason M. Lewis	*31st Middlesex*
David Paul Linsky	*5th Middlesex*
Mark C. Montigny	□ *[District]* □
Alice Hanlon Peisch	*14th Norfolk*
Denise Provost	*27th Middlesex*
Michael F. Rush	*Suffolk and Norfolk*
Carl M. Sciortino, Jr.	*34th Middlesex*
Stephen Stat Smith	*28th Middlesex*
Christopher N. Speranzo	*3rd Berkshire*
Karen E. Spilka	□ *[District]* □
Ellen Story	*3rd Hampshire*
David B. Sullivan	*6th Bristol*
Timothy J. Toomey, Jr.	*26th Middlesex*

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SENATE . . . . . No. 1033

By [SPONSOR PREFIX] [SPONSOR NAME], a petition (accompanied by bill, Senate, No. 1033) of [PETITIONERS LIST] for legislation to further regulate municipal animal control. Municipalities and Regional Government.

The Commonwealth of Massachusetts

An Act further regulating municipal 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:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out sections 136A, 137 and 137A, as appearing in the 2008 Official Edition, and inserting in place thereof the following 3 sections:-

Section 136A. The following words and phrases as used in sections 137 to 175D, inclusive, unless the context otherwise requires, shall have the following meanings:

"Adoption", the delivery of a cat, dog or other animal to any person 18 years of age or older for the purpose of harboring such dog, cat or other animal as a pet.

"Animal control officer", an appointed officer authorized to enforce sections 136A to 175D, inclusive.

"Attack", aggressive physical contact initiated by an animal.

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

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

22 "Commissioner", the commissioner of the department of agricultural resources.

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

28 (i) solely based upon growling or barking or solely growling and barking;

29 (ii) based upon the breed of such dog; or

30 (iii) if such dog was reacting to another animal or to a person and such dog's
31 reaction was not grossly disproportionate to any of the following circumstances; provided,
32 however, that if a person is under the age of 7, it shall be a rebuttable presumption that such
33 person was not committing a crime, provoking the dog or trespassing: (1) such dog was
34 protecting or defending itself, its offspring, another domestic animal or a person from attack or
35 assault;

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

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

40 (4) at the time of such attack or threat, the person or animal that was attacked or
41 threatened by such dog had breached an enclosure or structure wherein the dog was kept apart
42 from the public and such person or animal was not authorized by the owner of the premises to be
43 within such enclosure, including, but not limited to a gated, fenced in area if the gate was closed,
44 whether locked or unlocked.

45 "Department", the department of agricultural resources.

46 "Domestic animal", any animal on the list of animals appearing in 321 CMR 90.2.

47 "Domestic charitable corporation kennel", a facility operated, owned or
48 maintained by a domestic charitable corporation registered with the department, or an animal
49 welfare society or other nonprofit organization incorporated for the purpose of providing for and
50 promoting the welfare, protection and humane treatment of animals, including a veterinary
51 hospital or clinic operated by a licensed veterinarian, which operates for the above purpose in
52 addition to providing veterinary treatment and care.

53 "Hearing authority", the selectmen of a town, mayor of a city, the officer in
54 charge of the animal commission, the chief or commissioner of a police department, the chief or

55 commissioner's designee or the person charged with the responsibility of handling dog
56 complaints in a town or city.

57 "Keeper", any person, business, corporation, entity or society, other than the
58 owner, harboring or having in his possession any dog.

59 "Kennel", 1 pack or collection of dogs on a single premise, including a
60 commercial boarding or training kennel, commercial breeder kennel, domestic charitable
61 corporation kennel, personal kennel or veterinary kennel.

62 "License period", the period of time for which a municipal licensing authority
63 prescribes the validity of a dog license, including the date of issuance of such license through the
64 date on which such license expires, inclusive.

65 "Licensing authority", the police commissioner of the city of Boston and the
66 clerks of any other municipality.

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

73 "Nuisance dog", a dog that: (i) by excessive barking or other disturbance is a
74 source of annoyance to any sick person residing in the vicinity; or (ii) by excessive barking, by
75 causing damage or other interference that a reasonable person would find disruptive to one's
76 quiet and peaceful enjoyment ; or (iii) a dog that has threatened or attacked livestock, a domestic
77 animal or a person, but such threat or attack was not a grossly disproportionate reaction under all
78 the circumstances.

79 "Personal kennel", 1 pack or collection of more than 4 dogs 3 months old or
80 older, owned or kept under 1 ownership, for private personal use; provided, however, that
81 breeding of personally owned dogs may take place for the purpose of improving, exhibiting or
82 showing the breed, use in legal sporting activity or other personal reasons; provided, further, that
83 selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to
84 other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops;
85 provided, further, that kennels in this category shall not sell, trade, barter or distribute any dogs
86 not bred from their personally owned dogs; provided, further, that dogs temporarily housed at a
87 personal kennel in conjunction with an animal shelter or rescue registered with the department
88 may be sold, traded, bartered or distributed as long as the transfer is not made for the purpose of
89 making a profit.

