SENATE . . . . . No. 2192

Senate, March 22, 2012 – Text the Senate Bill further regulating animal control (being the text of Senate, No. 2184, printed as amended)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35SS the following section:-

Section 35TT. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Homeless Animal Prevention and Care Fund. The fund shall be used by the department of agricultural resources to offset costs associated with the vaccination, spaying and neutering of homeless dogs and cats, to offset costs associated with the vaccination, spaying and neutering of dogs and cats owned by low-income residents of the commonwealth and to assist with the training of animal control officers consistent with section 151C of chapter 140. The department may use the fund for necessary and reasonable administrative and personnel costs related to the specific purposes of the fund. The commissioner of the department of agricultural resources shall establish rules and regulations relating to the fund.

The fund shall consist of all revenues received by the commonwealth: (i) under the provisions of law authorizing the voluntary check-off donation indicated on the department of revenue's annual income tax return, pursuant to section 6L of chapter 62; and (ii) from public and private sources as gifts, grants and donations to further reduce the population of homeless animals.

The state treasurer shall deposit the fund in accordance with sections 34 and 34A of chapter 29 in such manner as will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit shall be available for immediate withdrawal at any time. The fund may be expended by the commissioner of the 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 There is hereby established an advisory committee to assist the commissioner in
40 establishing procedures for disbursements from the Homeless Animal Prevention and Care Fund.
41 Members of the advisory committee shall receive no compensation or reimbursement for
42 expenses incurred in the performance of their duties. The advisory committee shall consist of the
43 following members, appointed by the governor: 1 member from a humane society, animal rescue
44 or sheltering organization located in the commonwealth; 1 animal control officer or
45 representative of an association organized in the commonwealth for animal control officers; 1
46 veterinarian or member of a veterinary medical association organized in the commonwealth; and
47 1 member of the general public with an interest in the well being of domestic animals. All
48 members shall have an active interest in educating residents of the commonwealth relative to the
49 benefits of pet population control. All members of the advisory committee shall be residents of
50 the commonwealth. Committee members shall serve 3-year terms; provided, however, that 2 of
51 the members appointed initially shall serve a term of 2 years.

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

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

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

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

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

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

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

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

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

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

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

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

97 "Animal control officer", an appointed officer authorized to enforce sections 136A to
98 174D, inclusive.

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

100 "Commercial boarding or training kennel", an establishment used for boarding, holding,
101 overnight stays or training of animals that are not the property of the owner of such
102 establishment, at which such services are rendered in exchange for consideration and in the
103 absence of the owner of such animal; provided, however, that this definition shall not include an
104 animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a
105 facility which does not provide overnight boarding for animals but does provide dog grooming,
106 dog training, supervised playtime of dogs or dog walking with not more than 12 dogs on a single
107 premises or individuals who temporarily, and not in the normal course of business, board or care
108 for animals owned by others.

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

112 "Commissioner", the commissioner of agricultural resources.

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

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

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

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

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

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

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

127 (4) at the time of such attack or threat, the person or animal that was attacked or
128 threatened by such dog had breached an enclosure or structure in which the dog was kept apart
129 from the public and such person or animal was not authorized by the owner of the premises to be
130 within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed,
131 whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be
132 a rebuttable presumption that such person was not committing a crime, provoking the dog or
133 trespassing.

134 “Department”, the department of agricultural resources.

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

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

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

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

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

151 "Kennel", a pack or collection of dogs on a single premise, including a
152 commercial boarding or training kennel, commercial breeder kennel, domestic charitable
153 corporation kennel, personal kennel or veterinary kennel.

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

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

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

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

171 "Personal kennel", a pack or collection of more than 4 dogs, 3 months old or older,
172 owned or kept under single ownership, for private personal use; provided, however, that
173 breeding of personally owned dogs may take place for the purpose of improving, exhibiting or
174 showing the breed, use in legal sporting activity or other personal reasons; provided, further, that
175 selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to
176 other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops;
177 provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not
178 bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a
179 personal kennel, in conjunction with an animal shelter or rescue registered with the department,
180 may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting
181 thereby.

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

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

192 “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in
193 addition to medical treatment or care; provided, however, that this definition shall not include a
194 hospital or clinic used solely to house dogs that have undergone veterinary treatment,

195 observation, or will do so, only for the period of time needed to accomplish the needed
196 veterinary care.

