

SENATE No. 01033

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 further regulating municipal animal control.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>

<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Michael F. Rush</i>	<i>Suffolk and Norfolk</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

SENATE No. 01033

By Ms. Jehlen, petition (accompanied by bill, Senate, No. 1033) of Toomey, Sullivan, Story and other members of the General Court for legislation to further regulate municipal animal control [Joint Committee on Municipalities and Regional Government].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act further regulating municipal animal control.

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

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

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

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

8 “Animal control officer”, an appointed officer authorized to enforce sections 136A to
9 175D, inclusive.

10 “Attack”, aggressive physical contact initiated by an animal.

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

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

22 “Commissioner”, the commissioner of the department of agricultural resources.

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

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

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

29 (iii) if such dog was reacting to another animal or to a person and such dog’s reaction was
30 not grossly disproportionate to any of the following circumstances; provided, however, that if a
31 person is under the age of 7, it shall be a rebuttable presumption that such person was not

32 committing a crime, provoking the dog or trespassing: (1) such dog was protecting or
33 defending itself, its offspring, another domestic animal or a person from attack or assault;

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

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

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

43 “Department”, the department of agricultural resources.

44 “Domestic animal”, any animal on the list of animals appearing in 321 CMR 90.2.

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

51 “Hearing authority”, the selectmen of a town, mayor of a city, the officer in charge of the
52 animal commission, the chief or commissioner of a police department, the chief or

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

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

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

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

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

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

71 "Nuisance dog", a dog that: (i) by excessive barking or other disturbance is a source of
72 annoyance to any sick person residing in the vicinity; or (ii) by excessive barking, by causing
73 damage or other interference that a reasonable person would find disruptive to one's quiet and

74 peaceful enjoyment ; or (iii) a dog that has threatened or attacked livestock, a domestic animal or
75 a person, but such threat or attack was not a grossly disproportionate reaction under all the
76 circumstances.

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

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

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

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

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

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

111 (c) The license shall be subject to the condition expressed therein that the dog which is
112 the subject of the license shall be controlled and restrained from killing, chasing or harassing live
113 stock or fowl. The owner of a dog may add descriptive words, not over 10 in number, upon the
114 license form to indicate the color, breed, weight and special markings of the licensed dog. The
115 owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or
116 harness of leather or other suitable material, to which shall be securely attached a tag, upon
117 which shall appear the license number, the name of the city or town issuing the license and the

118 year of issue. If the tag shall be lost, the owner or keeper of such dog shall forthwith secure a
119 substitute tag from the licensing authority at a cost to be determined by such city or town and the
120 fee therefore shall, if received by a city or town clerk, be retained by him unless otherwise
121 provided by law. This section shall not apply if otherwise provided by law, nor shall it apply to a
122 person having a kennel license.

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

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

141 inspection by an animal control officer, natural resource officer, deputy natural resource officer,
142 fish and game warden or police officer.

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

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

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

151 Section 137C. The mayor of a city, the selectmen of a town, the police commissioner in
152 the city of Boston, a chief of police or an animal control officer may at any time inspect a kennel
153 or cause the inspection thereof. If, in the judgment of such person or body, the kennel is not
154 being maintained in a sanitary and humane manner, or if records are not properly kept as
155 required by law, such person or body shall, by order, revoke or suspend such license. Upon the
156 petition of 25 citizens, filed with the mayor of a city, the selectmen of a town or the police
157 commissioner in the city of Boston, setting forth a statement that such citizens are aggrieved or
158 annoyed to an unreasonable extent by 1 or more dogs maintained in such city or town, due to
159 excessive barking of the dogs or other conditions connected with a kennel constituting a
160 nuisance, the mayor, selectmen or police commissioner, as the case may be, shall, within 7 days
161 after the filing of the petition, give notice to all parties in interest of a public hearing to be held
162 within 14 days after the date of such notice. The mayor, selectmen or police commissioner shall,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

247 In order for a dog, cat or ferret to be accepted at an animal hospital, veterinarian's office
248 or boarding facility, an owner or keeper of such animal shall show proof of current vaccination

249 against rabies; provided however, that if an animal has not been so vaccinated or such owner or
250 keeper fails to show proof of vaccination, the animal shall be vaccinated against rabies prior to
251 being discharged if the animal's medical condition permits.