90 "Research institution", any institution operated by the United States or by the
91 commonwealth or a political subdivision thereof, or any school or college of medicine, public
92 health, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory or
93 biological laboratory, hospital or other educational or scientific establishment within the
94 commonwealth above the rank of secondary school, which, in connection with any of its
95 activities, investigates or gives instruction concerning the structure or functions of living
96 organisms or the causes, prevention, control or cure of diseases or abnormal conditions of human
97 beings or animals.

98 "Shelter", a public animal control facility, or any other facility which is operated
99 by any organization or individual for the purpose of protecting animals from cruelty, neglect, or
100 abuse.

101 "Veterinary kennel", a veterinary hospital or clinic that boards dogs for reasons in
102 addition to medical treatment or care; provided, however, that this definition shall not include a
103 hospital or clinic used solely to house dogs that have undergone veterinary treatment,
104 observation, or will do so, only for the period of time needed to accomplish the needed
105 veterinary care.

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

109 (b) A licensing authority shall not grant a license for a dog unless the owner
110 thereof provides the licensing authority either a veterinarian's certification that the dog has been
111 vaccinated in accordance with section 145B, certification that such dog is exempt from the
112 vaccination requirement under section 145B or a notarized letter from a veterinarian that either
113 such certification was issued relative to such dog.

114 (c) The license shall be subject to the condition expressed therein that the dog
115 which is the subject of the license shall be controlled and restrained from killing, chasing or
116 harassing live stock or fowl. The owner of a dog may add descriptive words, not over 10 in
117 number, upon the license form to indicate the color, breed, weight and special markings of the
118 licensed dog. The owner or keeper of a licensed dog shall cause it to wear around its neck or
119 body a collar or harness of leather or other suitable material, to which shall be securely attached
120 a tag, upon which shall appear the license number, the name of the city or town issuing the
121 license and the year of issue. If the tag shall be lost, the owner or keeper of such dog shall
122 forthwith secure a substitute tag from the licensing authority at a cost to be determined by such
123 city or town and the fee therefore shall, if received by a city or town clerk, be retained by him
124 unless otherwise provided by law. This section shall not apply if otherwise provided by law, nor
125 shall it apply to a person having a kennel license.

126 Section 137A. (a) Every person maintaining a kennel shall have a kennel
127 license. An owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a
128 kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137, and
129 shall be subject to this section and to sections 137B and 137C and to so much of section 141 as
130 relates to violations of this section to the same extent as though the owner or keeper were
131 maintaining a kennel. The licensing authority shall issue kennel licenses for kennels subsequent
132 to the annual kennel inspection by the animal control officer.

133 (b) The kennel license shall be in lieu of any other license for any dog while kept
134 at the kennel during any portion of the period for which the kennel license is issued. The holder
135 of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or
136 harness of leather or other suitable material, to which shall be securely attached a tag upon which
137 shall appear the number of the kennel license, the name of the city or town issuing the license
138 and the year of issue. The tags shall be furnished to the owner or keeper by the licensing
139 authority in quantities not less than the number of dogs kept in the kennel. The fee for each
140 kennel license shall be determined by the city or town. For the purpose of determining the
141 amount of the fee for a kennel, a dog under the age of 6 months shall not be counted in the
142 number of dogs kept therein. The name and address of the owner of each dog kept in a kennel, if
143 other than the person maintaining the kennel, shall be kept at the kennel and available for
144 inspection by an animal control officer, natural resource officer, deputy natural resource officer,
145 fish and game warden or police officer.

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

149 SECTION 2. Section 137B of said chapter 140, as so appearing, is hereby
150 amended by inserting after the word "town", in lines 14 and 18, the following words, in each
151 instance:- or city.

152 SECTION 3. Said chapter 140 is hereby further amended by striking out section
153 137C, as so appearing, and inserting in place thereof the following section:-

154 Section 137C. The mayor of a city, the selectmen of a town, the police
155 commissioner in the city of Boston, a chief of police or an animal control officer may at any time
156 inspect a kennel or cause the inspection thereof. If, in the judgment of such person or body, the
157 kennel is not being maintained in a sanitary and humane manner, or if records are not properly
158 kept as required by law, such person or body shall, by order, revoke or suspend such license.
159 Upon the petition of 25 citizens, filed with the mayor of a city, the selectmen of a town or the
160 police commissioner in the city of Boston, setting forth a statement that such citizens are
161 aggrieved or annoyed to an unreasonable extent by 1 or more dogs maintained in such city or
162 town, due to excessive barking of the dogs or other conditions connected with a kennel

163 constituting a nuisance, the mayor, selectmen or police commissioner, as the case may be, shall,
164 within 7 days after the filing of the petition, give notice to all parties in interest of a public
165 hearing to be held within 14 days after the date of such notice. The mayor, selectmen or police
166 commissioner shall, within 7 days after the public hearing, investigate or cause to be investigated
167 the subject matter of the petition and shall, by order, either suspend or revoke the kennel license
168 or otherwise regulate the kennel, or dismiss the petition. Written notice of an order revoking,
169 suspending or reinstating a license shall be mailed forthwith to the officer issuing the license and
170 to the holder of the license. Within 10 days after the order, the holder of the license may bring a
171 petition in the district court within the judicial district in which the kennel is maintained,
172 addressed to the justice of the court, praying that the order may be reviewed by the court. After
173 notice to all parties as the court may consider necessary, the court shall review the action, hear
174 the witnesses and affirm the order unless it shall appear that it was made without proper cause or
175 in bad faith, in which case the order shall be reversed. The decision of the court shall be final and
176 conclusive upon the parties. A person maintaining a kennel after the license therefor has been so
177 revoked, or while the license therefor is suspended, shall be punished by a fine of not more than
178 $250.

