SENATE DOCKET, NO. FILED ON: 1/12/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Ms. Jehlen**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act updating the animal control laws of Massachusetts.

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PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Ms. Jehlen | Second Middlesex |

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

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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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:*

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

Section 39G. (a) A dog or cat brought or shipped into the commonwealth shall be accompanied by an official health certificate issued by an accredited veterinarian, a copy of which shall be sent to the commissioner of agricultural resources.
(b)  An official health certificate shall mean a legible certificate or form issued by an accredited veterinarian and approved by the chief livestock official of the state or county of origin containing the name and address of the consignor and consignee. The certificate or form shall also show age, sex, breed and description of each dog or cat and certify that the dog or cat is free from visual evidence of infectious or contagious disease.  The certificate or form shall show proof of rabies vaccination within the previous 12 months.  A dog or cat imported into the commonwealth that is not currently vaccinated for rabies shall be vaccinated within 30 days of entry or acquisition or upon reaching the age of 6 months.
(c)  A dog or cat purchased within the commonwealth for resale by a commercial establishment or pet shop shall be accompanied by a health certificate issued by an accredited veterinarian. The certificate shall show age, sex, breed, and description of each dog or cat and certify that the dog or cat is free from visual evidence of infectious or contagious disease.
(d)  A commercial establishment, pet shop, firm or corporation shall not import into the Commonwealth for sale or resale in the commonwealth a cat or dog less than 8 weeks of age.
(e) A dog or cat sold in the commonwealth by a commercial establishment, pet shop, firm or corporation shall be accompanied by a health record indicating the date and type of each vaccine administered.
(f)  Whoever is convicted of a violation of this section shall be punished by a fine of not less than $50 nor more than $100 for each such offense. In addition thereto, or in lieu thereof, the commissioner may, after notice and hearing, revoke or suspend a pet shop, kennel, and boarding kennel license of a person, firm or corporation maintaining the pet shop, kennel and boarding kennel for a violation of this section.
(g)  A person, firm or corporation aggrieved by an order under this section may, by petition, appeal within 30 days to the superior court where the person resides, or where the firm or corporation is located. The person shall, in substance, state the findings by the commissioner and the grounds of appeal and the court shall consider the proceedings de novo and the parties thereto shall have right of exception and appeal.

SECTION 2.  Chapter 140 of the General Laws is hereby amended by striking out section 136A and inserting in place thereof the following section:-
Section 136A. The following words and phrases as used in sections 137 to 175, inclusive, unless the context otherwise requires, shall have the following meanings:
“Adoption”, the delivery of a cat or dog to any person eighteen years of age or older for the purpose of harboring as a pet.

“Animal control officer”, an officer appointed under said sections to enforce the laws in sections 137 to 175, inclusive.
“Commissioner”, the commissioner of agricultural resources, except in section 174D, where the commissioner shall mean the commissioner of public health.
“Department”, the department of agricultural resources.
“Keeper”, any person, corporation or society, other than the owner, harboring or having in his possession any dog.
            "Kennel", 1 pack or collection of dogs on a single premise, shall include:
(1) “Commercial boarding or training kennel”, a kennel or establishment, other than an animal shelter or animal control facility, used for boarding, holding, day care, overnight stays or training during which the owner is not present, for a fee or consideration.  This shall not include dogs owned by the operator, grooming facilities holding dogs solely for the purpose of grooming and not overnight boarding, individuals who temporarily, and not in the normal course of business, board or care for animals owned by others, or a licensed pet shop.
(2) “Commercial breeder kennel”, an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for consideration.
(3) “Domestic charitable corporation kennel”, a facility operated, owned, or maintained by a domestic charitable corporation registered with the department, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.  A domestic charitable corporation kennel includes a veterinary hospital or clinic operated by a licensed veterinarian, which operates for the above purpose in addition to providing medical treatment and care.
(4) "Personal kennel", one pack or collection of more than 4 dogs 3 months old or over, owned or kept by a person on a single premises, under one ownership, for private personal use.  Breeding of personally owned dogs may take place for the purpose of improving the breed, exhibiting, showing, use in sporting activity or other personal reasons; provided, however, that selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops.  Kennels in this category shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; provided, however, dogs temporarily housed at a personal kennel in conjunction with an animal shelter or rescue registered with the department may be sold, traded, bartered or distributed as long as the transfer is not made for the purpose of making a profit.
(5) “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care.  This shall not apply to a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or will do so, only for the period of time needed to accomplish the needed veterinary care.
“License period”, the time during which a dog is licensed as determined by a city or town.
“Live stock or fowls”, animals or fowls kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.
“Research institution”, any institution operated by the United States or by the commonwealth or a political subdivision thereof, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory or biological laboratory, hospital or other educational or scientific establishment within the commonwealth above the rank of secondary school, which, in connection with any of its activities, investigates or gives instruction concerning the structure or functions of living organisms or the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals.
“Shelter”, a public animal control facility, or any other facility which is operated by any organization or individual for the purpose of protecting animals from cruelty, neglect, or abuse.