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

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

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

217 Section 137A. (a) Every person maintaining a kennel shall obtain a kennel license. An
218 owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may
219 elect to secure a kennel license in lieu of licensing the dogs under section 137, and shall be
220 subject to this section and to sections 137B and 137C and to so much of section 141 as relates to
221 violations of this section to the same extent as though the owner or keeper were maintaining a
222 kennel. In the case of an applicant for initial licensure, and in the case of an applicant for license
223 renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection
224 by an animal control officer.

225 (b) A kennel license shall be in lieu of any other license for a dog kept at a kennel
226 during any portion of the period for which the kennel license is valid. A kennel licensee shall
227 cause each dog kept in its kennel to wear, while it is at large, a collar or harness of leather or
228 other suitable material, to which shall be securely attached a tag. The tag shall have inscribed
229 upon it the number of the kennel license, the name of the city or town issuing the license and the
230 year of issue. Tags shall be furnished to the owner or keeper by the licensing authority in
231 quantities not less than the number of dogs kept in the kennel. The issuing city or town shall

232 determine the period of time for which a kennel license is valid, including the date of issuance of
233 such license through the date on which such license expires, inclusive, and shall further
234 determine the fee for the issuance and renewal of said license. To determine the amount of the
235 license fee for a kennel, a dog under the age of 6 months shall not be counted in the number of
236 dogs kept in a kennel. The name and address of the owner of each dog kept in a kennel, if other
237 than the person maintaining the kennel, shall be kept at the kennel and available for inspection
238 by an animal control officer, natural resource officer, deputy natural resource officer, fish and
239 game warden or police officer.

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

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

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

248 Section 137C. The mayor of a city, the selectmen of a town, the police commissioner in
249 the city of Boston, a chief of police or an animal control officer may at any time inspect a kennel
250 or cause the inspection of a kennel. If, in the judgment of such person or body, the kennel is not
251 being maintained in a sanitary and humane manner or if records are not properly kept as required
252 by law, such person or body shall, by order, revoke or suspend the license for such kennel. Upon
253 the petition of 25 citizens, filed with the mayor of a city, the selectmen of a town or the police
254 commissioner in the city of Boston setting forth a statement that such citizens are aggrieved or
255 annoyed to an unreasonable extent by 1 or more dogs maintained in such city or town, due to
256 excessive barking of the dogs or other conditions connected with a kennel constituting a
257 nuisance, the mayor, selectmen or police commissioner, as the case may be, shall, within 7 days
258 after the filing of the petition, give notice to all parties in interest of a public hearing to be held
259 within 14 days after the date of such notice. The mayor, selectmen or police commissioner shall,
260 within 7 days after the public hearing, investigate or cause to be investigated the subject matter
261 of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate
262 the kennel, or dismiss the petition. Written notice of an order revoking, suspending or reinstating
263 a license shall be mailed immediately to the officer issuing the license and to the holder of the
264 license. Within 10 days after the order, the holder of the license may bring a petition in the
265 district court within the judicial district in which the kennel is maintained, addressed to the
266 justice of the court, praying that the order be reviewed by the court. After notice to all parties as
267 the court may consider necessary, the court shall review the action, hear the witnesses and affirm
268 the order unless it shall appear that it was made without proper cause or in bad faith, in which
269 case the order shall be reversed. The decision of the court shall be final and conclusive upon the

270 parties. A person maintaining a kennel after the license to maintain a kennel has been so revoked,
271 or while such a license is suspended, shall be punished by a fine of not more than $250.

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

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

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

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

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

282 Section 139. (a) The fee for every license shall, except as otherwise provided, be
283 determined by a city or town; provided, however, that no fee shall be increased without a
284 majority vote of the city council or the voters present at a town meeting.

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

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

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

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

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

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

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

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

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

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

324 Section 145B. Whoever is the owner or keeper of a dog, cat or ferret in the
325 commonwealth, 6 months of age or older, shall cause such dog, cat or ferret to be vaccinated
326 against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's
327 directions and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by
328 the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth
329 shall be vaccinated within 30 days after the acquisition or arrival of such animal into the
330 commonwealth or upon reaching the age of 6 months, whichever last occurs. It shall be the duty
331 of each veterinarian, at the time of vaccinating any dog, cat or ferret, to complete a certificate of
332 rabies vaccination which shall include, but not be limited to, the following information: the
333 owner's name and address; a description of the animal, including breed, sex, age, name and
334 distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of
335 rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine
336 lot number.