179 SECTION 4. Section 137D of said chapter 140 , as so appearing, is hereby
180 amended by striking out, in line 15, the word "two" and inserting in place thereof the following
181 figure:- 5.

182 SECTION 5. Section 138 of said chapter 140 , as so appearing, is hereby
183 amended by inserting after the word "town", in lines 2 and 3, the following words, in each
184 instance:- or city.

185 SECTION 6. Said section 138 of said chapter 140, as so appearing, is hereby
186 further amended by striking out, in line 9, the word "three" and inserting in place thereof, in each
187 instance, the following figure:- 6.

188 SECTION 7. Section 138A of said chapter 140 is hereby repealed.

189 SECTION 8. Said chapter 140 is hereby further amended by striking out section
190 139, as appearing in the 2008 Official Edition, and inserting in place thereof the following
191 section:-

192 Section 139. (a) The fee for every license shall, except as otherwise provided, be
193 determined by a city or town Three dollars of the license fee for a dog is a surcharge which shall
194 be deposited in the General Fund. The clerks of cities and towns may retain for their own use 50
195 cents for each license. A portion of the surcharge, subject to appropriation, shall be used by the
196 commissioner for the purpose of animal control. The department shall establish rules and
197 regulations relating to the spay/neuter program to distribute these funds in an effective manner
198 targeting low-income pet owners and feral cats.

199 (b) If a certificate of a registered veterinarian who spayed or neutered a dog has
200 been shown to a city or town clerk, the license fee shall be lower than that of an intact animal. If
201 the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered
202 the dog cannot be obtained, the clerk may instead accept a receipt of a bill from the veterinarian
203 who performed the operation, a statement signed under the penalties of perjury by a veterinarian
204 registered and practicing in the commonwealth describing the dog and stating that the
205 veterinarian has examined the dog, which appears to have been spayed or neutered and thereby
206 deprived of the power of propagation.

207 (c) No fee shall be charged for a license issued pursuant to this section: (i) for a
208 service animal as defined by the Americans with Disabilities Act or regulations promulgated
209 thereunder.. A license fee or part thereof shall not be refunded because of the subsequent death,
210 loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license
211 fee or part thereof paid by mistake be paid or recovered back after it has been paid over to a city
212 or town under section 147.

213 SECTION 9. Section 139A of said chapter 140, as so appearing, is hereby
214 amended by striking out, in lines 2 and 3, the words "a deposit of not less than ten nor more than
215 thirty dollars " and inserting in place thereof the following words:- a written agreement is
216 entered into and a deposit of not less than $40.

217 SECTION 10. Said section 139A of said chapter 140, as so appearing, is hereby
218 further amended by adding the following paragraph:-

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

226 SECTION 11. Chapter 140 is hereby further amended by striking out section
227 141, as so appearing, and inserting in place thereof the following section:-

228 Section 141. Whoever violates any provision of section 137, 137A, 137B or 138
229 shall be assessed a fee of not less than $50, which shall be paid to the city or town.

230 SECTION 12. Section 145 of said chapter 140, as so appearing, is hereby
231 amended by striking out, in lines 3 and 4, the words "to the director of accounts upon application
232 therefor."

233 SECTION 13. Section 145A of said chapter 140, as so appearing, is hereby
234 amended by striking out the fourth to seventh sentences, inclusive.

235 SECTION 14. Said chapter 140 of the General Laws is hereby further amended
236 by striking out section 145B and inserting in place thereof the following section:-

237 Section 145B. Whoever is the owner or keeper of a dog, cat or ferret in the
238 commonwealth, 6 months of age or older, shall cause such dog, cat or ferret to be vaccinated
239 against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's
240 directions, and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by
241 the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth
242 shall be vaccinated within 30 days after the acquisition or arrival into the commonwealth or upon
243 reaching the age of 6 months, whichever last occurs. It shall be the duty of each veterinarian, at
244 the time of vaccinating any dog, cat or ferret, to complete a certificate of rabies vaccination
245 which shall include, but not be limited to, the following information: the owner's name and
246 address; a description of the animal, including breed, sex, age, name and distinctive markings;
247 the date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the
248 route of vaccination; the expiration date of the vaccine; and the vaccine lot number.

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

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

260 A licensing authority may grant an exemption from this section for any dog, cat or
261 ferret that;

262 (i) the local board of health, declared exempt upon presentation of a veterinarian's
263 certificate stating that because of an infirmity, other physical condition or regimen of therapy,
264 that inoculation is thereby considered inadvisable for a specified period of time;

265 (ii) is in transit; or

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

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

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

SECTION 15. Section 146 of said chapter 140, as so appearing, is hereby amended by striking out, in lines 5 to 8, inclusive, the words “to which such dog has been removed, and such clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of twenty-five cents” and inserting in place thereof the following words:- or city to which such dog has been removed, and such clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of an amount to be determined by the city or town.

