

SENATE No. 406

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 section 39F, 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
4 accompanied by an official health certificate issued by an accredited veterinarian, a copy of
5 which shall be sent to the commissioner of agricultural resources.

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

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

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

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

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

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

33 SECTION 2. Chapter 140 of the General Laws is hereby amended by striking out section
34 136A and inserting in place thereof the following section:-

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

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

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

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

43 “Department”, the department of agricultural resources.

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

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

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

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

56 (3) “Domestic charitable corporation kennel”, a facility operated, owned, or maintained
57 by a domestic charitable corporation registered with the department, or an animal welfare society
58 or other nonprofit organization incorporated for the purpose of providing for and promoting the
59 welfare, protection and humane treatment of animals. A domestic charitable corporation kennel
60 includes a veterinary hospital or clinic operated by a licensed veterinarian, which operates for the
61 above purpose in addition to providing medical treatment and care.

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

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

76 “License period”, the time during which a dog is licensed as determined by a city or
77 town.

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

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

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

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

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

100 (b) A town or city clerk or, in Boston, the police commissioner, shall not grant a license
101 for a dog unless the owner thereof provides the town or city clerk or, in Boston, the police
102 commissioner, either a veterinarian's certification that the dog has been vaccinated in accordance
103 with section 145B, or has been certified exempt from the provision as hereinafter provided, or a
104 notarized letter from a veterinarian that a certification was issued. (c) The license shall be subject
105 to the condition expressed therein that the dog which is the subject of the license shall be
106 controlled and restrained from killing, chasing or harassing live stock or fowls. The owner of a
107 dog may add descriptive words, not over 10 in number, upon the license form to indicate the
108 color, breed, weight and special markings of the licensed dog. The owner or keeper of a licensed
109 dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable
110 material, to which shall be securely attached a tag, and upon which shall appear the license
111 number, the name of the town issuing the license and the year of issue. If the tag shall be lost, the
112 owner or keeper of such dog shall forthwith secure a substitute tag from the city or town clerk or,
113 in Boston, from the police commissioner, at a cost to be determined by the city or town which, if
114 received by a city or town clerk, shall be retained by him unless otherwise provided by law. This
115 section shall not apply where it is otherwise provided by law, nor shall it apply to a person
116 having a kennel license.

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

119 Section 137A. (a) Every person maintaining a kennel shall have a kennel license. An
120 owner or keeper of less than 4 dogs, 3 months old or over, who does not maintain a kennel may
121 elect to secure a kennel license in lieu of licensing the dogs under section 137, and shall be
122 subject to this section and to sections 137B and 137C and to so much of section 141 as relates to

123 violations of this section to the same extent as though he were maintaining a kennel. The city or
124 town clerk, or the police commissioner of the city of Boston, shall issue kennel licenses for
125 kennels, as defined in section 136A, subsequent to an inspection by the animal control officer.

126 b) The kennel license shall be in lieu of any other license for any dog while kept at the
127 kennel during any portion of the period for which the kennel license is issued. The holder of a
128 license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or
129 harness of leather or other suitable material, to which shall be securely attached a tag upon which
130 shall appear the number of the kennel license, the name of the city or town issuing the license
131 and the year of issue. The tags shall be furnished to the owner or keeper by the clerk of the city
132 or town in which the kennel is licensed, or, if licensed in Boston, by the police commissioner, in
133 quantities not less than the number of dogs kept in the kennel. The fee for each license for a
134 kennel shall be determined by the city or town; but, for the purpose of determining the amount of
135 the fee for a kennel, a dog under the age of 6 months shall not be counted in the number of dogs
136 kept therein. The name and address of the owner of each dog kept in a kennel, if other than the
137 person maintaining the kennel, shall be kept on file thereat and available to inspection by an
138 animal control officer, natural resource officer, deputy natural resource officer, fish and game
139 warden or police officer.

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

144 (d) The commissioner may promulgate rules and regulations for the licensing of kennels
145 and catteries. SECTION 5. Section 137B of said chapter 140 , as so appearing, is hereby
146 amended by inserting after the word “town”, in lines 14 and 18, each time it appears, the
147 following words:- or city.