337 The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be
338 secured by the owner or keeper of such dog, cat or ferret to a collar or harness made of suitable
339 material to be worn by the dog, cat or ferret; provided, however, that the owner of a cat or ferret

340 may choose not to affix a tag to a cat, but shall have the tag available for inspection by
341 authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon
342 presentation of the original vaccination certificate, be issued a new tag.

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

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

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

354 (ii) is in transit; or

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

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

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

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

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

369 Section 147. The police commissioner of the city of Boston and the clerks of other cities
370 and towns shall issue dog licenses and tags, receive the money therefor and pay it into the
371 treasuries of their respective cities and towns on the first Monday of each month or more often.
372 The clerks of cities and towns, except the city of Boston, may retain for their own use 75 cents
373 for each such license issued, unless otherwise provided by law, and shall certify under penalties

374 of perjury to the amounts of money thus received and paid over to them. The police
375 commissioner of the city of Boston and each city or town clerk shall make a record of the name
376 of the owner or keeper of each dog licensed and of the name, registered number and description
377 of each dog licensed. Such records shall be open to public inspection during the usual office
378 hours of the city or town clerk. All blanks for the licenses and tags and the record books shall be
379 paid for out of the city or town treasury. The police commissioner of the city of Boston and any
380 city or town clerk or city or town treasurer violating this section shall be punished by a fine of
381 not less than $50 nor more than $500 or by imprisonment for not less than 1 month nor more
382 than 1 year in the house of correction, or both. If a city or town clerk neglects or fails to pay the
383 money into the city or town treasury as required by this section, the city or town may recover the
384 amount thereof for the benefit of the city or town, with all damages sustained through such
385 neglect or failure, and interest thereon, in an action on the official bond required, in the case of a
386 city clerk, by section 13A of chapter 41 and, in the case of a town clerk, by section 13 of said
387 chapter 41. All payments required under this section shall be subject to section 52 of said chapter
388 41.

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

390 SECTION 21. Said chapter 140 is hereby further amended by striking out sections 149,
391 150, 151, 151A and 151B, as appearing in the 2010 Official Edition, and inserting in place
392 thereof the following 6 sections:-

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

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

401 Section 151. (a) The mayor of each city and the board of selectmen of each town shall
402 annually designate 1 or more animal control officers, who may be police officers or constables.
403 The mayor or board of selectman shall immediately submit to the commissioner the names,
404 addresses and date of hire of such animal control officers. Except as provided in this section, if
405 any city or town shall fail to make such appointment, the commissioner shall appoint an animal
406 control officer for that city or town. An animal control officer who fails to comply with the terms
407 of such officer's warrant shall immediately be removed from office by the mayor or board of
408 selectmen and notice of the removal shall immediately be given to the commissioner. Animal
409 control officers shall have completed, under the supervision of a veterinarian registered under
410 section 55 or 56C of chapter 112, a course of instruction in humane techniques for the execution

411 of animals before euthanizing any animal. Before euthanizing or giving or turning over to
412 another any dog or cat in the officer's possession, such animal control officer shall first examine
413 the animal for the presence of a microchip or tattoo, check the description of such animal against
414 descriptions within the city or town relative to such species of animal licensed or registered in
415 such municipality in order to verify the identity of the animal and to provide notice to the owner
416 of the animal before the animal is euthanized, given away or turned over to another. Bills for
417 such services shall be approved by the mayor of the city or the board of selectmen of the town in
418 which the dogs or cats are kept or euthanized and shall be paid by such city or town. Each animal
419 control officer appointed under this section shall also attend to all complaints or other matters
420 pertaining to animals, as prescribed by their respective city or town, in addition to the duties
421 imposed upon the officer by the officer's warrant, and shall be paid for such services by the town
422 or city treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of
423 any city or the board of selectmen of any town may, instead of appointing an animal control
424 officer, enter into a contract with a domestic charitable corporation incorporated exclusively for
425 the purpose of protecting animals from cruelty, neglect or abuse to perform the duties required of
426 an animal control officer. In that case, the payments to the corporation under the terms of the
427 contract shall be in full for all services rendered by it in that capacity.