SECTION 16. Said chapter 140 is hereby further amended by striking out sections 147 and 147A, as so appearing, and inserting in place thereof the following section:-

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

SECTION 17. Section 147B of said chapter 140 is hereby repealed.

SECTION 18. Said chapter 140 is hereby further amended by striking out sections 149, 150, 151, 151A and 151B, as so appearing, and inserting in place thereof the following 5 sections:-

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

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

312 Section 151. (a) The mayor of each city and the board of selectmen of each
313 town shall annually designate 1 or more animal control officers, who may be police officers or
314 constables. The mayor or board of selectmen shall forthwith submit to the commissioner the
315 names and addresses of the officers. Except as hereinafter otherwise provided, if any city or town
316 shall fail to make the appointment, the commissioner shall appoint an animal control officer for
317 that city or town. An animal control officer who fails to comply with the terms of his warrant
318 shall forthwith be removed from office by the mayor or board of selectmen, and notice of the
319 removal shall forthwith be given to the commissioner. Animal control officers shall have
320 completed, under the supervision of a veterinarian registered under section 55 or 56C of chapter
321 112, a course of instruction in humane techniques for the execution of animals before
322 euthanizing any animal. Before euthanizing or giving or turning over to another any dog or cat
323 in the officer's possession, such animal control officer shall first examine the animal for the
324 presence of a microchip or tattoo, check the description of such animal against descriptions
325 within the city or town relative to such species of animal licensed or registered in such
326 municipality in order to verify the identity of the animal and to provide notice to the owner
327 thereof before the animal is euthanized, given away or turned over to another. Bills for such
328 services shall be approved by the mayor of the city or the board of selectmen of the town in
329 which the dogs or cats are kept or euthanized and shall be paid by the city or town. Each animal
330 control officer appointed under this section shall also attend to all complaints or other matters
331 pertaining to animals, as prescribed by their respective city or town, in addition to the duties
332 imposed upon the officer by the officer's warrant, and shall be paid for such services by the town
333 or city treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of
334 any city or the board of selectmen of any town may, instead of appointing an animal control
335 officer, enter into a contract with a domestic charitable corporation incorporated exclusively for
336 the purpose of protecting animals from cruelty, neglect or abuse to perform the duties required of
337 an animal control officer. In that case, the payments to the corporation under the terms of the
338 contract shall be in full for all services rendered by it in that capacity.

339 (b) An animal control officer shall not be a licensed animal dealer registered with
340 the United States Department of Agriculture. An animal control officer shall not give, sell or
341 turn over any animal which may come into the officer's custody to any business or institution

342 licensed or registered as a research facility or animal dealer with the United States Department of
343 Agriculture either privately or in the course of carrying out such officer's official assignments as
344 an agent for the officer's municipality. A municipality shall not give, sell or turn over any
345 animal which may come into its custody to any business or institution licensed or registered as a
346 research facility or animal dealer with the United States Department of Agriculture. Whoever
347 violates this subsection shall be punished by a fine of not more than $1,000.

348 Section 151A. (a) The mayor or board of selectmen shall annually issue a
349 warrant to the animal control officer or officers directing the officer or officers to seek out, catch
350 and confine all dogs within the city or town which are not licensed, collared or harnessed, or
351 tagged, as required by this chapter, and to enter and prosecute a complaint for failure to comply
352 with this chapter against the owners or keepers thereof, if known, and to euthanize or cause to be
353 euthanized only by a humane method of euthanasia in accordance with the American Veterinary
354 Medical Association Guidelines on Euthanasia and section 174A, except by gunshot in case of
355 emergency, each such dog which after being detained by or for the officer for a period of 7 days
356 shall not have been licensed, collared or harnessed, and tagged; provided, however, that after 7
357 days, the animal control officer may make available for adoption any dog found free of disease
358 for a sum of not less than $10 and shall keep an account of all moneys received by such officer
359 for the adoption and shall forthwith pay over the sums to the treasurer who shall forward the
360 money to the city or town. Before delivery of a dog so adopted, the animal control officer shall
361 require the purchaser to show identification and to procure a license and tag for the dog from the
362 clerk of the city or town wherein the dog is to be kept. Dogs detained pursuant to this section
363 shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary
364 condition, or they may be placed in the care of the holder of a kennel license or of a domestic
365 charitable corporation incorporated exclusively for the purpose of protecting animals from
366 cruelty, neglect or abuse. The commissioner from time to time shall cause the places to be
367 inspected and shall make necessary orders in relation thereto. An animal control officer having
368 custody of a detained dog or cat shall be allowed a sum determined by the city or town per day
369 for the care of the dog or cat, payable by the owner or keeper, if known, otherwise by the city or
370 town.

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

374 (1) the date and location of apprehension;

375 (2) a description of the animal;

376 (3) the place of detainment;

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

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

380 (6) if the animal is euthanized, the method and date thereof and the name of the
381 person who euthanized the animal.

