

**SENATE . . . . . No. 406**

**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 bill:

An Act updating the animal control laws of Massachusetts.

PETITION OF:

| NAME:                  | DISTRICT/ADDRESS:              |
|------------------------|--------------------------------|
| Patricia D. Jehlen     | Second Middlesex               |
| Susan C. Tucker        | Second Essex and Middlesex     |
| Scott P. Brown         | Norfolk, Bristol and Middlesex |
| Richard T. Moore       | Worcester and Norfolk          |
| Robert L. Hedlund      | Plymouth and Norfolk           |
| James B. Eldridge      | Middlesex and Worcester        |
| Bradford R. Hill       | 4th Essex                      |
| John P. Fresolo        | 16th Worcester                 |
| Stephen R. Canessa     | 12th Bristol                   |
| James Dwyer            | 30th Middlesex                 |
| Timothy J. Toomey, Jr. | 26th Middlesex                 |
| Bill Bowles            | 2nd Bristol                    |
| Michael Brady          | 9th Plymouth                   |
| Lori Ehrlich           | 8th Essex                      |
| Bruce J. Ayers         | 1st Norfolk                    |
| Christine E. Canavan   | 10th Plymouth                  |
| Ruth B. Balser         | 12th Middlesex                 |
| Gale D. Candaras       | First Hampden and Hampshire    |
| Anthony D. Galluccio   | Middlesex, Suffolk and Essex   |

|                          |                              |
|--------------------------|------------------------------|
| James Cantwell           | 4th Plymouth                 |
| Jennifer M. Callahan     | 18th Worcester               |
| Cheryl A. Coakley-Rivera | 10th Hampden                 |
| Carl M. Sciortino, Jr.   | 34th Middlesex               |
| John W. Scibak           | 2nd Hampshire                |
| Anthony W. Petruccelli   | First Suffolk and Middlesex  |
| Karen E. Spilka          | Second Middlesex and Norfolk |
| Mark C. Montigny         | Second Bristol and Plymouth  |
| Richard J. Ross          | 9th Norfolk                  |
| Michael F. Rush          | 10th Suffolk                 |
| Ellen Story              | 3rd Hampshire                |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00512 OF 2007-2008.]

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

### AN ACT UPDATING THE ANIMAL CONTROL LAWS OF MASSACHUSETTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 129 of the General Laws is hereby amended by inserting after section 39F,  
2 as appearing in the 2006 Official Edition, the following section:-

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

6           (b) An official health certificate shall mean a legible certificate or form issued by an accredited  
7 veterinarian and approved by the chief livestock official of the state or county of origin containing the  
8 name and address of the consignor and consignee. The certificate or form shall also show age, sex, breed  
9 and description of each dog or cat and certify that the dog or cat is free from visual evidence of infectious  
10 or contagious disease. The certificate or form shall show proof of rabies vaccination within the previous  
11 12 months. A dog or cat imported into the commonwealth that is not currently vaccinated for rabies shall  
12 be vaccinated within 30 days of entry or acquisition or upon reaching the age of 6 months.

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

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

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

22 (f) Whoever is convicted of a violation of this section shall be punished by a fine of not less than  
23 \$50 nor more than \$100 for each such offense. In addition thereto, or in lieu thereof, the commissioner  
24 may, after notice and hearing, revoke or suspend a pet shop, kennel, and boarding kennel license of a  
25 person, firm or corporation maintaining the pet shop, kennel and boarding kennel for a violation of this  
26 section.

27 (g) A person, firm or corporation aggrieved by an order under this section may, by petition,  
28 appeal within 30 days to the superior court where the person resides, or where the firm or corporation is  
29 located. The person shall, in substance, state the findings by the commissioner and the grounds of appeal  
30 and the court shall consider the proceedings de novo and the parties thereto shall have right of exception  
31 and appeal.

32 SECTION 2. Chapter 140 of the General Laws is hereby amended by striking out section 136A  
33 and inserting in place thereof the following section:-

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

36 “Adoption”, the delivery of a cat or dog to any person eighteen years of age or older for the  
37 purpose of harboring as a pet.

38 “Animal control officer”, an officer appointed under said sections to enforce the laws in sections  
39 137 to 175, inclusive.

40 “Commissioner”, the commissioner of agricultural resources, except in section 174D, where the  
41 commissioner shall mean the commissioner of public health.

42 “Department”, the department of agricultural resources.

43 “Keeper”, any person, corporation or society, other than the owner, harboring or having in his  
44 possession any dog.

45 "Kennel", 1 pack or collection of dogs on a single premise, shall include:

46 (1) “Commercial boarding or training kennel”, a kennel or establishment, other than an animal  
47 shelter or animal control facility, used for boarding, holding, day care, overnight stays or training during  
48 which the owner is not present, for a fee or consideration. This shall not include dogs owned by the  
49 operator, grooming facilities holding dogs solely for the purpose of grooming and not overnight boarding,  
50 individuals who temporarily, and not in the normal course of business, board or care for animals owned  
51 by others, or a licensed pet shop.

52 (2) “Commercial breeder kennel”, an establishment, other than a personal kennel, engaged in the  
53 business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for  
54 consideration.

55 (3) “Domestic charitable corporation kennel”, a facility operated, owned, or maintained by a  
56 domestic charitable corporation registered with the department, or an animal welfare society or other  
57 nonprofit organization incorporated for the purpose of providing for and promoting the welfare,

58 protection and humane treatment of animals. A domestic charitable corporation kennel includes a  
59 veterinary hospital or clinic operated by a licensed veterinarian, which operates for the above purpose in  
60 addition to providing medical treatment and care.

61 (4) "Personal kennel", one pack or collection of more than 4 dogs 3 months old or over, owned or  
62 kept by a person on a single premises, under one ownership, for private personal use. Breeding of  
63 personally owned dogs may take place for the purpose of improving the breed, exhibiting, showing, use in  
64 sporting activity or other personal reasons; provided, however, that selling, trading, bartering or the  
65 distribution of such breeding from a personal kennel shall be to other breeders or individuals by private  
66 sale only and not to wholesalers, brokers or pet shops. Kennels in this category shall not sell, trade, barter  
67 or distribute any dogs not bred from their personally owned dogs; provided, however, dogs temporarily  
68 housed at a personal kennel in conjunction with an animal shelter or rescue registered with the department  
69 may be sold, traded, bartered or distributed as long as the transfer is not made for the purpose of making a  
70 profit.

71 (5) "Veterinary kennel", a veterinary hospital or clinic that boards dogs for reasons in addition to  
72 medical treatment or care. This shall not apply to a hospital or clinic used solely to house dogs that have  
73 undergone veterinary treatment, observation, or will do so, only for the period of time needed to  
74 accomplish the needed veterinary care.

75 "License period", the time during which a dog is licensed as determined by a city or town.

76 "Live stock or fowls", animals or fowls kept or propagated by the owner for food or as a means of  
77 livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds  
78 and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to  
79 be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards.  
80 Such phrase shall not include dogs, cats and other pets.