428 (b) An animal control officer shall not be a licensed animal dealer registered with the
429 United States Department of Agriculture. An animal control officer shall not give, sell or turn
430 over any animal which may come into the officer's custody to any business or institution
431 licensed or registered as a research facility or animal dealer with the United States Department of
432 Agriculture either privately or in the course of carrying out such officer's official assignments as
433 an agent for the officer's municipality. A municipality shall not give, sell or turn over any animal
434 which may come into its custody to any business or institution licensed or registered as a
435 research facility or animal dealer with the United States Department of Agriculture. Whoever
436 violates this subsection shall be punished by a fine of not more than $1,000.

437 Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to the
438 animal control officer or officers directing the officer or officers to seek out, catch and confine
439 all dogs within the city or town which are not licensed, collared or harnessed, or tagged, as
440 required by this chapter, and to enter and prosecute a complaint for failure to comply with this
441 chapter against the owners or keepers of such dogs, if known, and to euthanize or cause to be
442 euthanized only by the administration of barbiturates in a manner deemed acceptable by the
443 American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case
444 of emergency, each such dog not licensed, collared or harnessed, or tagged after being detained
445 by or for the officer for a period of 7 days; provided, however, that after 7 days, the animal
446 control officer may make available for adoption any dog found free of disease for a sum of not
447 less than $10 and shall keep an account of all moneys received by such officer for the adoption
448 and shall immediately pay over the sums to the treasurer who shall forward the money to the city
449 or town. Before delivery of a dog so adopted, the animal control officer shall require the

450 purchaser to show identification and to procure a license and tag for the dog from the clerk of the
451 city or town wherein the dog is to be kept. Dogs detained under this section shall be confined in a
452 place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be
453 placed in the care of the holder of a kennel license or of a domestic charitable corporation
454 incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse.
455 The commissioner from time to time shall cause such places wherein animals are detained under
456 this section to be inspected and shall make necessary order in relation thereto. An animal control
457 officer having custody of a detained dog or cat shall be allowed a sum determined by the city or
458 town per day for the care of the dog or cat, payable by the owner or keeper, if known, otherwise
459 by the city or town.

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

463 (1) the date and location of apprehension;

464 (2) a description of the animal;

465 (3) the place of detainment;

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

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

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

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

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

476 Section 151B. Any veterinarian registered under section 55 or 56A of chapter 112, who
477 renders emergency care or treatment to, or who euthanizes, a dog or cat that is injured on any
478 way shall receive payment from the owner of such dog or cat, if known, or, if not known, from
479 the city or town in which the injury occurred in an amount not to exceed $250 for such care,
480 treatment or euthanization; provided, however, such emergency care, treatment or euthanization
481 shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating
482 suffering until the owner or keeper of such dog or cat is identified or for a period of 24 hours,
483 whichever is sooner. Any veterinarian who renders such emergency care or treatment to a dog or

484 cat or euthanizes a dog or cat shall notify the municipal animal control officer and such animal
485 control officer shall assume control of such dog or cat or the remains of such dog or cat.

486 Section 151C. The commissioner shall, from time to time, and subject to the availability
487 of funds from the Homeless Animal Prevention and Care Fund in section 35TT of chapter 10,
488 provide for a training course for animal control officers. For any training course established
489 under this section, there shall be a preference for persons who have been in the employ of a city
490 or town as an animal control officer for 12 months or less. A training course that is offered by a
491 private entity including, but not limited to, the Animal Control Officers Association, shall not be
492 eligible for reimbursement from the Homeless Animal Prevention and Care Fund unless such
493 course has been approved by the commissioner.

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

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

499 SECTION 24. Said section 152 of said chapter 140, as so appearing, is hereby further
500 amended by striking out, in line 10, the word "dogs" and inserting in place thereof the following
501 word:- animals.

502 SECTION 25. Section 153 of said chapter 140, as so appearing, is hereby amended by
503 striking out, in line 2, the words ", except Suffolk county".