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

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

387 Section 151B. Any veterinarian registered under section 55 or 56A of chapter
388 112, who renders emergency care or treatment to or who euthanizes a dog or cat that is injured
389 on any way, shall receive payment from the owner of such dog or cat, if known, or if not known,
390 from the city or town in which the injury occurred, in an amount not to exceed $250 for such
391 care, treatment or euthanization; provided, however, such emergency care, treatment or
392 euthanization shall be for the purpose of maintaining life, stabilizing the animal or alleviating
393 suffering until the owner or keeper of such dog or cat is identified or for a period of 24 hours,
394 whichever is sooner. Any veterinarian who renders such emergency care or treatment to a dog or
395 cat or euthanizes a dog or cat shall notify the municipal animal control officer and such animal
396 control officer shall assume control of such dog or cat or the remains thereof.

397 SECTION 19. Section 152 of said chapter 140, as so appearing, is hereby
398 amended by striking out, in line 1, the word “dog” and inserting in place thereof the following
399 words:- animal control.

400 SECTION 20. Said section 152 of said chapter 140, as so appearing, is hereby
401 further amended by inserting after the word “dogs”, in line 6, the following words:- and cats.

402 SECTION 21. Said section 152 of said chapter 140, as so appearing, is hereby
403 further amended by striking out, in line 10, the word “dogs” and inserting in place thereof the
404 following word:- animals.

405 SECTION 22. Section 153 of said chapter 140, as so appearing, is hereby
406 amended by striking out, in line 2, the words “, except Suffolk county”.

407 SECTION 23. Said section 153 of said chapter 140, as so appearing, is hereby
408 further amended by striking out, in lines 13 to 18, inclusive, the words “by methods of execution
409 other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not
410 under the control of the federal Drug Enforcement Administration, unless by a veterinarian,
411 succinylcholine cholide, any drugs that have curariform-like action, electrocution, or any other
412 method which causes an unnecessarily cruel death” and inserting in place thereof the following

413 words:- only by a humane method of euthanasia in accordance with the American Veterinary
414 Medical Association Guidelines on Euthanasia and section 174A, except by gunshot in case of
415 emergency.

416 SECTION 24. Said section 153 of said chapter 140, as so appearing, is hereby
417 further amended by striking out, in lines 18 to 21, inclusive, the words “ten days, shall not then
418 have been duly licensed, collared or harnessed, and tagged, except that any male or any spayed
419 female dog not found to be diseased may be made available for adoption for not less than three
420 dollars” and inserting in place thereof the following words:- 7 days, shall not then have been
421 duly licensed, collared or harnessed, and tagged, except that any dog not found to be diseased
422 may be made available for adoption for not less than $10.

423 SECTION 25. Said section 153 of said chapter 140, as so appearing, is hereby
424 further amended by inserting after the word “dogs”, in line 34, the following words:- and cats.

425 SECTION 26. Said section 153 of said chapter 140, as so appearing, is hereby
426 further amended by striking out, in lines 41 to 83, inclusive, the words "nineteen hundred and
427 _____

428 Mayor of (or Chairman of the Selectmen of)

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

430 COMMONWEALTH OF MASSACHUSETTS

431 (Seal)

432 , ss.

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

434 In the name of the commonwealth of Massachusetts, you are hereby required to
435 proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly
436 licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred
437 and forty of the General Laws, and you are further required to make and enter complaint against
438 the owner or keeper of every such dog, and to kill or cause to be killed by methods of execution
439 other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not
440 under the control of the federal Drug Enforcement Administration, unless by a veterinarian,
441 succinylcholine cholide, any drugs that have a curariform-like action, electrocution, or any other
442 method which causes an unnecessarily cruel death each such dog which, after being detained for
443 a period of seven days, shall not then have been duly licensed, collared or harnessed, except that
444 any male or any spayed female dog not found to be diseased may be made available for adoption
445 for not less than three dollars, and you shall keep an account of any such sale and forthwith pay
446 over the money to the town treasurer. Before delivery of any dog so adopted you shall require the

447 purchaser to show identification and to register and procure a license and tag for such dog from
448 the town clerk of the town where the dog is to be kept, in accordance with the provisions of
449 section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

450 Hereof fail not, and make due return of this warrant with your doings therein, on
451 or before the first day of October next, on or before the first day of January next, and on or
452 before the first day of April next, and at the expiration of your term of office, stating the number
453 of dogs caught, confined and/or killed, or adopted, and the names of the owners or keepers
454 thereof, and whether all unlicensed dogs in said city (or town) have been caught, confined and/or
455 killed, or adopted, and the names of persons against whom complaints have been made under the
456 provisions of said chapter one hundred and forty, and whether complaints have been made and
457 entered against all the persons who have failed to comply with the provisions of said chapter one
458 hundred and forty.

459 Given under my hand and seal at ___ aforesaid the ___ day of ___ in the year
460 nineteen hundred and _____ Mayor of (or Chairman of the Selectmen of)"
461 and inserting in place thereof the following words:- two thousand.

