

**SENATE . . . . . No. 778**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mark C. Montigny**

*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 establishing a Massachusetts cat and dog spay and neuter fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	Second Bristol and Plymouth
John P. Fresolo	16th Worcester
Walter F. Timilty	7th Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex
Michael O. Moore	Second Worcester
Robert L. Hedlund	Plymouth and Norfolk
Richard T. Moore	Worcester and Norfolk
Bruce J. Ayers	1st Norfolk
Christine E. Canavan	10th Plymouth
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Bruce E. Tarr	First Essex and Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Robert M. Koczera	11th Bristol
John W. Scibak	2nd Hampshire
Michael F. Rush	10th Suffolk
Richard J. Ross	9th Norfolk
Kathi-Anne Reinstein	16th Suffolk
Bill Bowles	2nd Bristol

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## AN ACT ESTABLISHING A MASSACHUSETTS CAT AND DOG SPAY AND NEUTER FUND.

*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 10 of the General Laws is hereby amended by inserting after  
2 section 35JJ the following section:-

3 Section 35KK. There shall be established and set up on the books of the commonwealth a  
4 separate fund, to be known as the Massachusetts Spay and Neuter Fund, to assist residents of the  
5 Commonwealth in paying all or part of any costs associated with reducing the numbers of  
6 homeless animals through spaying and neutering. The Fund shall be used to assist persons  
7 meeting income limit standards to sterilize and vaccinate dogs and cats, including feral cats, to  
8 educate the public about the importance of spaying and neutering, and for necessary and  
9 reasonable administrative and personnel costs related to the Fund.

10 Said fund shall consist of all revenues received by the commonwealth: (1) under the provisions of  
11 law authorizing the voluntary check-off donation indicated on the department of revenue's  
12 annual income tax return, pursuant to section 6L of chapter 62; and (2) from public and private  
13 sources as gifts, grants and donations to further the elimination of homeless animals.

14 The state treasurer shall not deposit the revenues in or transfer the revenues to the General Fund  
15 or to any other fund other than the Massachusetts Cat and Dog Spay and Neuter Fund . The state  
16 treasurer shall deposit the fund in accordance with sections 34 and 34A of chapter 29 in such  
17 manner as will secure the highest interest rate available consistent with the safety of the fund and  
18 with the requirement that all amounts on deposit shall be available for immediate withdrawal at  
19 any time. The fund shall be expended only for the purposes stated above at the direction of the  
20 commissioner of the Department of Agricultural Resources and any unexpended balances shall  
21 be redeposited in the fund for future use consistent with this section.

22 SECTION 2. Chapter 62 of the General Laws is hereby amended by inserting after  
23 section 6L the following section:

24 Section 6M (a) An individual who files a separate return and a husband and wife filing a  
25 return jointly may voluntarily contribute all or part of any refund to which they are entitled, or  
26 may voluntarily add an amount onto any amount due, to be credited to the Massachusetts Cat and  
27 Dog Spay and Neuter Fund established pursuant to section thirty-five CC of chapter 10.

28 A contribution made under this section may be with respect to any taxable year at the time of  
29 filing a return of the tax established by this chapter for such taxable year; provided, however,  
30 that the commissioner shall prescribe the manner in which such contribution shall be made on  
31 the face of the return required by section five of chapter sixty-two C; provided, further, that the  
32 commissioner shall assure that taxpayers filing any such forms are made clearly aware of their  
33 ability to make the contributions provided for by this section.

34 The commissioner shall annually report the total amount designated under this section to the  
35 state treasurer, who shall credit such amount to said Massachusetts Cat and Dog Spay and Neuter  
36 Fund.

37 (b) There is hereby established an advisory committee to assist the commissioner in  
38 establishing procedures for disbursements from the Massachusetts Cat and Dog Spay and Neuter  
39 Fund. Members of the advisory committee shall receive no compensation or reimbursement for  
40 expenses incurred in the performance of their duties. The advisory committee shall consist of the  
41 following members appointed by the Governor:

42 (1) one member from a humane society, animal rescue or sheltering organization

43 (2) one representative from the an association organized in Massachusetts for animal control  
44 officers

45 (3) one representative from the state veterinary medical association

46 (4) one representative from the Department of Agricultural Resources

47 (5) one member of the general public with an interest in reducing the number of homeless  
48 animals

49 All members of the advisory committee shall be residents of the commonwealth. The board  
50 members shall serve three-year terms; except that three of the members appointed initially shall  
51 serve a term of two years. All members shall have an active interest in reducing homeless pets  
52 and educating the community regarding the benefits of pet population control in Massachusetts.