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

150 Section 137C. The mayor of a city or the selectmen of a town or in Boston, the police
151 commissioner, or a chief of police or animal control officer may at any time inspect or cause to
152 be inspected a kennel. If, in the judgment of each person or body, the kennel is not being
153 maintained in a sanitary and humane manner, or if records are not properly kept as required by
154 law, such person or body shall by order revoke or suspend, and in case of suspension may
155 reinstate, such license. Upon the petition of 25 citizens, filed with the mayor of a city or the
156 selectmen of a town or, in Boston, with the police commissioner setting forth a statement that
157 such citizens are aggrieved or annoyed to an unreasonable extent by 1 or more dogs at a kennel
158 maintained in such city or town, due to excessive barking or dangerous disposition of the dogs
159 or other conditions connected with a kennel constituting a public nuisance, the mayor, selectmen
160 or police commissioner, as the case may be shall, within 7 days after the filing of the petition,
161 give notice to all parties in interest of a public hearing to be held within 14 days after the date of
162 notice. The mayor, selectmen or police commissioner within 7 days shall investigate or cause to
163 be investigated the subject matter of the petition and shall, by order, either suspend or revoke the
164 kennel license or otherwise regulate the kennel, or dismiss the petition. Written notice of an
165 order under this section revoking, suspending or reinstating a license shall be mailed forthwith to
166 the officer issuing the license and to the holder of the license. Within 10 days after the order the

167 holder of the license may bring a petition in the district court within the judicial district of which
168 the kennel is maintained, addressed to the justice of the court, praying that the order may be
169 reviewed by the court. After notice to the officer or officers involved as the court may consider
170 necessary, the court shall review the action, hear the witnesses and affirm the order unless it shall
171 appear that it was made without proper cause or in bad faith, in which case the order shall be
172 reversed. The decision of the court shall be final and conclusive upon the parties. A person
173 maintaining a kennel after the license has been so revoked, or while the license is suspended,
174 shall be punished by a fine not more than \$250.

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

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

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

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

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

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

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

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

204 (c) A fee shall not be charged for a license for a dog specially trained to lead or serve a
205 blind person; provided, however, that the Massachusetts commission for the blind certifies that
206 the dog is so trained and actually in the service of a blind person. A fee shall not be charged for a
207 license for a dog owned by a person aged 70 years or over in any city or town that accepts this
208 provision. A fee shall not be charged for a license for a dog professionally trained in the hearing

209 dog business to serve a deaf person; provided, however, that the director of the office the
210 Massachusetts commission for the deaf and hard of hearing certifies that the dog is so trained and
211 actually in the service of the deaf person. The Massachusetts office on disability shall adopt rules
212 and regulations for the licensing of service dogs and a fee shall not be charged for a license for a
213 dog recognized as a service dog. A license fee or part thereof shall not be refunded because of
214 the subsequent death, loss, spaying, or removal from the commonwealth or other disposal of the
215 dog, nor shall a license fee or part thereof paid by mistake be paid or recovered back after it has
216 been paid over to the city or town under section 147.

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

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

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

225 The commissioner may set fines and violations and may further establish regulations to
226 ensure compliance with this section. Additionally, an animal control officer, an officer licensed
227 under section 57 of chapter 22C, a police officer or an animal shelter from which an animal was
228 obtained may bring a petition in the district court within the judicial district of which the dog or
229 cat is owned or kept for an action of forfeiture and relinquishment of ownership. Legal fees or

230 court costs incurred in the enforcement of this section shall be the responsibility of the owner of
231 the animal.

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

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

239 SECTION 18. Section 145A of said chapter 140, as so appearing, is hereby amended by
240 striking out, in lines 11 to 17, inclusive, the words “A city or town so furnishing vaccine and
241 treatment shall be reimbursed for the cost thereof, not exceeding fifty dollars in the case of any
242 one person, from the dog fund of the county in which is situated the city or town where the
243 person treated was exposed to rabies, except that if such exposure occurred in Suffolk county
244 such reimbursement shall be made by the city or town where such person was exposed to rabies,
245 and except that if such vaccine and treatment are given by the board of health of a city or town
246 because of a bite by or other exposure to rabies from a dog required to be licensed therein, the
247 city or town shall not be so reimbursed, unless such dog is licensed at the time of such bite or
248 other exposure. No such reimbursement shall include any part of the salary of a salaried city or
249 town physician. The county commissioners of all counties except Suffolk, acting jointly, or the
250 county commissioners of each county, except Suffolk, shall contract for the supplying of such
251 vaccine to the several cities and towns on the order of their respective boards of health, and shall,

252 from time to time, notify said boards of the terms and conditions of contracts made hereunder.
253 No city or town for which a supply of such vaccine is provided by a contract as aforesaid shall be
254 reimbursed hereunder for any such vaccine not purchased under such contract.”

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

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

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

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

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

269 A licensing official may grant an exemption to this section for any dog, cat or ferret
270 which has not yet attained the age of 6 months, any dog, cat or ferret which the local board of
271 health, for a specified period of time, declared exempt upon presentation of a veterinarian’s
272 certificate stating that because of an infirmity, other physical condition or regimen of therapy,

273 that inoculation is thereby considered inadvisable, or a dog, cat or ferret in transit, or dog, cat or
274 ferret brought into the commonwealth, temporarily, for the sole purpose of showing in shows or
275 for exhibition.