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

463 SECTION 27. Section 156 of chapter 140, as so appearing is hereby amended in line 11
464 by adding after the word "dog", where it first appears the following sentence:

465 Any person killing or wounding a dog under the conditions set out in the foregoing
466 sentence of this section shall promptly report to the owner or dog or an animal control officer or
467 police officer such killing or wounding.

468 SECTION 28. Said chapter 140 is hereby further amended by striking out
469 sections 157, 158, 159, 160 and 161, as so appearing, and inserting in place thereof the following
470 6 sections:-

471 Section 157. (a) Any person may file a complaint in writing to the hearing
472 authority complaining that a dog owned or kept in the city or town is a nuisance dog or is a
473 dangerous dog. Such hearing authority shall investigate the complaint, or cause the investigation
474 thereof, including an examination under oath of the complainant, at a public hearing in such
475 municipality to determine whether the dog is a nuisance or a dangerous dog, whichever is
476 alleged. Based on the credible evidence and testimony presented at the public hearing, the
477 hearing authority shall, if the dog is complained of as a nuisance dog, either: (i) dismiss the
478 complaint; or (ii) deem such dog a nuisance dog, or, if the dog is complained of as a dangerous
479 dog, either: (i) dismiss the complaint; (ii) deem such dog a nuisance dog; or (iii) deem such dog a
480 dangerous dog.

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

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

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

489 (ii) that the dog shall be confined to the premises of the keeper of such
490 dog; provided, however that "confined" shall mean securely confined indoors or confined
491 outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner
492 or keeper; provided further, that such pen or dog run shall have a secure roof and if such
493 enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground
494 not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog
495 house or proper shelter from the elements shall be provided to protect such dog;

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

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

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

512 (vi) that unless an owner or keeper of the a dog provides evidence that a
513 veterinarian is of the opinion the such dog is unfit for alterations because of medical condition,
514 the owner or keeper of the dog shall cause the dog to be altered such that the dog shall not be
515 reproductively intact; or

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

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

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

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

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

537 (i) of restraint;

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

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

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

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

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

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

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

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

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

566 (h) If an owner or keeper of a dog is found in violation of an order issued under
567 this section, such dog shall be subject to seizure and impoundment by a law enforcement or
568 animal control officer. If the keeper, not the owner of such dog, is in violation, all reasonable
569 effort shall be made by the seizing authority to notify the owner of such dog of the seizure.
570 Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7
571 days, for the return of the dog to such owner. Such owner or keeper shall be ordered to
572 immediately surrender to the licensing authority the license and tags in his possession, if any,
573 and he shall be banned from licensing any dog within the commonwealth for 5 years. The
574 hearing authority making a determination that a dog is dangerous or a nuisance or that a dog
575 owner or keeper has violated an order issued pursuant to this section shall report such violations
576 to the issuing licensing authority within 30 days.

577 (i) Orders issued by a hearing authority shall be valid throughout the
578 commonwealth unless and until overturned pursuant to subsections (d) or (f).

579 Section 157A. (a) An owner or keeper of a dog who fails to comply with an
580 order of a hearing authority or district court shall be punished by a fine of not more than $500 or
581 imprisonment for not more than 60 days in the house of correction, or both, for a first offense
582 and not more than $1,000 or imprisonment for not more than 90 days in the house of correction,
583 or both, for a second or subsequent such offense.

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

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

591 Section 158. Any police officer, constable or animal control officer may capture,
592 detain or, in the case of a threat to public safety, euthanize a dog, in a humane manner, which is
593 found to be in violation of an order of a hearing authority or a district court and may euthanize a
594 dog, in a humane manner, which is living in a wild state.

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

599 Section 160. The mayor of any city, the selectmen of any town, or their agents
600 thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the
601 premises of the owner or keeper of any dog known to them to have worried or killed live stock or
602 fowl, and then and there euthanize such dog, in a humane manner, unless such owner or keeper
603 whose premises are thus entered for said purpose shall give a bond in the sum of $200, with
604 sufficient sureties, conditioned that the dog shall be restrained for 12 months next ensuing. And
605 if the owner or keeper of the dog declares his intention to give such a bond, such selectmen, or
606 chief of police, as the case may be, or the agent of the selectmen or chief, shall allow him 7 days,
607 exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to
608 them, or to file it with the clerk of the town or city where the owner or keeper resides.

609 Section 161. Whoever suffers loss by the worrying, maiming or killing of his live
610 stock or fowl by a dog, outside the premises of the owners or keepers of such dog, may, if the
611 damage is done in a city, inform the animal control officer and may, if the damage is done in a
612 town, inform the chairman of the selectmen of the town or, if he is absent or ill, any 1of the
613 selectmen who shall proceed to the premises where the damage was done and determine whether
614 the same was inflicted by a dog and, if so, appraise the amount thereof if it does not exceed $100.
615 If in the opinion of said officer, chairman or selectman, the amount of said damage exceeds
616 $100, the damage shall be appraised, on oath, by 3 persons, of whom 1 shall be such officer,
617 chairman or selectman, 1 shall be appointed by the person alleged to be damaged, and the third
618 shall be appointed by the other 2. Within 10 days, such appraisers shall consider and include in
619 such damages the labor and time necessarily expended in the finding and collecting of the live
620 stock or fowl injured or separated and the value of those lost or otherwise damaged by a dog.