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

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

257 (ii) is in transit; or

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

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

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

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

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

271 Section 147. The police commissioner of the city of Boston and the clerks of other cities
272 and towns shall issue said licenses and tags, receive the money therefore and pay it into the
273 treasuries of their respective cities and towns on the first Monday of each month or more often.
274 The clerks of cities and towns, except the city of Boston, may retain for their own use 75 cents
275 for each license, unless otherwise provided by law, and shall certify under penalties of perjury to
276 the amounts of money thus received and paid over to them. The police commissioner of the city
277 of Boston and each city or town clerk shall make a record of the name of the owner or keeper of
278 each dog licensed and of the name, registered number and description of each dog licensed.
279 Such records shall be open to public inspection during the usual office hours of the city or town
280 clerk. All blanks for the licenses and tags and the record books shall be paid for out of the city or
281 town treasury. The police commissioner of the city of Boston and any city or town clerk or city
282 or town treasurer violating this section shall be punished by a fine of not less than \$50 nor more
283 than \$500 or by imprisonment for not less than 1 month nor more than 1 year in the house of
284 correction, or both. If a city or town clerk neglects or fails to pay the money into the city or town
285 treasury as required by this section, the city or town may recover the amount thereof for the
286 benefit of the city or town, with all damages sustained through such neglect or failure, and
287 interest thereon, in an action on the official bond required, in the case of a city clerk, by section
288 13A of chapter 41 and, in the case of a town clerk, by section 13 of said chapter 41. All
289 payments required under this section shall be subject to section 52 of said chapter 41.

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

291 SECTION 18. Said chapter 140 is hereby further amended by striking out sections 149,
292 150, 151, 151A and 151B, as so appearing, and inserting in place thereof the following 5
293 sections:-

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

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

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.
304 The mayor or board of selectmen shall forthwith submit to the commissioner the names and
305 addresses of the officers. Except as hereinafter otherwise provided, if any city or town shall fail
306 to make the appointment, the commissioner shall appoint an animal control officer for that city
307 or town. An animal control officer who fails to comply with the terms of his warrant shall
308 forthwith be removed from office by the mayor or board of selectmen, and notice of the removal
309 shall forthwith be given to the commissioner. Animal control officers shall have completed,
310 under the supervision of a veterinarian registered under section 55 or 56C of chapter 112, a
311 course of instruction in humane techniques for the execution of animals before euthanizing any
312 animal. Before euthanizing or giving or turning over to another any dog or cat in the officer's

313 possession, such animal control officer shall first examine the animal for the presence of a
314 microchip or tattoo, check the description of such animal against descriptions within the city or
315 town relative to such species of animal licensed or registered in such municipality in order to
316 verify the identity of the animal and to provide notice to the owner thereof before the animal is
317 euthanized, given away or turned over to another. Bills for such services shall be approved by the
318 mayor of the city or the board of selectmen of the town in which the dogs or cats are kept or
319 euthanized and shall be paid by the city or town. Each animal control officer appointed under
320 this section shall also attend to all complaints or other matters pertaining to animals, as
321 prescribed by their respective city or town, in addition to the duties imposed upon the officer by
322 the officer's warrant, and shall be paid for such services by the town or city treasurer upon bills
323 approved by the mayor or by the board of selectmen. The mayor of any city or the board of
324 selectmen of any town may, instead of appointing an animal control officer, enter into a contract
325 with a domestic charitable corporation incorporated exclusively for the purpose of protecting
326 animals from cruelty, neglect or abuse to perform the duties required of an animal control
327 officer. In that case, the payments to the corporation under the terms of the contract shall be in
328 full for all services rendered by it in that capacity.

329 (b) An animal control officer shall not be a licensed animal dealer registered with the
330 United States Department of Agriculture. An animal control officer shall not give, sell or turn
331 over any animal which may come into the officer's custody to any business or institution
332 licensed or registered as a research facility or animal dealer with the United States Department of
333 Agriculture either privately or in the course of carrying out such officer's official assignments as
334 an agent for the officer's municipality. A municipality shall not give, sell or turn over any
335 animal which may come into its custody to any business or institution licensed or registered as a

336 research facility or animal dealer with the United States Department of Agriculture. Whoever
337 violates this subsection shall be punished by a fine of not more than \$1,000.

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

359 for the care of the dog or cat, payable by the owner or keeper, if known, otherwise by the city or
360 town.

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

364 (1) the date and location of apprehension;

365 (2) a description of the animal;

366 (3) the place of detainment;

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

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

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

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

374 Every animal control officer shall forward a copy of the record to the town or city clerk within
375 30 days. Copies of the record shall be kept for 2 years in the offices of the city or town clerk
376 where such animal control officer is employed.