81           “Research institution”, any institution operated by the United States or by the commonwealth or a  
82 political subdivision thereof, or any school or college of medicine, public health, dentistry, pharmacy,  
83 veterinary medicine or agriculture, medical diagnostic laboratory or biological laboratory, hospital or  
84 other educational or scientific establishment within the commonwealth above the rank of secondary  
85 school, which, in connection with any of its activities, investigates or gives instruction concerning the  
86 structure or functions of living organisms or the causes, prevention, control or cure of diseases or  
87 abnormal conditions of human beings or animals.

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

90           SECTION 3. Said chapter 140 is hereby further amended by striking out section 137, as  
91 appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

92           Section 137. (a) A dog over the age of 6 months shall be licensed by the owner or keeper. The  
93 registering, numbering, describing and licensing of a dog, if kept in Boston shall be in the office of the  
94 police commissioner or if kept in any other town or city, in the office of the town or city clerk thereof.

95           (b) A town or city clerk or, in Boston, the police commissioner, shall not grant a license for a  
96 dog unless the owner thereof provides the town or city clerk or, in Boston, the police commissioner, either  
97 a veterinarian's certification that the dog has been vaccinated in accordance with section 145B, or has  
98 been certified exempt from the provision as hereinafter provided, or a notarized letter from a veterinarian  
99 that a certification was issued. (c) The license shall be subject to the condition expressed therein that the  
100 dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing  
101 live stock or fowls. The owner of a dog may add descriptive words, not over 10 in number, upon the  
102 license form to indicate the color, breed, weight and special markings of the licensed dog. The owner or  
103 keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or  
104 other suitable material, to which shall be securely attached a tag, and upon which shall appear the license

105 number, the name of the town issuing the license and the year of issue. If the tag shall be lost, the owner  
106 or keeper of such dog shall forthwith secure a substitute tag from the city or town clerk or, in Boston,  
107 from the police commissioner, at a cost to be determined by the city or town which, if received by a city  
108 or town clerk, shall be retained by him unless otherwise provided by law. This section shall not apply  
109 where it is otherwise provided by law, nor shall it apply to a person having a kennel license.

110 SECTION 4. Said chapter 140 is hereby further amended by striking out section 137A, as so  
111 appearing, and inserting in place thereof the following section:-

112 Section 137A. (a) Every person maintaining a kennel shall have a kennel license. An owner or  
113 keeper of less than 4 dogs, 3 months old or over, who does not maintain a kennel may elect to secure a  
114 kennel license in lieu of licensing the dogs under section 137, and shall be subject to this section and to  
115 sections 137B and 137C and to so much of section 141 as relates to violations of this section to the same  
116 extent as though he were maintaining a kennel. The city or town clerk, or the police commissioner of the  
117 city of Boston, shall issue kennel licenses for kennels, as defined in section 136A, subsequent to an  
118 inspection by the animal control officer.

119 b) The kennel license shall be in lieu of any other license for any dog while kept at the kennel  
120 during any portion of the period for which the kennel license is issued. The holder of a license for a  
121 kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other  
122 suitable material, to which shall be securely attached a tag upon which shall appear the number of the  
123 kennel license, the name of the city or town issuing the license and the year of issue. The tags shall be  
124 furnished to the owner or keeper by the clerk of the city or town in which the kennel is licensed, or, if  
125 licensed in Boston, by the police commissioner, in quantities not less than the number of dogs kept in the  
126 kennel. The fee for each license for a kennel shall be determined by the city or town; but, for the purpose  
127 of determining the amount of the fee for a kennel, a dog under the age of 6 months shall not be counted in  
128 the number of dogs kept therein. The name and address of the owner of each dog kept in a kennel, if other

129 than the person maintaining the kennel, shall be kept on file thereat and available to inspection by an  
130 animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or  
131 police officer.

132 (c) The clerk of a city or town or, in Boston, the police commissioner, shall upon application  
133 issue without charge a kennel license to a domestic charitable corporation incorporated exclusively for the  
134 purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among  
135 animals.

136 (d) The commissioner may promulgate rules and regulations for the licensing of kennels and  
137 catteries.

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

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

142 Section 137C. The mayor of a city or the selectmen of a town or in Boston, the police  
143 commissioner, or a chief of police or animal control officer may at any time inspect or cause to be  
144 inspected a kennel. If, in the judgment of each person or body, the kennel is not being maintained in a  
145 sanitary and humane manner, or if records are not properly kept as required by law, such person or body  
146 shall by order revoke or suspend, and in case of suspension may reinstate, such license. Upon the petition  
147 of 25 citizens, filed with the mayor of a city or the selectmen of a town or, in Boston, with the police  
148 commissioner setting forth a statement that such citizens are aggrieved or annoyed to an unreasonable  
149 extent by 1 or more dogs at a kennel maintained in such city or town, due to excessive barking or  
150 dangerous disposition of the dogs or other conditions connected with a kennel constituting a public  
151 nuisance, the mayor, selectmen or police commissioner, as the case may be shall, within 7 days after the  
152 filing of the petition, give notice to all parties in interest of a public hearing to be held within 14 days

153 after the date of notice. The mayor, selectmen or police commissioner within 7 days shall investigate or  
154 cause to be investigated the subject matter of the petition and shall, by order, either suspend or revoke the  
155 kennel license or otherwise regulate the kennel, or dismiss the petition. Written notice of an order under  
156 this section revoking, suspending or reinstating a license shall be mailed forthwith to the officer issuing  
157 the license and to the holder of the license. Within 10 days after the order the holder of the license may  
158 bring a petition in the district court within the judicial district of which the kennel is maintained,  
159 addressed to the justice of the court, praying that the order may be reviewed by the court. After notice to  
160 the officer or officers involved as the court may consider necessary, the court shall review the action, hear  
161 the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad  
162 faith, in which case the order shall be reversed. The decision of the court shall be final and conclusive  
163 upon the parties. A person maintaining a kennel after the license has been so revoked, or while the license  
164 is suspended, shall be punished by a fine not more than \$250.

165 SECTION 7. Section 137D of said chapter 140 , as so appearing, is hereby amended by striking  
166 out, in line 4, the word “dogs” and inserting in place thereof the following words:- companion animals.

167 SECTION 8. Said section 137D of said chapter 140 , as so appearing, is hereby further amended  
168 by striking out, in line 15, the word “two” and inserting in place thereof the following figure:- 5.

169 SECTION 9. Section 138 of said chapter 140 , as so appearing, is hereby amended by inserting  
170 after the word “town” , in lines 2 and 3, the following words:- or city.

171 SECTION 10. Said section 138 of said chapter 140 , as so appearing, is hereby further amended  
172 by striking out, in line 9, each time it appears, the word “three” and inserting in place thereof, in each  
173 instance, the following figure:- 6.

174 SECTION 11. Said section 138A of said chapter 140 is hereby repealed.

175 SECTION 12. Said chapter 140 is hereby further amended by striking out section 139, as  
176 appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

177 Section 139. (a) The fee for every license shall, except as otherwise provided, be determined by a  
178 city or town, provided this fee is not less than \$6 for a spayed or neutered dog and not more than \$50 for  
179 an intact dog. Three dollars of the license fee for a dog is a surcharge which shall be deposited in the  
180 General Fund. A portion of this amount, subject to appropriation, shall be used by the commissioner for  
181 the purpose of animal control. The department shall establish rules and regulations relating to the  
182 spay/neuter program to distribute these funds in an effective manner targeting low-income pet owners and  
183 feral cats.