504 SECTION 26. Said section 153 of said chapter 140, as so appearing, is hereby further
505 amended by striking out, in lines 13 to 18, inclusive, the words "by methods of execution other
506 than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the
507 control of the federal Drug Enforcement Administration, unless by a veterinarian,
508 succinylcholine cholide, any drugs that have curariform-like action, electrocution or any other
509 method which causes an unnecessarily cruel death" and inserting in place thereof the following
510 words:- only by the administration of barbiturates in a manner deemed acceptable by the
511 American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case
512 of emergency.

513 SECTION 27. Said section 153 of said chapter 140, as so appearing, is hereby further
514 amended by striking out, in lines 18 to 21, inclusive, the words "ten days, shall not then have
515 been duly licensed, collared or harnessed, and tagged, except that any male or any spayed female
516 dog not found to be diseased may be made available for adoption for not less than three dollars"
517 and inserting in place thereof the following words:- 7 days, shall not then have been duly
518 licensed, collared or harnessed, and tagged, except that any dog not found to be diseased may be
519 made available for adoption for not less than $10.

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

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

Mayor of (or Chairman of the Selectmen of)

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

COMMONWEALTH OF MASSACHUSETTS

(Seal)

, ss.

To , constable of the city (or town) of

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

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

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

Mayor of (or Chairman of the Selectmen of).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

621 (e) (1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority
622 may file a petition in the district court to request an order of impoundment at a facility the
623 municipality uses to shelter animals for a dog complained of as being a dangerous dog. A

624 municipality shall not incur liability for failure to request impoundment of any dog under this
625 subsection.

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

629 (i) of restraint;

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

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

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

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

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

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

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

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

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

656 (h) If an owner or keeper of a dog is found in violation of an order issued under this
657 section, such dog shall be subject to seizure and impoundment by a law enforcement or animal
658 control officer. If the keeper, not the owner of such dog, is in violation, all reasonable effort shall
659 be made by the seizing authority to notify the owner of such dog of the seizure. Upon receipt of
660 such notice, the owner may file a petition with the hearing authority, within 7 days, for the return
661 of the dog to such owner. Such owner or keeper shall be ordered to immediately surrender to the
662 licensing authority the license and tags in such person's possession, if any, and such owner or
663 keeper shall be banned from licensing any dog within the commonwealth for 5 years. A hearing
664 authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has
665 violated an order issued under this section shall report such violations to the issuing licensing
666 authority within 30 days.

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

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

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

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

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

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

689 Section 160. The mayor of any city, the selectmen of any town, or their agents who are
690 authorized in writing, to act in such mayor or selectmen's stead may, after written notice to the
691 owner or keeper, enter upon the premises of the owner or keeper of any dog known to such

692 persons to have worried or killed live stock or fowl, and then and there euthanize such dog, in a
693 humane manner, unless such owner or keeper whose premises are thus entered for said purpose
694 shall give a bond in the sum of $200, with sufficient sureties, conditioned that the dog shall be
695 restrained for 12 months next ensuing. If the owner or keeper of the dog declares an intention to
696 give such a bond, the selectmen, chief of police, or the agent of the selectmen or chief, as the
697 case may be, shall allow the owner or keeper 7 days, exclusive of Sundays and holidays, in
698 which to procure and prepare such bond and to present it, or to file it with the clerk of the town
699 or city in which the owner or keeper resides.

700 Section 161. Whoever suffers loss by the worrying, maiming or killing of such person's
701 live stock or fowl by a dog, outside the premises of the owner or keeper of such dog, may, if the
702 damage is done in a city, inform the animal control officer and may, if the damage is done in a
703 town, inform the chairman of the selectmen of the town or, if the chairman is absent or ill, any
704 1of the selectmen. Such officer, chairman or selectman shall proceed to the premises where the
705 damage was done and determine whether the damage was inflicted by a dog and, if so, appraise
706 the amount of damage if it does not exceed $100. If in the opinion of such officer, chairman or
707 selectman, the amount of damage exceeds $100, the damage shall be appraised, on oath, by 3
708 persons, of whom 1 shall be such officer, chairman or selectman, 1 shall be appointed by the
709 person alleged to be damaged, and the third shall be appointed by the other 2 appointees. Within
710 10 days, the appraisers shall consider and include in their appraisal the labor and time necessarily
711 to be expended to find and collect the live stock or fowl injured or separated and the value of
712 those lost or otherwise damaged by a dog. Such officer, chairman or selectman shall return a
713 certificate of the damages found to the treasurer of the city or town in which the damage was
714 done within 10 days after such appraisal is made. The treasurer shall immediately submit the
715 appraisal to the city or town clerk who, within 30 days, shall examine all bills for damages. A
716 city or town clerk may summons such appraisers or, upon the request of an interested party, shall
717 summons such appraisers and all parties interested and make such investigation as such clerk
718 deems proper, and shall issue an order upon the treasurer of the city or town for such amounts, if
719 any, determined to be just and shall notify all interested parties of the decision. The treasurer
720 shall pay all orders drawn upon the treasurer in full, for the above purpose and payments made
721 shall be charged to the city or town.