621 Such officer, chairman or selectman shall return a certificate of the damages found to the
622 treasurer of the city or town wherein the damage was done within 10 days after such appraisal is
623 made. The treasurer shall thereupon submit the same to the city or town clerk who, within 30
624 days, shall examine all bills for damages. A city or town clerk may summons such appraisers or,
625 upon the request of an interested party, shall summons such appraisers and all parties interested
626 and make such investigation as he deems proper, and shall issue an order upon the treasurer of
627 the city or town for such amounts, if any, as he decides to be just and shall notify all interested
628 parties of his decision. The treasurer shall pay all orders drawn upon him in full, for the above
629 purpose and payments made shall be charged to the city or town.

630 SECTION 29. Section 162 of said chapter 140 is hereby repealed.

631 SECTION 30. Said chapter 140, as appearing in the 2008 Official Edition, is
632 hereby amended by striking out section 163 and inserting in place thereof the following section:-

633 Section 163. If the mayor, aldermen or selectmen determine, after notice to
634 parties interested and a hearing, who is the owner or keeper of any dog which is found to have
635 worried, maimed or killed any live stock or fowl, thereby causing damages for which their owner
636 may become entitled to compensation from the city or town under section 161, they shall serve
637 upon the owner or keeper of such dog a notice directing him, within 24 hours, to euthanize the
638 dog, in a humane manner, or restrain the dog.

639 SECTION 31. Section 164 of said chapter 140, as so appearing, is hereby
640 amended by striking out, in lines 2 to 6, inclusive, the words "such notice and does not within
641 twenty-four hours kill such dog or thereafter keep it on his premises or under the immediate
642 restraint and control of some person, shall be punished by a fine of not more than twenty-five
643 dollars; and any police officer, constable or dog officer may kill such dog" and inserting in place
644 thereof the following words:- such notice under section 163 and does not within 24 hours
645 euthanize such dog or thereafter keep it on his premises or under the immediate restraint and
646 control of some person, shall be punished by a fine of not less than $25; and any police officer,
647 constable or animal control officer may euthanize such dog in a humane manner.

648 SECTION 32. Said chapter 140 is hereby further amended by striking out section
649 165, as so appearing, and inserting in place thereof the following section:-

650 Section 165. A city or town may investigate any case of damage done by a dog of
651 which the chairman of the board of selectmen, mayor or animal control officer shall have been
652 informed as provided in section 161 and such chairman, mayor or animal control officer believes
653 that the evidence is sufficient to sustain an action against the owner or keeper of the dog and
654 believes that such owner or keeper is able to satisfy any judgment recovered in such action, he
655 shall bring the action, unless the owner or keeper before the action is brought pays him such
656 amount in settlement of the damage as such chairman, mayor or officer deems reasonable. Such
657 action may be brought in the name of such chairman, mayor or officer and he shall prosecute it.

658 The persons so appointed shall also have throughout their respective municipalities the same
659 powers and authority as police officers, constables or animal control officers appointed under
660 section 151, acting under sections 136A to 175D, inclusive. All damages received or recovered
661 under this section shall be paid over to the city or town treasurer.

662 SECTION 33. Said chapter 140 is hereby amended by striking out section 167, as
663 so appearing, and inserting in place thereof the following section:-

664 Section 167. The mayor, aldermen or selectmen may order that all dogs shall be
665 restrained from running at large during such time as shall be prescribed by the order. After
666 passing the order and posting a certified copy thereof in 2 or more public places in the city or
667 town or, if a daily newspaper is published in the city or town, by publishing a copy once in that
668 newspaper, the mayor, aldermen or selectmen may issue their warrant to 1 or more of the police
669 officers or constables of such town, who shall, after 24 hours from the publication of such notice,
670 euthanize all dogs, in a humane manner, found running at large contrary to such order, and shall
671 receive such compensation therefor as is provided in section 151. Notwithstanding the foregoing,
672 a police officer or constable may, in his discretion, hold any such dog for a period not in excess
673 of 7 days. If the owner thereof claims such dog and pays to such officer or constable $40 for each
674 day that it is so held, it shall be returned to the owner. The fee shall be paid over to the city or
675 town and the remaining moneys shall be retained by such officer or constable as his fee.

676 SECTION 34. Section 168 of said chapter 140, as so appearing, is hereby
677 amended by striking out, in line 1, the words “aldermen or selectmen” and inserting in place
678 thereof the following words:- aldermen, selectmen or mayor.

679 SECTION 35. Said section 168 of said chapter 140, as so appearing, is hereby
680 further amended by striking out, in line 5, the words “more than twenty-five dollars” and
681 inserting in place thereof the following words:- less than $25.

682 SECTION 36. Section 169 of said chapter 140, as so appearing, is hereby
683 amended by striking out the first sentence and inserting in place thereof the following sentence:-
684 A city or town officer who refuses or willfully neglects to perform the duties imposed upon him
685 by the provisions of this chapter relating to dogs shall be punished by a fine of not less than
686 $100, which shall be paid to the city or town.