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

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

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

283 Section 147. The police commissioner of Boston and the clerks of other cities and of
284 towns shall issue said licenses and tags, receive the money thereof and pay it into the treasuries
285 of their respective cities and towns on the first Monday of each month or more often. The clerks
286 of cities and towns except Boston may retain for their own use 75 cents for each license unless
287 otherwise provided by law, and shall certify under penalties of perjury to the amounts of money
288 thus received and paid over by them. The police commissioner of Boston and each city or town
289 clerk shall make a record of the name of the owner or keeper of each dog licensed, and of the
290 name, registered number and description of each such dog, and such records shall be open to
291 public inspection during the usual office hours of the city or town clerk. All blanks for the
292 licenses and tags and the record books shall be paid for out of the city or town treasury. The
293 police commissioner and any city or town clerk or city or town treasurer violating this section
294 shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not

295 less than 1 month nor more than 1 year, or both. If a city or town clerk neglects or fails to pay the
296 money into the city or town treasury as required by this section, the city or town may recover the
297 amount thereof for the benefit of the city or town, with all damages sustained through the neglect
298 or failure, and interest, in an action on the official bond required, in the case of a city clerk, by
299 section 13A of chapter 41 and, in the case of a town clerk, by section 13 of said chapter 41. All
300 payments required hereunder shall be subject to section 52 of said chapter 41.

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

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

306 SECTION28. Section 147B of said chapter 140 is hereby repealed.

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

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

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

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

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

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

326 Section 151. (a) The mayor of each city and the board of selectmen of each town shall
327 annually designate 1 or more animal control officers, who may be police officers or constables.
328 The mayor or board of selectmen shall forthwith submit to the commissioner the names and
329 addresses of the officers. Except as hereinafter otherwise provided, if any city or town shall fail
330 to make the appointment, the commissioner shall appoint an animal control officer for that city
331 or town. An animal control officer who fails to comply with the terms of his warrant shall
332 forthwith be removed from office by the mayor or board of selectmen, and notice of the removal
333 shall forthwith be given to the commissioner. Animal control officers shall, before engaging in
334 execution of animals, have completed under the supervision of a veterinarian registered under
335 section 55 or 56C of chapter 112 a course of instruction in humane techniques for the execution

336 of animals. Each animal control officer before disposing of any dog or cat in his possession shall
337 check its description against the descriptions within the city or town issued on dogs licensed, or
338 cats if the city or town licenses or registers cats. Bills for the services shall be approved by the
339 mayor of the city or the board of selectmen of the town in which the dogs or cats are kept or
340 killed and shall be paid by the city or town. Each animal control officer appointed under this
341 section shall also attend to all complaints or other matters pertaining to animals, as prescribed by
342 their respective city or town, in addition to the duties imposed upon him by his warrant, and shall
343 be paid for the services by the town or city treasurer upon bills approved by the mayor or by the
344 board of selectmen. The mayor of any city or the board of selectmen of any town may, instead of
345 appointing animal control officers, enter into a contract with a domestic charitable corporation
346 incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, to
347 perform the duties required of animal control officers. In that case the payments to the
348 corporation under the terms of the contract shall be in full for all services rendered by it in that
349 capacity.

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

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

361 Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to the
362 animal control officer or officers directing him or them to seek out, catch and confine all dogs
363 within the city or town which then have not been licensed, collared or harnessed, and tagged, as
364 required by this chapter, and to enter and prosecute a complaint for failure to comply with this
365 chapter against the owners or keepers thereof, if known, and to kill or cause to be killed only by
366 a humane method of euthanasia in accordance with the guidelines of the American Veterinary
367 Medical Association, and not as prohibited in section 174A, except by gunshot in case of
368 emergency, each such dog which after being detained by or for him for a period of 7 days shall
369 not have been licensed, collared or harnessed, and tagged; provided, however, that at the end of 7
370 days, the animal control officer may make available for adoption a dog not found to be diseased,
371 for a sum not less than \$10 and shall keep an account of all moneys received by him for the
372 adoption and shall forthwith pay over the sums to the treasurer who shall forward the money to
373 the city or town. Before delivery of a dog so adopted the animal control officer shall require the
374 purchaser to show identification and to procure a license and tag for the dog from the clerk of the
375 city or town where the dog is to be kept. Dogs confined under authority of this section shall be
376 confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or
377 they may be placed in the care of the holder of a kennel license or of a domestic charitable
378 corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect
379 or abuse. The commissioner from time to time shall cause the places to be inspected and shall
380 make necessary orders in relation thereto. An animal control officer having custody of a confined

381 dog or cat shall be allowed a sum determined by the city or town per day for the care of the dog
382 or cat, payable by the owner or keeper, if known, otherwise by the city or town.