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

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

725 Section 163. If the mayor, aldermen or selectmen determine, after notice to parties
726 interested and a hearing, the identity of the owner or keeper of any dog which is found to have
727 worried, maimed or killed any live stock or fowl, thereby causing damages for which the owner
728 of the live stock or fowl may become entitled to compensation from the city or town under
729 section 161, the mayor, aldermen or selectmen shall serve upon the owner or keeper of such dog

730 a notice directing him, within 24 hours, to euthanize the dog in a humane manner or restrain the
731 dog.

732 SECTION 34. Section 164 of said chapter 140, as so appearing, is hereby amended by
733 striking out, in lines 2 to 6, inclusive, the words "such notice and does not within twenty-four
734 hours kill such dog or thereafter keep it on his premises or under the immediate restraint and
735 control of some person, shall be punished by a fine of not more than twenty-five dollars; and any
736 police officer, constable or dog officer may kill such dog" and inserting in place thereof the
737 following words:- such notice under section 163 and does not within 24 hours euthanize such
738 dog or thereafter keep it on such owner's or keeper's premises or under the immediate restraint
739 and control of some person, shall be punished by a fine of not less than $25; and any police
740 officer, constable or animal control officer may euthanize such dog in a humane manner.

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

743 Section 165. A city or town may investigate any case of damage done by a dog of which
744 the chairman of the board of selectmen, mayor or animal control officer shall have been
745 informed as provided in section 161. If the chairman, mayor or animal control officer believes
746 that the evidence is sufficient to sustain an action against the owner or keeper of the dog and
747 believes that such owner or keeper is able to satisfy any judgment recovered in such action, such
748 chairman, mayor or animal control officer shall bring the action, unless the owner or keeper pays
749 such amount in settlement of the damage as such chairman, mayor or officer deems reasonable
750 before the action is brought. Such action may be brought in the name of such chairman, mayor or
751 officer who shall prosecute the action and shall have the same powers and authority as police
752 officers, constables or animal control officers appointed under section 151 and acting under
753 sections 136A to 174D, inclusive. All damages received or recovered under this section shall be
754 paid over to the city or town treasurer.

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

757 Section 167. The mayor, aldermen or selectmen may order that all dogs shall be
758 restrained from running at large during such time as shall be prescribed by the order. Once
759 passed, a certified copy of such order shall be posted in 2 or more public places in the city or
760 town or, if a daily newspaper is published in the city or town, by publishing a copy once in that
761 newspaper. Following such publication, the mayor, aldermen or selectmen may issue their
762 warrant to 1 or more of the police officers or constables of such city or town, who shall, not
763 sooner than 24 hours after the publication of such notice, euthanize all dogs in a humane manner
764 found running at large contrary to such order. Notwithstanding the foregoing, a police officer or
765 constable may, in such officer's or constable's discretion, hold any such dog for a period not to
766 exceed 7 days. If the owner of the dog claims it and pays to such officer or constable a fee of $40

767 for each day that the dog has been held, the dog shall be returned to its owner. The fee shall be
768 paid over to the city or town.

769 SECTION 37. Section 168 of said chapter 140, as so appearing, is hereby amended by
770 striking out, in line 1, the words “aldermen or selectmen” and inserting in place thereof the
771 following words:- aldermen, selectmen or mayor.