184 (b) If a certificate of a registered veterinarian who spayed or neutered a dog has been shown to  
185 the city or town clerk, the license fee shall be lower than that of an intact animal. If the city or town clerk  
186 is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the  
187 clerk may accept instead a statement signed under the penalties of perjury by a veterinarian registered and  
188 practicing in the commonwealth, describing the dog and stating that he has examined the dog and that it  
189 appears to have been, and in his opinion has been, spayed or neutered and thereby deprived of the power  
190 of propagation or a receipt of a bill from the veterinarian who performed the operation.

191 (c) A fee shall not be charged for a license for a dog specially trained to lead or serve a blind  
192 person; provided, however, that the Massachusetts commission for the blind certifies that the dog is so  
193 trained and actually in the service of a blind person. A fee shall not be charged for a license for a dog  
194 owned by a person aged 70 years or over in any city or town that accepts this provision. A fee shall not be  
195 charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person;  
196 provided, however, that the director of the office the Massachusetts commission for the deaf and hard of  
197 hearing certifies that the dog is so trained and actually in the service of the deaf person. The  
198 Massachusetts office on disability shall adopt rules and regulations for the licensing of service dogs and a

199 fee shall not be charged for a license for a dog recognized as a service dog. A license fee or part thereof  
200 shall not be refunded because of the subsequent death, loss, spaying, or removal from the commonwealth  
201 or other disposal of the dog, nor shall a license fee or part thereof paid by mistake be paid or recovered  
202 back after it has been paid over to the city or town under section 147.

203 SECTION 13. Section 139A of said chapter 140, as so appearing, is hereby amended by inserting  
204 after the word “unless, in line 2, the following words: a written agreement is entered into and.

205 SECTION 14. Said section 139A of said chapter 140, as so appearing, is hereby further amended  
206 by striking out, in lines 2 and 3, the words “ten nor more than thirty dollars” and inserting in place thereof  
207 the following figure:- \$40.

208 SECTION 15. Said section 139A of said chapter 140, as so appearing, is hereby further amended  
209 by adding the following paragraph:-

210 The commissioner may set fines and violations and may further establish regulations to ensure  
211 compliance with this section. Additionally, an animal control officer, an officer licensed under section 57  
212 of chapter 22C, a police officer or an animal shelter from which an animal was obtained may bring a  
213 petition in the district court within the judicial district of which the dog or cat is owned or kept for an  
214 action of forfeiture and relinquishment of ownership. Legal fees or court costs incurred in the  
215 enforcement of this section shall be the responsibility of the owner of the animal.

216 SECTION 16. Section 141 of said chapter 140, as so appearing, is hereby amended by striking  
217 out, in lines 4 to 6, inclusive, the words “twenty-five dollars, which shall be paid, if the dog was kept in  
218 any town in Suffolk county, to the treasurer of the town, or, if kept in any other county, to the treasurer  
219 thereof” and inserting in place thereof the following words:-\$50, which shall be paid to the city or town.

220 SECTION 17. Section 145 of said chapter 140, as so appearing, is hereby amended by striking  
221 out, in lines 3 and 4, the words “to the director of accounts upon application therefore”.

222 SECTION 18. Section 145A of said chapter 140, as so appearing, is hereby amended by striking  
223 out, in lines 11 to 17, inclusive, the words “A city or town so furnishing vaccine and treatment shall be  
224 reimbursed for the cost thereof, not exceeding fifty dollars in the case of any one person, from the dog  
225 fund of the county in which is situated the city or town where the person treated was exposed to rabies,  
226 except that if such exposure occurred in Suffolk county such reimbursement shall be made by the city or  
227 town where such person was exposed to rabies, and except that if such vaccine and treatment are given by  
228 the board of health of a city or town because of a bite by or other exposure to rabies from a dog required  
229 to be licensed therein, the city or town shall not be so reimbursed, unless such dog is licensed at the time  
230 of such bite or other exposure. No such reimbursement shall include any part of the salary of a salaried  
231 city or town physician. The county commissioners of all counties except Suffolk, acting jointly, or the  
232 county commissioners of each county, except Suffolk, shall contract for the supplying of such vaccine to  
233 the several cities and towns on the order of their respective boards of health, and shall, from time to time,  
234 notify said boards of the terms and conditions of contracts made hereunder. No city or town for which a  
235 supply of such vaccine is provided by a contract as aforesaid shall be reimbursed hereunder for any such  
236 vaccine not purchased under such contract.”

237 SECTION 19. Section 145B of said chapter 140 , as so appearing, is hereby amended striking  
238 out, in lines 1, 2, 5, 10, 18, 19, 25 and 28 the words “dog or cat”, each time they appear, and inserting in  
239 place thereof, in each instance, the following words:- dog, cat or ferret.

240 SECTION 20. Said section 145B of said chapter 140 , as so appearing, is hereby further amended  
241 striking out, in line7, the word “ninety” and inserting in place thereof the following figure:- 30.

242 SECTION 21. Said section 145B of said chapter 140 , as so appearing, is hereby further amended  
243 striking out, in lines 6 and 31, the words “dogs or cats”, each time they appear, and inserting in place  
244 thereof, in each instance, the following words:- dogs, cats or ferrets.

245 SECTION 22. Said section 145B of said chapter 140 , as so appearing, is hereby further amended  
246 striking out, in line 34, the words “more than fifty dollars” and inserting in place thereof the following  
247 words:- more than \$100.

248 SECTION 23. Said section 145B of said chapter 140 , as so appearing, is hereby amended by  
249 inserting after the third paragraph the following paragraph:-

250 A licensing official may grant an exemption to this section for any dog, cat or ferret which has  
251 not yet attained the age of 6 months, any dog, cat or ferret which the local board of health, for a specified  
252 period of time, declared exempt upon presentation of a veterinarian’s certificate stating that because of an  
253 infirmity, other physical condition or regimen of therapy, that inoculation is thereby considered  
254 inadvisable, or a dog, cat or ferret in transit, or dog, cat or ferret brought into the commonwealth,  
255 temporarily, for the sole purpose of showing in shows or for exhibition.

256 SECTION 24. Section 146 of said chapter 140, as so appearing, is hereby amended by inserting  
257 after the word “town” , in line 5, the following words: - or city.

258 SECTION 25. Said section 146 of said chapter 140 , as so appearing, is hereby further amended  
259 by striking out, in line 8, the words “twenty-five cents” and inserting in place thereof the following  
260 words:- an amount to be determined by the city or town.