377 Section 151B. Any veterinarian registered under section 55 or 56A of chapter 112, who
378 renders emergency care or treatment to or who euthanizes a dog or cat that is injured on any way,

379 shall receive payment from the owner of such dog or cat, if known, or if not known, from the city
380 or town in which the injury occurred, in an amount not to exceed \$250 for such care, treatment or
381 euthanization; provided, however, such emergency care, treatment or euthanization shall be for
382 the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or
383 keeper of such dog or cat is identified or for a period of 24 hours, whichever is sooner. Any
384 veterinarian who renders such emergency care or treatment to a dog or cat or euthanizes a dog or
385 cat shall notify the municipal animal control officer and such animal control officer shall assume
386 control of such dog or cat or the remains thereof.

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

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

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

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

397 SECTION 23. Said section 153 of said chapter 140, as so appearing, is hereby further
398 amended by striking out, in lines 13 to 18, inclusive, the words “by methods of execution other
399 than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the
400 control of the federal Drug Enforcement Administration, unless by a veterinarian,

401 succinylcholine choline, any drugs that have curariform-like action, electrocution, or any other
402 method which causes an unnecessarily cruel death” and inserting in place thereof the following
403 words:- only by a humane method of euthanasia in accordance with the American Veterinary
404 Medical Association Guidelines on Euthanasia and section 174A, except by gunshot in case of
405 emergency.

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

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

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

417 Mayor of (or Chairman of the Selectmen of)

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

419 COMMONWEALTH OF MASSACHUSETTS

420 (Seal)

421 , ss.

422 To _____, constable of the city (or town) of

423 In the name of the commonwealth of Massachusetts, you are hereby required to proceed
424 forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed,
425 collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty
426 of the General Laws, and you are further required to make and enter complaint against the owner
427 or keeper of every such dog, and to kill or cause to be killed by methods of execution other than
428 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 a curariform-like action, electrocution, or any other
431 method which causes an unnecessarily cruel death each such dog which, after being detained for
432 a period of seven days, shall not then have been duly licensed, collared or harnessed, except that
433 any male or any spayed female dog not found to be diseased may be made available for adoption
434 for not less than three dollars, and you shall keep an account of any such sale and forthwith pay
435 over the money to the town treasurer. Before delivery of any dog so adopted you shall require the
436 purchaser to show identification and to register and procure a license and tag for such dog from
437 the town clerk of the town where the dog is to be kept, in accordance with the provisions of
438 section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

439 Hereof fail not, and make due return of this warrant with your doings therein, on or
440 before the first day of October next, on or before the first day of January next, and on or before
441 the first day of April next, and at the expiration of your term of office, stating the number of dogs
442 caught, confined and/or killed, or adopted, and the names of the owners or keepers thereof, and
443 whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed, or
444 adopted, and the names of persons against whom complaints have been made under the

466 dog a nuisance dog, or, if the dog is complained of as a dangerous dog, either: (i) dismiss the
467 complaint; (ii) deem such dog a nuisance dog; or (iii) deem such dog a dangerous dog.

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

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

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

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

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

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

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

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

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

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

507 (d) Within 10 days after any order issued pursuant to subsections (a) to (c), inclusive, the
508 owner or keeper of a dog may bring a petition in the district court within the judicial district

509 wherein the order relative to such dog was issued or where the dog is owned or kept, addressed
510 to the justice of the court, praying that the order be reviewed by the court or magistrate thereof.
511 After notice to all parties, the magistrate shall, pursuant to section 62C of chapter 221, review the
512 order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it
513 was made without proper cause or in bad faith, in which case the order shall be reversed. A party
514 shall have the right to request a de novo hearing on the complaint before a justice of the court.

