

HOUSE No. 2885

The Commonwealth of Massachusetts

PRESENTED BY:

Cheryl A. Coakley-Rivera

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 adoption of the accompanying bill:

An Act promoting effective animal control.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|---------------------|------------------|
| <i>Cheryl A. Coakley-Rivera</i> | <i>10th Hampden</i> | <i>1/21/2011</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>1/26/2011</i> |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> | <i>2/4/2011</i> |

HOUSE No. 2885

By Ms. Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 2885) of Cheryl A. Coakley-Rivera, Angelo J. Puppolo, Jr. and Benjamin Swan relative to effective animal control in cities and towns. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act promoting effective animal control.

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

1 SECTION 1. Section 136A of chapter 140 of the General Laws is hereby amended by
2 striking out lines 11 and 12 and inserting in place thereof the following:-

3 “Animal control officer”, an appointed officer authorized to enforce sections 136A to
4 175D, inclusive.

5 SECTION 2. Chapter 140 is hereby further amended by striking out section 151 and
6 inserting in place thereof the following section:-

7 Section 151. (a) The mayor of each city and the board of selectmen of each town shall
8 annually designate 1 or more animal control officers, who may be police officers or constables.
9 The mayor of each city and the board of selectman of each town shall also annually contract with
10 a local veterinarian to provide appropriate veterinary services for animals taken into custody by
11 an animal control officer. Any animal control officer who fails to comply with the terms of his
12 warrant shall forthwith be removed from office by the mayor or board of selectmen. If a city or

13 town fails to appoint an animal control officer, the city or town shall be subject to a fine of \$500
14 per day for each day that the position remains unfilled. If after 30 days the position remains
15 unfilled, the department of food and agriculture shall appoint an animal control officer for said
16 city or town. Before euthanizing or giving or turning over to another any dog or cat in the
17 officer's possession, such animal control officer shall first examine the animal for the presence
18 of a microchip or tattoo, check the description of such animal against descriptions within the city
19 or town relative to such species of animal licensed or registered in such municipality in order to
20 verify the identity of the animal and to provide notice to the owner thereof before the animal is
21 euthanized, given away or turned over to another. Bills for such services shall be approved by the
22 mayor of the city or the board of selectmen of the town in which the dogs or cats are kept or
23 euthanized and shall be paid by the city or town. Each animal control officer appointed under
24 this section shall also attend to all complaints or other matters pertaining to animals, as
25 prescribed by their respective city or town, in addition to the duties imposed upon the officer by
26 the officer's warrant, and shall be paid for such services by the town or city treasurer upon bills
27 approved by the mayor or by the board of selectmen. The mayor of any city or the board of
28 selectmen of any town may, instead of appointing an animal control officer, enter into a contract
29 with a domestic charitable corporation incorporated exclusively for the purpose of protecting
30 animals from cruelty, neglect or abuse to perform the duties required of an animal control
31 officer. In that case, the payments to the corporation under the terms of the contract shall be in
32 full for all services rendered by it in that capacity.

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

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

42 SECTION 3. Section 169 of said chapter 140, as so appearing, is hereby amended by
43 striking out the first sentence and inserting in place thereof the following sentence:- A city or
44 town officer who refuses or willfully neglects to perform the duties imposed upon him by the
45 provisions of this chapter relating to dogs shall be punished by a fine of not less than \$100,
46 which will be paid to the city or town.