261 SECTION 26. Said chapter 140 is hereby further amended by striking out section 147, as so  
262 appearing, and inserting in place thereof the following section:-

263 Section 147. The police commissioner of Boston and the clerks of other cities and of towns shall  
264 issue said licenses and tags, receive the money thereof and pay it into the treasuries of their respective  
265 cities and towns on the first Monday of each month or more often. The clerks of cities and towns except  
266 Boston may retain for their own use 75 cents for each license unless otherwise provided by law, and shall  
267 certify under penalties of perjury to the amounts of money thus received and paid over by them. The

268 police commissioner of Boston and each city or town clerk shall make a record of the name of the owner  
269 or keeper of each dog licensed, and of the name, registered number and description of each such dog, and  
270 such records shall be open to public inspection during the usual office hours of the city or town clerk. All  
271 blanks for the licenses and tags and the record books shall be paid for out of the city or town treasury. The  
272 police commissioner and any city or town clerk or city or town treasurer violating this section shall be  
273 punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than 1 month  
274 nor more than 1 year, or both. If a city or town clerk neglects or fails to pay the money into the city or  
275 town treasury as required by this section, the city or town may recover the amount thereof for the benefit  
276 of the city or town, with all damages sustained through the neglect or failure, and interest, in an action on  
277 the official bond required, in the case of a city clerk, by section 13A of chapter 41 and, in the case of a  
278 town clerk, by section 13 of said chapter 41. All payments required hereunder shall be subject to section  
279 52 of said chapter 41.

280 SECTION 27. Said chapter 140 is hereby further amended by striking out section 147A, as so  
281 appearing, and inserting in place thereof the following section:-

282 Section 147A. (a) A city or town may enact by-laws and ordinances relative to the regulation of  
283 dogs and cats, provided such by-law or ordinance shall be inconsistent with the provisions of sections 137  
284 to 174D.

285 SECTION 28. Section 147B of said chapter 140 is hereby repealed.

286 SECTION 29. Section 149 of said chapter 140 , as appearing in the 2006 Official Edition, is  
287 hereby amended by striking out, in line 1, the word “county, city or town treasurer, except in Suffolk  
288 county,” and inserting in place thereof the following words:-city or town treasurer.

289 SECTION 30. Said section 149 of said chapter 140 , as so appearing, is hereby further amended  
290 by striking out, in line 4, the word “dogs” and inserting in place thereof the following word:- animals.

291 SECTION 31. Section 150 of said chapter 140, as so appearing, is hereby amended by striking  
292 out, in line 6, the words “on or before April first” and inserting in place thereof the following word:-  
293 yearly.

294 SECTION 32. Said section 150 of said chapter 140 , as so appearing, is hereby further amended  
295 by striking out, in lines 8 and 9, the words “ten dollars” and inserting in place thereof the following  
296 figure:- \$20.

297 SECTION 33. Said section 150 of said chapter 140, as so appearing, is hereby further amended  
298 by striking out, in lines 9 and 10, the words “except in Suffolk county shall be paid into the county  
299 treasury” and inserting in place thereof the following words:- shall be paid to the city or town.

300 SECTION 34. Said chapter 140 is hereby further amended by striking out section 151, as so  
301 appearing, and inserting in place thereof the following section:-

302 Section 151. (a) The mayor of each city and the board of selectmen of each town shall  
303 annually designate 1 or more animal control officers, who may be police officers or constables. The  
304 mayor or board of selectmen shall forthwith submit to the commissioner the names and addresses of the  
305 officers. Except as hereinafter otherwise provided, if any city or town shall fail to make the appointment,  
306 the commissioner shall appoint an animal control officer for that city or town. An animal control officer  
307 who fails to comply with the terms of his warrant shall forthwith be removed from office by the mayor or  
308 board of selectmen, and notice of the removal shall forthwith be given to the commissioner. Animal  
309 control officers shall, before engaging in execution of animals, have completed under the supervision of a  
310 veterinarian registered under section 55 or 56C of chapter 112 a course of instruction in humane  
311 techniques for the execution of animals. Each animal control officer before disposing of any dog or cat in  
312 his possession shall check its description against the descriptions within the city or town issued on dogs  
313 licensed, or cats if the city or town licenses or registers cats. Bills for the services shall be approved by the  
314 mayor of the city or the board of selectmen of the town in which the dogs or cats are kept or killed and

315 shall be paid by the city or town. Each animal control officer appointed under this section shall also attend  
316 to all complaints or other matters pertaining to animals, as prescribed by their respective city or town, in  
317 addition to the duties imposed upon him by his warrant, and shall be paid for the services by the town or  
318 city treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of any city or  
319 the board of selectmen of any town may, instead of appointing animal control officers, enter into a  
320 contract with a domestic charitable corporation incorporated exclusively for the purpose of protecting  
321 animals from cruelty, neglect or abuse, to perform the duties required of animal control officers. In that  
322 case the payments to the corporation under the terms of the contract shall be in full for all services  
323 rendered by it in that capacity.

324 (b) An animal control officer shall not be a licensed animal dealer registered with the United  
325 States Department of Agriculture, and an animal control officer, either privately or in the course of  
326 carrying out his official assignments as an agent for his municipality, shall not give, sell, or turn over any  
327 animal which may come into his custody to any business or institution licensed or registered as a research  
328 facility or animal dealer with the United States Department of Agriculture. A municipality shall not give,  
329 sell, or turn over any animal which may come into its custody to any business or institution licensed or  
330 registered as a research facility or animal dealer with the United States Department of Agriculture.  
331 Whoever violates this paragraph shall be punished by a fine of not more than \$1000.

332 SECTION 35. Said chapter 140 is hereby further amended by striking out section 151A, as so  
333 appearing, and inserting in place thereof the following section:-

334 Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to the animal  
335 control officer or officers directing him or them to seek out, catch and confine all dogs within the city or  
336 town which then have not been licensed, collared or harnessed, and tagged, as required by this chapter,  
337 and to enter and prosecute a complaint for failure to comply with this chapter against the owners or  
338 keepers thereof, if known, and to kill or cause to be killed only by a humane method of euthanasia in

339 accordance with the guidelines of the American Veterinary Medical Association, and not as prohibited in  
340 section 174A, except by gunshot in case of emergency, each such dog which after being detained by or  
341 for him for a period of 7 days shall not have been licensed, collared or harnessed, and tagged; provided,  
342 however, that at the end of 7 days, the animal control officer may make available for adoption a dog not  
343 found to be diseased, for a sum not less than \$10 and shall keep an account of all moneys received by him  
344 for the adoption and shall forthwith pay over the sums to the treasurer who shall forward the money to the  
345 city or town. Before delivery of a dog so adopted the animal control officer shall require the purchaser to  
346 show identification and to procure a license and tag for the dog from the clerk of the city or town where  
347 the dog is to be kept. Dogs confined under authority of this section shall be confined in a place suitable  
348 for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of  
349 the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the  
350 purpose of protecting animals from cruelty, neglect or abuse. The commissioner from time to time shall  
351 cause the places to be inspected and shall make necessary orders in relation thereto. An animal control  
352 officer having custody of a confined dog or cat shall be allowed a sum determined by the city or town per  
353 day for the care of the dog or cat, payable by the owner or keeper, if known, otherwise by the city or  
354 town.

355 (b) Every animal control officer shall make, keep, and maintain systems of records or forms  
356 which fully and correctly disclose the following information concerning each animal in his custody:

357 (1) the date and location of each apprehension;

358 (2) a description of each animal;

359 (3) the place of confinement;

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

361 (5) the name and address of the new owner, including the date of sale or transfer of such  
362 animal; and

363 (6) if the animal is destroyed, the animal control officer shall record the method and date  
364 of destruction and the name of the person who executed the animal. Every animal control officer  
365 shall forward a copy of the record to the town or city clerk within 30 days. Copies of the record  
366 shall, for a period of 2 years, be kept in the offices of the city or town clerk where such animal  
367 control officer is employed.