687 SECTION 37. Section 170 of said chapter 140 is hereby repealed.

688 SECTION 38. Said chapter 140 is hereby further amended by striking out section
689 171, as so appearing, and inserting in place thereof the following section:-

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

693 SECTION 39. Section 172 of said chapter 140 is hereby repealed.

694 SECTION 40. Said chapter 140, as appearing in the 2008 Official Edition, is
695 hereby further amended by striking out section 173 and inserting in place thereof the following
696 section:-

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

699 SECTION 41. The first paragraph of section 173A of said chapter 140, as so
700 appearing, is hereby amended by striking out the second through fourth sentences and inserting
701 in place thereof the following 3 sentences:- If it is the first offense subject to this section
702 committed by such person within a calendar year, the clerk shall dismiss the charge without the
703 payment of any fine; if it is the second offense so committed in such city or town in the calendar
704 year the payment to the clerk of a fine of $50 shall operate as a final disposition of the case; if it
705 is the third offense so committed in such city or town in a calendar year payment of a fine of $60
706 shall operate as a final disposition of the case; and if it is the fourth or subsequent offense so
707 committed in such city or town in the calendar year the payment of a fine of $100 shall operate
708 as a final disposition of the case. Such payment shall be made only by postal note, money order
709 or check. Notwithstanding the foregoing procedure and schedules of fines and subject, however,
710 to all of the other provisions of this section, a city or town may, by ordinance or by-law, provide
711 for an alternative procedure and a different schedule of fines.

712 SECTION 42. Said chapter 140 is hereby further amended by striking out section
713 174A, as so appearing, and inserting in place thereof the following section:-

714 Section 174A. No dog or cat shall be put to death by use of carbon monoxide or
715 carbon dioxide gas or a carbon monoxide or carbon dioxide chamber.

716 SECTION 43. Section 174B of said chapter 140, as so appearing, is hereby
717 amended by striking out, in line 4, the word “fifty” and inserting in place thereof the following
718 figure: - $100.

719 SECTION 44. Section 174D of said chapter 140, as so appearing, is hereby
720 amended by inserting after the word “commissioner”, in lines 4, 5, 6, 14, 16, 19, 28, 31 and 36,
721 the following words, in each instance:- of public health.

722 SECTION 45. Said chapter 140 is hereby further amended by inserting after section
723 151B, as so appearing, the following section: -

724 Section 151C. Within 1 year of hire, an animal control officer shall complete a training
725 course offered or approved by the Animal Control Officers Association of Massachusetts or the
726 commissioner.

727 SECTION 46. Section 151C of chapter 140 of the General Laws shall not apply to an
728 animal control officer hired on or before the effective date of this act until 1 year from the
729 effective date of this act.

730 SECTION 47. To provide for certain unanticipated obligations of the commonwealth, to
731 provide for an alteration of purpose for current appropriations and to meet certain requirements
732 of law, the sum set forth in this section hereby appropriated from the General Fund unless
733 specifically designated otherwise in this section for the several purposes and subject to the
734 conditions specified in this section, and subject to the laws end June 30th, 2008. This sum shall
735 be in addition to any amounts previously appropriated and made available for the purposes this
736 item.

737 2511-0101 The commissioner of the department of agricultural resources may
738 expend not more than $500,000 from revenues collected from fees under section 139 of chapter
739 140 for the purposes of operating an animal control program, and no less than a third of said
740 revenues collected shall be allocated to operating spay/neuter programs, in the commonwealth;;
741 provided, that the department shall annually file a report with the house and senate committees
742 on ways and means detailing the manner of expenditures under this item in the preceding fiscal
743 and the amount of funding necessary to operate the animal control program, including
744 spay/neuter programs, in the upcoming fiscal year ……..…$500,000

745 SECTION 48. Section 47 shall take effect on July 1st, 2011

746 SECTION 49. Chapter 129 of the General Laws is hereby amended by inserting after
747 section 39F the following section:-

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

751 (b) An official health certificate shall mean a legible certificate or form issued by
752 an accredited veterinarian and approved by the chief livestock official of the state or county of
753 origin containing the name and address of the consignor and consignee. The certificate or form
754 shall also show the age, sex, breed and description of each dog or cat and certify that the dog or
755 cat is free from visual evidence of infectious or contagious disease. The certificate or form shall
756 show proof of rabies vaccination within the previous 12 months. A dog or cat imported into the
757 commonwealth that is not currently vaccinated for rabies shall be vaccinated within 30 days of
758 entry or acquisition, but in any event no later than upon reaching the age of 6 months.

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

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

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

769 (f) The commissioner may, after notice and hearing, revoke or suspend a pet
770 shop, kennel and boarding kennel license issued under section 137 of chapter 140 of a person,
771 firm or corporation maintaining the pet shop, kennel and boarding kennel for a violation of this
772 section.

773 (g) A person, firm or corporation aggrieved by an order under this section may,
774 by petition, appeal within 30 days to the superior court in the county wherein such person resides
775 or where such firm or corporation is located. The appellant shall state the findings by the
776 commissioner and the grounds of appeal therefrom. The court shall consider the proceedings de
777 novo and the parties shall have right of exception and appe