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

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

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

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

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

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

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

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

791 SECTION 44. The first paragraph of section 173A of said chapter 140, as so appearing,
792 is hereby amended by striking out the second to fourth sentences, inclusive, and inserting in
793 place thereof the following 3 sentences:- For the first offense committed by a person within a
794 calendar year, the clerk shall dismiss the charge without the payment of any fine; for a second
795 offense in such city or town within a calendar year, the payment of a fine of $50 shall operate as
796 a final disposition of the case; for a third offense in such city or town in a calendar year, payment
797 of a fine of $60 shall operate as a final disposition of the case; and for a fourth or subsequent
798 offense in such city or town within the calendar year, payment of a fine of $100 shall operate as a
799 final disposition of the case. Payment shall be made only by postal note, money order or check.
800 Notwithstanding the foregoing procedure and schedules of fines, but subject to all of the other

801 provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative
802 procedure and a different schedule of fines.

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

805 Section 174A. A dog or cat whose killing is authorized under this chapter shall be
806 euthanized only by the administration of barbiturates in a manner deemed acceptable by the
807 American Veterinary Medical Association Guidelines on Euthanasia or as allowed by in section
808 151A.

809 SECTION 46. Section 174B of said chapter 140, as so appearing, is hereby amended by
810 striking out, in line 4, the words "fifty dollars" and inserting in place thereof the following
811 figure:- $100.

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

815 SECTION 48. Each animal control officer shall, within 24 months of the effective date
816 of this act if serving as an animal control officer before the effective date of this act or within 12
817 months from the officer's date of hire if such date of hire is on or after the effective date of this
818 act, complete a training course offered under section 151C of chapter 140 of the General Laws;
819 provided, however, that such training requirement shall be subject to the availability of funds in
820 the Homeless Animal Prevention and Care Fund, established in section 35TT of chapter 10 of the
821 General Laws, as determined by the commissioner of the department of agricultural resources.
822 Priority for training animal control officers serving in such capacity before the effective date of
823 this act shall be given to those officers having served for 12 months or less.

824 SECTION 49. Chapter 209A of the General Laws is hereby amended by adding the
825 following section:-

826 Section 11. (a) Whenever the court issues a temporary or permanent vacate, stay away,
827 restraining or no contact order or a judgment under section 18, 34B or 34C of chapter 208;
828 section 32 of chapter 209; section 3, 4 or 5 of this chapter; section 15 or 20 of chapter 209C; or
829 section 3, 4, 5, 6 or 7 of chapter 258E; or a temporary restraining order or preliminary or
830 permanent injunction relative to a domestic relations, child custody, domestic abuse or abuse
831 prevention proceeding, the court may order the possession, care and control of any domesticated
832 animal owned, possessed, leased, kept or held by either party or a minor child residing in the
833 household to the plaintiff or petitioner. The court may order the defendant to refrain from
834 abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or
835 otherwise disposing of such animal.

836 (b) A party to any of the proceedings listed in subsection (a) may petition the court for an
837 order authorized by subsection (a).

838 (c) Whenever the court issues a warrant for a violation of a temporary or permanent
839 vacate, stay away, restraining or no contact order or of a judgment issued under section 18, 34B
840 or 34C of chapter 208; section 32 of chapter 209; section 3, 4 or 5 of this chapter; section 15 or
841 20 of chapter 209C; or section 3, 4, 5, 6 or 7 of chapter 258E, or otherwise becomes aware that
842 an outstanding warrant for such a violation has been issued against a person before the court, the
843 judge may make a finding, based upon the totality of the circumstances, as to whether there
844 exists an imminent threat of bodily injury to any party to such judgment or the petitioner of any
845 such protective order, a member of the petitioner's family or household or to a domesticated
846 animal belonging to such petitioner or to a member of the petitioner's family or household. If the
847 court makes a finding that such an imminent threat of bodily injury to a person or domesticated
848 animal exists, the court shall notify the appropriate law enforcement officials of such finding and
849 such law enforcement officials shall take all necessary actions to execute any such outstanding
850 warrant as soon as is practicable.

851 SECTION 50. The chief justice of administration and management of the trial court
852 department shall amend the relevant complaint forms for chapters 208, 209A, 209C and 258E of
853 the General Laws, or prescribe a new form, to incorporate a petition for an order under section
854 11 of chapter 209A of the General Laws, which shall be in such form and language to permit a
855 plaintiff to prepare and file such complaint pro se.