368 SECTION 36. Section 151B of said chapter 140, as so appearing, is hereby amended by striking  
369 out, in line 5, the words “dog fund of the”.

370 SECTION 37. Said section 151B of said chapter 140, as so appearing, is hereby further amended  
371 by striking out, in line 5, the word “county” and inserting in place thereof the following words:- city or  
372 town.

373 SECTION 38. Said section 151B of said chapter 140, as so appearing, is hereby further amended  
374 by striking out, in line 6, the words “not to exceed twenty dollars” and inserting in place thereof the  
375 following words:- not to exceed \$250.

376 SECTION 39. Said section 151B of said chapter 140, as so appearing, is hereby further amended  
377 by striking out, in line 12, the word “dog” and inserting in place thereof the following words:- animal  
378 control.

379 SECTION 40. Said section 151B of said chapter 140 of the General Laws, as so appearing, is  
380 hereby amended by striking out, in line 13, the word “dog” and inserting in place thereof the following  
381 words:- animal control.

382 SECTION 41. Said chapter 140 is hereby further amended by inserting after section 151B, as so  
383 appearing, the following section: -

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

386 SECTION 42. Section 152 of said chapter 140, as so appearing, is hereby amended by striking  
387 out, in line 1, the words “dog” and inserting in place thereof the following words:- animal control.

388 SECTION 43. Said section 152 of said chapter 140, as so appearing, is hereby further amended  
389 by inserting, in line 6, after the word “dog” the following words:- and cats.

390 SECTION 44. Said section 152 of said chapter 140 of the General Laws, as so appearing, is  
391 hereby amended by striking out, in line 10, the word “dogs” and inserting in place thereof the following  
392 word:- animals.

393 SECTION 45. Section 153 of said chapter 140, as so appearing, is hereby amended by striking  
394 out, in line 2, the words “except Suffolk county,”.

395 SECTION 46. Said section 153 of said chapter 140, as so appearing, is hereby further amended  
396 by striking out, in lines 12 to 17, inclusive, the words “by methods of execution other than gunshot except  
397 in case of emergency, T-61, so-called, an euthanasia solution not under the control of the federal Drug  
398 Enforcement Administration, unless by a veterinarian, succinylcholine cholid, any drugs that have  
399 curariform-like action, electrocution or any other method which causes an unnecessarily cruel death” and  
400 inserting in place thereof the following words:- only by a humane method of euthanasia in accordance  
401 with the guidelines of the American Veterinary Medical Association, and not as prohibited in section  
402 174A, except by gunshot in case of emergency.

403 SECTION 47. Said section 153 of said chapter 140, as so appearing, is hereby further amended  
404 by striking out, in line 18, the words “ten days” and inserting in place thereof the following words:- 7  
405 days.

406 SECTION 48. Said section 153 of said chapter 140, as so appearing, is hereby further amended  
407 by striking out, in line 20, the words “male or any spayed female”.

408 SECTION 49. Said section 153 of said chapter 140, as so appearing, is hereby further amended  
409 by striking out, in line 21, the words “three dollars” and inserting in place thereof the following figure:-  
410 \$6.

411 SECTION 50. Said section 153 of said chapter 140, as so appearing, is hereby further amended  
412 by inserting after the word “dogs” , in line 34, the following words:- and cats.

413 SECTION 51. Said section 153 of said chapter 140 of the General Laws, as so appearing, is  
414 hereby further amended by striking out, in lines 42 to 83, inclusive, the words “In the cities and towns of  
415 Suffolk county such warrant may be in the following form:

416 COMMONWEALTH OF MASSACHUSETTS

417 (Seal)

418 , ss.

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

420 In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek  
421 out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed, and  
422 tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you are  
423 further required to make and enter complaint against the owner or keeper of every such dog, and to kill or  
424 cause to be killed by methods of execution other than gunshot except in case of emergency, T-61, so-  
425 called, an euthanasia solution not under the control of the federal Drug Enforcement Administration,  
426 unless by a veterinarian, succinylcholine cholid, any drugs that have a curariform-like action,  
427 electrocution, or any other method which causes an unnecessarily cruel death each such dog which, after

428 being detained for a period of seven days, shall not then have been duly licensed, collared or harnessed,  
429 except that any male or any spayed female dog not found to be diseased may be made available for  
430 adoption for not less than three dollars, and you shall keep an account of any such sale and forthwith pay  
431 over the money to the town treasurer. Before delivery of any dog so adopted you shall require the  
432 purchaser to show identification and to register and procure a license and tag for such dog from the town  
433 clerk of the town where the dog is to be kept, in accordance with the provisions of section one hundred  
434 and thirty-seven of said chapter one hundred and forty of the General Laws.

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

443 Given under my hand and seal at \_\_\_ aforesaid the \_\_\_ day of \_\_\_ in the year nineteen hundred  
444 and \_\_\_  
445 Mayor of (or Chairman of the Selectmen of)''

446 SECTION 52. Said chapter 140 is hereby further amended by striking out section 157, as so  
447 appearing, and inserting in place thereof the following section:-

448 Section 157. For the purposes of sections 157A to 157C, inclusive, the following words shall  
449 have the following meanings: -

450 "Attack", aggressive physical contact initiated by a dog.

451 “Dangerous dog”, a dog that, without justification, attacks a person or domestic animal or causing  
452 physical injury or death, or behaves in a manner that a reasonable person would believe poses an  
453 unjustified imminent threat of physical injury or death to 1 or more persons, domestic or owned animals.

454 A dog shall not be considered dangerous if:

455 (1) the dog was protecting or defending a person within the immediate vicinity of the  
456 dog from an attack or assault;

457 (2) at the time of attack or threat, the person was committing a crime or offense upon  
458 the person or property of the owner, or custodian, of the dog;

459 (3) the person attacked or threatened was teasing, tormenting, abusing, assaulting, or  
460 stealing the dog;

461 (4) the dog was attacked or menaced by another domestic animal, or the domestic  
462 animal was on the property of the owner or custodian of the dog; or

463 (5) the dog was responding to pain or injury, or protecting itself, its kennels or its  
464 offspring.

465 A dog’s breed shall not be considered in determining whether or not a dog is dangerous. A dog  
466 shall not be considered dangerous based only on the basis of growling, barking, or both.

467 “Domestic animal”, an animal commonly kept as a pet

468 in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits, and, hamsters  
469 and animals commonly kept for companion or commercial purposes.