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

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

523 (i) of restraint;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

593 Section 161. Whoever suffers loss by the worrying, maiming or killing of his live stock
594 or fowl by a dog, outside the premises of the owners or keepers of such dog, may, if the damage
595 is done in a city, inform the animal control officer and may, if the damage is done in a town,
596 inform the chairman of the selectmen of the town or, if he is absent or ill, any 1 of the selectmen
597 who shall proceed to the premises where the damage was done and determine whether the same
598 was inflicted by a dog and, if so, appraise the amount thereof if it does not exceed \$100. If in the
599 opinion of said officer, chairman or selectman, the amount of said damage exceeds \$100, the
600 damage shall be appraised, on oath, by 3 persons, of whom 1 shall be such officer, chairman or
601 selectman, 1 shall be appointed by the person alleged to be damaged, and the third shall be
602 appointed by the other 2. Within 10 days, such appraisers shall consider and include in such
603 damages the labor and time necessarily expended in the finding and collecting of the live stock
604 or fowl injured or separated and the value of those lost or otherwise damaged by a dog. Such
605 officer, chairman or selectman shall return a certificate of the damages found to the treasurer of
606 the city or town wherein the damage was done within 10 days after such appraisal is made. The
607 treasurer shall thereupon submit the same to the city or town clerk who, within 30 days, shall
608 examine all bills for damages. A city or town clerk may summons such appraisers or, upon the
609 request of an interested party, shall summons such appraisers and all parties interested and make
610 such investigation as he deems proper, and shall issue an order upon the treasurer of the city or
611 town for such amounts, if any, as he decides to be just and shall notify all interested parties of his
612 decision. The treasurer shall pay all orders drawn upon him in full, for the above purpose and
613 payments made shall be charged to the city or town.

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

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

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

623 SECTION 31. Section 164 of said chapter 140, as so appearing, is hereby amended by
624 striking out, in lines 2 to 6, inclusive, the words “such notice and does not within twenty-four
625 hours kill such dog or thereafter keep it on his premises or under the immediate restraint and
626 control of some person, shall be punished by a fine of not more than twenty-five dollars; and any
627 police officer, constable or dog officer may kill such dog” and inserting in place thereof the
628 following words:- such notice under section 163 and does not within 24 hours euthanize such
629 dog or thereafter keep it on his premises or under the immediate restraint and control of some
630 person, shall be punished by a fine of not less than \$25; and any police officer, constable or
631 animal control officer may euthanize such dog in a humane manner.

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

634 Section 165. A city or town may investigate any case of damage done by a dog of which
635 the chairman of the board of selectmen, mayor or animal control officer shall have been
636 informed as provided in section 161 and such chairman, mayor or animal control officer believes

637 that the evidence is sufficient to sustain an action against the owner or keeper of the dog and
638 believes that such owner or keeper is able to satisfy any judgment recovered in such action, he
639 shall bring the action, unless the owner or keeper before the action is brought pays him such
640 amount in settlement of the damage as such chairman, mayor or officer deems reasonable. Such
641 action may be brought in the name of such chairman, mayor or officer and he shall prosecute it.
642 The persons so appointed shall also have throughout their respective municipalities the same
643 powers and authority as police officers, constables or animal control officers appointed under
644 section 151, acting under sections 136A to 175D, inclusive. All damages received or recovered
645 under this section shall be paid over to the city or town treasurer.

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

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

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

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

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

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

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

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

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

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

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

682 SECTION 41. The first paragraph of section 173A of said chapter 140, as so appearing,
683 is hereby amended by striking out the second through fourth sentences and inserting in place
684 thereof the following 3 sentences:- If it is the first offense subject to this section committed by
685 such person within a calendar year, the clerk shall dismiss the charge without the payment of any
686 fine; if it is the second offense so committed in such city or town in the calendar year the
687 payment to the clerk of a fine of \$50 shall operate as a final disposition of the case; if it is the
688 third offense so committed in such city or town in a calendar year payment of a fine of \$60 shall
689 operate as a final disposition of the case; and if it is the fourth or subsequent offense so
690 committed in such city or town in the calendar year the payment of a fine of \$100 shall operate
691 as a final disposition of the case. Such payment shall be made only by postal note, money order
692 or check. Notwithstanding the foregoing procedure and schedules of fines and subject, however,
693 to all of the other provisions of this section, a city or town may, by ordinance or by-law, provide
694 for an alternative procedure and a different schedule of fines.

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

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

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

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

704 SECTION 45. Said chapter 140 is hereby further amended by inserting after section
705 151B, as so appearing, the following section: -

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

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

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

719 2511-0101 The commissioner of the department of agricultural resources may
720 expend not more than \$500,000 from revenues collected from fees under section 139 of chapter
721 140 for the purposes of operating an animal control program, and no less than a third of said
722 revenues collected shall be allocated to operating spay/neuter programs, in the commonwealth;;

723 provided, that the department shall annually file a report with the house and senate committees
724 on ways and means detailing the manner of expenditures under this item in the preceding fiscal
725 and the amount of funding necessary to operate the animal control program, including
726 spay/neuter programs, in the upcoming fiscal year\$500,000

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

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

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

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

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

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

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

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

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