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

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

387 (2) a description of each animal;

388 (3) the place of confinement;

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

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

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

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

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

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

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

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

411 SECTION 41. Said chapter 140 is hereby further amended by inserting after section
412 151B, as so appearing, the following section: -

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

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

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

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

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

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

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

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

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

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

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

448 COMMONWEALTH OF MASSACHUSETTS

449 (Seal)

450 , ss.

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

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

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

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

477 Given under my hand and seal at ___ aforesaid the ___ day of ___ in the year nineteen
478 hundred and ___

479 Mayor of (or Chairman of the Selectmen of)”

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

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

484 “Attack”, aggressive physical contact initiated by a dog.

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

489 A dog shall not be considered dangerous if:

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

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

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

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

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

500 A dog’s breed shall not be considered in determining whether or not a dog is dangerous.

501 A dog shall not be considered dangerous based only on the basis of growling, barking, or both.

502 “Domestic animal”, an animal commonly kept as a pet
503 in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits, and,
504 hamsters and animals commonly kept for companion or commercial purposes.

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

507 Section 157A. (a) If a person shall make a complaint in writing to the selectmen of a
508 town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner
509 of a police department or their designee or the person charged with the responsibility of handling
510 dog complaints of a town or city, that any dog owned or considered within his or her jurisdiction
511 is a dangerous dog or a nuisance dog by reason of a dangerous disposition, excessive barking or
512 other disturbance, these officials shall investigate, or cause to be investigated, the complaint,
513 including an examination under oath of the complainant at a public hearing in the city or town of
514 complaint occurrence to determine whether the dog has engaged in such behavior as to be
515 deemed dangerous pursuant to section 157B or that the dog constitutes a nuisance by reason of
516 dangerous disposition, excessive barking or other disturbance. If, after a public hearing, the dog
517 is considered dangerous or a nuisance, the officials presiding over the hearing may make an
518 order concerning the dog. Based on the evidence and testimony presented at the public hearing,
519 the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the
520 chief or commissioner of a police department or their designee or the person charged with the
521 responsibility of handling dog complaints of a town or city or the district court may order a
522 dangerous dog humanely restrained, confined or subject to conditions in section 157C, or
523 euthanized.

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

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

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

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

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

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

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

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

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

558 Section 157B. (a) A person owning or harboring a dog who fails to comply with an order
559 of the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the
560 chief or commissioner of a police department or their designee or the person charged with the
561 responsibility of handling dog complaints of a town or city or district court, including violation
562 of an order issued pursuant to sections 157A or 157C, shall be punished by a fine of not more
563 than \$500 or imprisonment for not more than 60 days for the first offense and not more than
564 \$1,000 or imprisonment for not more than 90 days for a second or subsequent offense, or both
565 such fine and imprisonment.

566 (b) If a person is found in violation of the order, the dog shall be subject to seizure by the
567 selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or
568 commissioner of a police department or their designee or the person charged with the
569 responsibility of handling dog complaints of a town or city. The person shall be ordered to
570 immediately surrender to the licensing authority of a city or town the license and tags that they
571 may possess and shall be banned from licensing any dog within the commonwealth for a period
572 of 5 years. The selectmen of a town, mayor of a city, the officer in charge of the animal
573 commission, the chief or commissioner of a police department or their designee or the person
574 charged with the responsibility of handling dog complaints of a town or city making such
575 determination that a dog is dangerous, or a nuisance under section 157A shall report the
576 violations to the city or town within 30 days.

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

583 (1) A dangerous dog shall be confined to the premises of the person owning or harboring
584 or having care or custody of the dog. A dangerous dog is unconfined, as the term is used in this
585 section, if the dog is not securely confined indoors or confined outdoors in a securely enclosed
586 and locked pen or dog run area upon the premises of said person. The pen or dog run must have
587 a secure top and if the structure has no bottom secured to the sides, the sides must be embedded
588 into the ground no less than 2 feet. There must also be within the confines of the pen or dog run a

589 doghouse or proper shelter from the elements for the protection of the dog. However, no
590 dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object, such as a
591 tree, post, or building outside of its enclosure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

796 SECTION 111. Section 174B of said chapter 140, as so appearing, is hereby amended by
797 striking out, in line 4, the word “fifty” and inserting in place thereof the following figure: -
798 \$100.

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

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

809 2511-0101 The commissioner of the department of agricultural resources may
810 expend not more than \$500,000 from revenues collected from fees under section 139 of chapter
811 140 for the purposes of operating an animal control program, and no less than a third of said
812 revenues collected shall be allocated to operating spay/neuter programs, in the commonwealth;;
813 provided, that the department shall annually file a report with the house and senate committees
814 on ways and means detailing the manner of expenditures under this item in the preceding fiscal
815 and the amount of funding necessary to operate the animal control program, including
816 spay/neuter programs, in the upcoming fiscal year\$500,000

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