470 SECTION 53. Said chapter 140 is hereby further amended by inserting after section 157 the  
471 following 3 sections:-

472           Section 157A. (a) If a person shall make a complaint in writing to the selectmen of a town,  
473 mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police  
474 department or their designee or the person charged with the responsibility of handling dog complaints of a  
475 town or city, that any dog owned or considered within his or her jurisdiction is a dangerous dog or a  
476 nuisance dog by reason of a dangerous disposition, excessive barking or other disturbance, these officials  
477 shall investigate, or cause to be investigated, the complaint, including an examination under oath of the  
478 complainant at a public hearing in the city or town of complaint occurrence to determine whether the dog  
479 has engaged in such behavior as to be deemed dangerous pursuant to section 157B or that the dog  
480 constitutes a nuisance by reason of dangerous disposition, excessive barking or other disturbance. If, after  
481 a public hearing, the dog is considered dangerous or a nuisance, the officials presiding over the hearing  
482 may make an order concerning the dog. Based on the evidence and testimony presented at the public  
483 hearing, the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the  
484 chief or commissioner of a police department or their designee or the person charged with the  
485 responsibility of handling dog complaints of a town or city or the district court may order a dangerous  
486 dog humanely restrained, confined or subject to conditions in section 157C, or euthanized.

487           (b) Within 10 days after the order, the owner or keeper of the dog may bring a petition in the  
488 district court within the judicial district of which the dog is owned or kept, addressed to the justice of the  
489 court, praying that the order be reviewed by the court, or magistrate thereof, and after notice to the officer  
490 or officers involved as the magistrate considers necessary the magistrate shall review the action, hear the  
491 witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith,  
492 in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the  
493 petition before a justice of the court. The decision of the court shall be final and conclusive upon the  
494 parties.

495           (c) The act of a dog in attacking or biting another dog or other domesticated or exotic animal, or  
496 livestock, may be made the subject of a complaint under this section.

497 (d) The selectmen of a town, mayor of a city, the officer in charge of the animal commission, the  
498 chief or commissioner of a police department or their designee or the person charged with the  
499 responsibility of handling dog complaints of a town or city may petition the local district court to request  
500 to hold and impound the dangerous dog in a humane place of detention during an appeal by the owner or  
501 custodian of the subject dog for the further safety and protection of the public or other animals. If a court  
502 affirms the order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all  
503 reasonable costs that the dog incurs for housing and care during its impoundment and throughout the  
504 appeals process. Unpaid costs shall be recovered by the municipality in which the aforementioned owner  
505 or keeper resides on behalf of the organization or entity charged with the responsibility of handling dog  
506 complaints and impoundment by 1 of the following methods:

507 (1) A lien on any property owned by the aforementioned owner or keeper.

508 (2) An additional, earmarked cost to appear on the aforementioned owner or keeper's  
509 vehicle excise tax.

510 (3) A direct bill sent to the aforementioned owner or keeper.

511 All funds recovered by the municipality shall be transferred to the organization or entity charged  
512 with the responsibility of handling dog complaints and impoundment. In the case that the aforementioned  
513 organization or entity falls under the management or direction of the municipality, costs recovered shall  
514 be distributed under the discretion of the municipality.

515 In the case that the court overturns the order of destruction, the city or town shall pay all  
516 reasonable costs that the dog incurred for housing and care during its impoundment and throughout the  
517 appeals process.

518 (e) Magistrates shall exercise their authority hereunder subject to the limitations of section 62C of  
519 chapter 221.

520 Section 157B. (a) A person owning or harboring a dog who fails to comply with an order of the  
521 selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or  
522 commissioner of a police department or their designee or the person charged with the responsibility of  
523 handling dog complaints of a town or city or district court, including violation of an order issued pursuant  
524 to sections 157A or 157C, shall be punished by a fine of not more than \$500 or imprisonment for not  
525 more than 60 days for the first offense and not more than \$1,000 or imprisonment for not more than 90  
526 days for a second or subsequent offense, or both such fine and imprisonment.

527 (b) If a person is found in violation of the order, the dog shall be subject to seizure by the  
528 selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or  
529 commissioner of a police department or their designee or the person charged with the responsibility of  
530 handling dog complaints of a town or city. The person shall be ordered to immediately surrender to the  
531 licensing authority of a city or town the license and tags that they may possess and shall be banned from  
532 licensing any dog within the commonwealth for a period of 5 years. The selectmen of a town, mayor of a  
533 city, the officer in charge of the animal commission, the chief or commissioner of a police department or  
534 their designee or the person charged with the responsibility of handling dog complaints of a town or city  
535 making such determination that a dog is dangerous, or a nuisance under section 157A shall report the  
536 violations to the city or town within 30 days.

537 Section 157C. (a) The selectmen of a town, mayor of a city, the officer in charge of the animal  
538 commission, the chief or commissioner of a police department or their designee or the person charged  
539 with the responsibility of handling dog complaints of a town or city, or the district court may order any or  
540 combination of the following conditions for a dog considered dangerous under section 157A. The orders  
541 shall be valid throughout the commonwealth. They may order that:

542 (1) A dangerous dog shall be confined to the premises of the person owning or harboring or  
543 having care or custody of the dog. A dangerous dog is unconfined, as the term is used in this section, if

544 the dog is not securely confined indoors or confined outdoors in a securely enclosed and locked pen or  
545 dog run area upon the premises of said person. The pen or dog run must have a secure top and if the  
546 structure has no bottom secured to the sides, the sides must be embedded into the ground no less than 2  
547 feet. There must also be within the confines of the pen or dog run a doghouse or proper shelter from the  
548 elements for the protection of the dog. However, no dangerous dog shall be chained, tethered, or  
549 otherwise tied to any inanimate object, such as a tree, post, or building outside of its enclosure

550 (2)When off the premises of the owner or person harboring a dangerous dog, the dog must be  
551 securely and humanely muzzled and restrained with a chain or other tethering device having a minimum  
552 tensile strength of 300 pounds and not exceeding 3 feet in length.

553 (3) The person owning or harboring or having the care or custody of any dog deemed to be  
554 dangerous shall maintain a policy of insurance in an amount not less than \$100,000 insuring said person  
555 against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the  
556 acts, whether intentional or unintentional, of the dangerous dog. Such person shall produce evidence of  
557 such insurance upon request of the selectmen of a town, mayor of a city, the officer in charge of the  
558 animal commission, the chief or commissioner of a police department or their designee or the person  
559 charged with the responsibility of handling dog complaints of a town or city or district court.

560 (4) An owner provide certain permanent identification of dogs determined dangerous as  
561 reasonably necessary to identify such dog throughout its lifetime including, but not limited to,  
562 photographs, videos, veterinary examination, tattooing or microchip implantations.

563 (5) A dog which has been deemed dangerous shall not remain reproductively intact. The animal  
564 will be exempt from such an order if a veterinarian certifies in writing that the animal is unfit for  
565 alterations because of medical conditions.

566 (b) A person shall not transfer ownership or possession, or offer for sale, breed, or buy or  
567 attempt to buy within the commonwealth any dog considered dangerous.

568 (c) The selectmen of a town, mayor of a city, the officer in charge of the animal  
569 commission, the chief or commissioner of a police department or their designee or the person  
570 charged with the responsibility of handling dog complaints of a town or city, or the district court  
571 may make other orders as considered necessary. Upon probable cause to believe a dangerous dog  
572 is being owned, harbored or cared for in violation of this section, issue an order concerning the  
573 restraint of the dog as considered necessary pending required hearings or trials.

574 (d) A dog considered dangerous shall not be ordered from the town or city limits in  
575 which the animal resides. A city or town may impose a more restrictive program for the control of  
576 dangerous dogs; provided, however, that a program shall not regulate dogs in a manner that is  
577 specific as to breed.

578 (e) A minor may not own or have charge or custody of a dog considered dangerous under  
579 section 157A, whereupon the parent or guardian of the minor shall be responsible for compliance  
580 with this section.

581 SECTION 54. Section 158 of said chapter 140, as appearing in the 2006 Official Edition, is  
582 hereby amended by striking out, in line 1, the words “dog officer shall kill” and inserting in place thereof  
583 the following words:-animal control officer may capture, confine or, in the case of a threat to public  
584 safety, kill.

585 SECTION 55. Said section 158 of said chapter 140, as so appearing, is hereby further amended  
586 by inserting after the word “dog” , in line 2, the following words:- , in a humane manner,.

587 SECTION56. Said section 158 of said chapter 140, as so appearing, is hereby further amended  
588 by striking out, in line 2 and 3, the words “or the county commissioners,”.

589 SECTION 57. Said section 158 of said chapter 140, as so appearing, is hereby further amended  
590 by inserting after the word “dog” , in line 5, the following words:- , in a humane manner, .

591 SECTION58. Section 159 of said chapter 140, as so appearing, is hereby amended by striking  
592 out, in line 2, the words “or the county commissioners,”.

593 SECTION 59. Section 160 of said chapter 140, as so appearing, is hereby amended by striking  
594 out, in line 1, the words “county commissioners of any county, the”.

595 SECTION 60. Said section 160 of said chapter 140, as so appearing, is hereby further amended  
596 by inserting after the word “dog” , in line 5, the following words:- in a humane manner.

597 SECTION 61. Said section 160 of said chapter 140, as so appearing, is hereby further amended  
598 by striking out, in line 8, the words “approved by the county commissioners,”.

599 SECTION 62. Said section 160 of said chapter 140, as so appearing, is hereby further amended  
600 by striking out, in line 11, the words “or county commissioners”.

601 SECTION 63. Said section 160 of said chapter 140, as so appearing, is hereby further amended  
602 by inserting after the word “town” , in line 14, the following words:- or city.

603 SECTION 64. Section 161 of said chapter 140, as so appearing, is hereby amended by striking  
604 out, in lines 10 and 11, the words “fifty dollars” and inserting in place thereof the following figure:- \$100.

605 SECTION 65. Said section 161 of said chapter 140, as so appearing, is hereby further amended  
606 by striking out, in line 20, the words “except in Suffolk county”.

607 SECTION 66. Said section 161 of said chapter 140, as so appearing, is hereby further amended  
608 by striking out, in line 20, the words “county” and inserting in place there of the following words:- city or  
609 town .

610 SECTION 67. Said section 161 of said chapter 140, as so appearing, is hereby further amended  
611 by striking out, in line 22, the words “county commissioners” and inserting in place thereof the following  
612 words:- city or town clerk.

613 SECTION 68. Said section 161 of said chapter 140, as so appearing, is hereby further amended  
614 by striking out, in line 27, the words “county” and inserting in place thereof the following words:- city or  
615 town..

616 SECTION 69. Said section 161 of said chapter 140, as so appearing, is hereby further amended  
617 by striking out, in lines 28 to 34, inclusive, the words “except in Suffolk county, shall pay all orders  
618 drawn upon him in full, for the above purpose, and for the expenses of appraisal out of any money in the  
619 county treasury, and payments made therefore shall be charged to the dog fund. The appraisers shall  
620 receive from the county three dollars each for every such examination made by them, and also twenty  
621 cents a mile one way for their necessary travel.” and inserting in place thereof the following words:- shall  
622 pay all orders drawn upon him in full, for the above purpose and payments made shall be charged to the  
623 city or town.

624 SECTION 70. Section 162 of said chapter 140 is hereby repealed.

625 SECTION 71. Section 163 of said chapter 140, as appearing in the 2006 Official Edition, is  
626 hereby amended by striking out, in line 1, the word “alderman or selectmen” and inserting in place  
627 thereof the following words:- alderman, selectmen or mayor.

628 SECTION 72. Said section 163 of said chapter 140, as so appearing, is hereby further amended  
629 by striking out, in line 5, the word “dog fund” and inserting in place thereof the following words:- city or  
630 town.

631 SECTION 73. Said section 163 of said chapter 140, as so appearing, is hereby further amended  
632 by inserting after the word “kill” , in line 7, the following words:- ,in a humane manner,.

633 SECTION 74. Section 164 of said chapter 140, as so appearing, is hereby amended by striking  
634 out, in line 4, the word “more” and inserting in place thereof the following word:-less.

635 SECTION 75. Said section 164 of said chapter 140, as so appearing, is hereby further amended  
636 by striking out, in line 5, the word “dog” and inserting in place thereof the following words:-animal  
637 control.

638 SECTION 76. Said section 164 of said chapter 140, as so appearing, is hereby further amended  
639 by inserting after the word “dog” , in line 6, the following words:- in a humane manner.

640 SECTION 77. Section 165 of said chapter 140, as so appearing, is hereby amended by striking  
641 out, in lines 1 to 5, inclusive, the words “The county commissioners, except in Suffolk county, shall  
642 appoint one and may appoint not more than four suitable persons, all residents of the county, any one of  
643 whom shall, at the request of said commissioners or of the chairman of the selectmen or officer of the  
644 police designated as provided in section one hundred and sixty-one,” and inserting in place thereof the  
645 following words:-A city or town may.

646 SECTION 78. Said section 165 of said chapter 140, as so appearing, is hereby further amended  
647 by striking out, in lines 6 and 7, the words “commissioners, chairman” and inserting in place thereof the  
648 following words:- chairman of the board of selectmen or mayor.

649 SECTION 79. Said section 165 of said chapter 140, as so appearing, is hereby further amended  
650 by striking out, in line 16, the word “dog” and inserting in place thereof the following words:-animal  
651 control.

652 SECTION 80. Said section 165 of said chapter 140, as so appearing, is hereby further amended  
653 by striking out, in line 20, the words “county treasurer” and inserting in place thereof the following  
654 words:- city or town.

655 SECTION 81. Said section 165 of said chapter 140, as so appearing, is hereby further amended  
656 by striking out, in lines 20 and 21, the words “and placed to the credit of the dog fund”.

657 SECTION 82. Said section 165 of said chapter 140, as so appearing, is hereby further amended  
658 by striking out, in lines 21 to 25, inclusive, the words “The county treasurer shall pay out of the dog fund  
659 such reasonable compensation as the county commissioners shall allow for services and necessary  
660 expenses under this section and the reasonable expense of prosecuting the said actions. The persons  
661 appointed hereunder may be removed at any time by the county commissioners.”

662 SECTION 83. Section 167 of said chapter 140, as so appearing, is hereby amended by striking  
663 out, in lines 1 and 6, the words “alderman or selectmen”, each time they appear, and inserting in place  
664 thereof, in each instance, the following words:- alderman, selectmen or mayor.

665 SECTION 84. Said section 167 of said chapter 140, as so appearing, is hereby further amended  
666 by inserting after the word “kill” , in line 8, and the following words:- in a humane manner.

667 SECTION 85. Said section 167 of said chapter 140, as so appearing, is hereby further amended  
668 by striking out, in line 13, the word “ten” and inserting in place thereof the following figure:- 7.

669 SECTION 86. Said section 167 of said chapter 140, as so appearing, is hereby further amended  
670 by striking out, in lines 14 and 15, the words “of five dollars, together with one dollar and fifty cents” and  
671 inserting in place thereof the following words:- determined by the city or town.

672 SECTION 87. Said section 167 of said chapter 140, as so appearing, is hereby further amended  
673 by striking out, in line 16, the words “of five dollars”.

674 SECTION 88. Section 168 of said chapter 140, as so appearing, is hereby amended by striking  
675 out, in line 1, the words “alderman or selectmen” and inserting in place thereof the following words:-  
676 alderman, selectmen or mayor.

677 SECTION 89. Said section 168 of said chapter 140, as so appearing, is hereby further amended  
678 by striking out, in line 5, the word “more” and inserting in place thereof the following word:- less.

679 SECTION 90. Section 169 of said chapter 140, as so appearing, is hereby amended by striking  
680 out, in line 1, the word “county,”.

681 SECTION 91. Said section 169 of said chapter 140, as so appearing, is hereby further amended  
682 by striking out, in line 3, the word “more” and inserting in place thereof the following word:- less.

683 SECTION 92. Said section 169 of said chapter 140, as so appearing, is hereby further amended  
684 by striking out, in lines 4 and 5, the words “,except in Suffolk county, into the county treasury” and  
685 inserting in place thereof the following words:- to the city of town.

686 SECTION 93. Section 170 of said chapter 140 is hereby repealed.

687 SECTION 94. Section 171 of said chapter 140, as appearing in the 2006 Official Edition, is  
688 hereby amended by striking out, in line 2, the word “county” and inserting in place thereof the following  
689 words:- city or town.

690 SECTION 95. Said section 171 of said chapter 140, as so appearing, is hereby further amended  
691 by striking out, in line 3, the words “county commissioners” and inserting in place thereof the following  
692 words:- alderman, selectmen or mayor.

693 SECTION 96. Said section 171 of said chapter 140, as so appearing, is hereby further amended  
694 by striking out, in lines 4 to 10, inclusive, the words “The county treasurer, except as provided in section  
695 one hundred and sixty-five, may, and if so ordered by the county commissioners shall, bring such action.  
696 In Suffolk county, such owner or keeper shall be liable in like manner to the town for damages so done  
697 therein which the aldermen or selectmen have so ordered to be paid; and the town treasurer may, and if so  
698 ordered by the aldermen or selectmen shall, bring such action.”

699 SECTION 97. Section 172 of said chapter 140 is hereby repealed.

700 SECTION 98. Section 173 of said chapter 140, as appearing in the 2006 Official Edition, is  
701 hereby amended by inserting after the word “town” ,in line 1, the following words:- or city.

702 SECTION 99. Said section 173 of said chapter 140, as so appearing, is hereby further amended  
703 by striking out, in line 2, the word “dogs” and inserting in place thereof the following word:- animals.

704 SECTION 100. Said section 173 of said chapter 140, as so appearing, is hereby further amended  
705 by striking out in lines 2 and 3, the words “of not more than fifty dollars” and inserting in place the  
706 words:- not less than the minimum or maximum fines and fees set forth in this chapter.

707 SECTION 101. Said section 173 of said chapter 140, as so appearing, is hereby further amended  
708 by striking out, in line 4, the word “dogs” and inserting in place thereof following word:- animals.

709 SECTION 102. Said section 173 of said chapter 140, as so appearing, is hereby further amended  
710 by inserting after the word “town” , in line 4, the following word:- or city.

711 SECTION 103 Said section 173 of said chapter 140, as so appearing, is hereby further amended  
712 by striking out, in lines 4 to 7, inclusive, the words “and the annual fee required for a license under  
713 section one hundred and thirty-nine shall in no case be more than one dollar in addition to the amount  
714 required by said section”.

715 SECTION 104. Section 173A of said chapter 140, as so appearing, is hereby amended by  
716 striking out, in line 12, the words “twenty-five dollars” and inserting in place thereof the following  
717 figure:- \$50.

718 SECTION 105. Said section 173A of said chapter 140, as so appearing, is hereby further  
719 amended by striking out, in line 14, the words “thirty dollars” and inserting in place thereof the following  
720 words:- not less than \$60 .

721 SECTION106. Said section 173A of said chapter 140, as so appearing, is hereby further  
722 amended by striking out, in lines 16 and 17,the words “fifty dollars” and inserting the following figure:-  
723 \$100 .

724 SECTION 107. Said section 173A of said chapter 140, as so appearing, is hereby further  
725 amended by striking out, in lines 22 and 23, the words “provided, however, that no new schedule of fines  
726 shall contain a fine in excess of fifty dollars”.

727 SECTION 108. Section 174A of said chapter 140, as so appearing, is hereby amended by  
728 inserting after the word “dog” , in line 1, the words: - or cat.

729 SECTION 109. Said section 174A of said chapter 140, as so appearing, is hereby further  
730 amended by striking out, in line 2, the words “in a carbon monoxide chamber” and inserting in place  
731 thereof the following words:-by use of a carbon monoxide or carbon dioxide chamber or carbon  
732 monoxide or carbon dioxide gas.

733 SECTION 110. Said section 174A of said chapter 140, as so appearing, is hereby further  
734 amended by striking out, in lines 3 to 7, inclusive, the words “unless such chamber is supplied with gas  
735 by an engine or gas generator that will produce a minimum of four per cent concentration of carbon  
736 monoxide within five minutes, the gas used is cooled and filtered before entering such chamber, and the  
737 temperature of the gas inside such chamber does not exceed a temperature of eight-five degrees  
738 Fahrenheit”.

739 SECTION 111. Section 174B of said chapter 140, as so appearing, is hereby amended by striking  
740 out, in line 4, the word “fifty” and inserting in place thereof the following figure: - \$100.

741 SECTION 112. Section 151C of chapter 140 of the General Laws shall not apply to an animal  
742 control officer hired on or before the effective date of this act until 1 year from the effective date of this  
743 act.

744 SECTION 113. To provide for certain unanticipated obligations of the commonwealth, to  
745 provide for an alteration of purpose for current appropriations and to meet certain requirements of law,  
746 the sum set forth in this section hereby appropriated from the General Fund unless specifically designated  
747 otherwise in this section for the several purposes and subject to the conditions specified in this section,  
748 and subject to the laws end June 30th, 2008. This sum shall be in addition to any amounts previously  
749 appropriated and made available for the purposes this item.

750 2511-0101 The commissioner of the department of agricultural resources may expend not  
751 more than \$500,000 from revenues collected from fees under section 139 of chapter 140 for the purposes  
752 of operating an animal control program, and no less than a third of said revenues collected shall be  
753 allocated to operating spay/neuter programs, in the commonwealth;; provided, that the department shall  
754 annually file a report with the house and senate committees on ways and means detailing the manner of  
755 expenditures under this item in the preceding fiscal and the amount of funding necessary to operate the  
756 animal control program, including spay/neuter programs, in the upcoming fiscal year .....\$500,000

757 SECTION 114. Section 114 shall take effect on July 1st, 2010.