SECTION 3.  Said chapter 140 is hereby further amended by striking out section 137, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-
Section 137.  (a)  A dog over the age of 6 months shall be licensed by the owner or keeper.  The registering, numbering, describing and licensing of a dog, if kept in Boston shall be in the office of the police commissioner or if kept in any other town or city, in the office of the town or city clerk thereof.
 (b)  A town or city clerk or, in Boston, the police commissioner, shall not grant a license for a dog unless the owner thereof provides the town or city clerk or, in Boston, the police commissioner, either a veterinarian's certification that the dog has been vaccinated in accordance with section 145B, or has been certified exempt from the provision as hereinafter provided, or a notarized letter from a veterinarian that a certification was issued. (c) The license shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowls. The owner of a dog may add descriptive words, not over 10 in number, upon the license form to indicate the color, breed, weight and special markings of the licensed dog. The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag, and upon which shall appear the license number, the name of the town issuing the license and the year of issue. If the tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the city or town clerk or, in Boston, from the police commissioner, at a cost to be determined by the city or town which, if received by a city or town clerk, shall be retained by him unless otherwise provided by law. This section shall not apply where it is otherwise provided by law, nor shall it apply to a person having a kennel license.

SECTION 4.  Said chapter 140 is hereby further amended by striking out section 137A, as so appearing, and inserting in place thereof the following section:-
Section 137A.   (a)  Every person maintaining a kennel shall have a kennel license. An owner or keeper of less than 4 dogs, 3 months old or over, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137, and shall be subject to this section and to sections 137B and 137C and to so much of section 141 as relates to violations of this section to the same extent as though he were maintaining a kennel.  The city or town clerk, or the police commissioner of the city of Boston, shall issue kennel licenses for kennels, as defined in section 136A, subsequent to an inspection by the animal control officer.
b)  The kennel license shall be in lieu of any other license for any dog while kept at the kennel during any portion of the period for which the kennel license is issued. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the number of the kennel license, the name of the city or town issuing the license and the year of issue. The tags shall be furnished to the owner or keeper by the clerk of the city or town in which the kennel is licensed, or, if licensed in Boston, by the police commissioner, in quantities not less than the number of dogs kept in the kennel. The fee for each license for a kennel shall be determined by the city or town; but, for the purpose of determining the amount of the fee for a kennel, a dog under the age of 6 months shall not be counted in the number of dogs kept therein. The name and address of the owner of each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept on file thereat and available to inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer.
            (c)  The clerk of a city or town or, in Boston, the police commissioner, shall upon application issue without charge a kennel license to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.
            (d)  The commissioner may promulgate rules and regulations for the licensing of kennels and catteries.

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

SECTION 6.  Said chapter 140 is hereby further amended by striking out section 137C, as so appearing, and inserting in place thereof the following section:-
Section 137C.  The mayor of a city or the selectmen of a town or in Boston, the police commissioner, or a chief of police or animal control officer may at any time inspect or cause to be inspected a kennel.  If, in the judgment of each person or body, the kennel is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, such person or body shall by order revoke or suspend, and in case of suspension may reinstate, such license. Upon the petition of 25 citizens, filed with the mayor of a city or the selectmen of a town or, in Boston, with the police commissioner setting forth a statement that such citizens  are aggrieved or annoyed to an unreasonable extent by 1 or more dogs at a kennel maintained in such city or town, due to  excessive barking or dangerous disposition of the dogs or other conditions connected with a kennel constituting a public nuisance, the mayor, selectmen or police commissioner, as the case may be shall, within 7 days after the filing of the petition,  give notice to all parties in interest of a public hearing to be held within 14 days after the date of notice.  The mayor, selectmen or police commissioner within 7 days shall investigate or cause to be investigated the subject matter of the petition and shall, by order, either suspend or revoke the kennel license or otherwise regulate the kennel, or dismiss the petition. Written notice of an order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the officer issuing the license and to the holder of the license. Within 10 days after the order the holder of the license may bring a petition in the district court within the judicial district of which the kennel is maintained, addressed to the justice of the court, praying that the order may be reviewed by the court.  After notice to the officer or officers involved as the court may consider necessary, the court shall review the action, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the court shall be final and conclusive upon the parties. A person maintaining a kennel after the license has been so revoked, or while the license is suspended, shall be punished by a fine not more than $250.

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

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

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

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

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

SECTION 12.  Said chapter 140 is hereby further amended by striking out section 139, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-
Section 139.  (a) The fee for every license shall, except as otherwise provided, be determined by a city or town, provided this fee is not less than $6 for a spayed or neutered dog and not more than $50 for an intact dog.  Three dollars of the license fee for a dog is a surcharge which shall be deposited in the General Fund.  A portion of this amount, subject to appropriation, shall be used by the commissioner for the purpose of animal control.  The department shall establish rules and regulations relating to the spay/neuter program to distribute these funds in an effective manner targeting low-income pet owners and feral cats.
 (b)  If a certificate of a registered veterinarian who spayed or neutered a dog has been shown to the city or town clerk, the license fee shall be lower than that of an intact animal. If the city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the clerk may accept instead a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth, describing the dog and stating that he has examined the dog and that it appears to have been, and in his opinion has been, spayed or neutered and thereby deprived of the power of propagation or a receipt of a bill from the veterinarian who performed the operation.
(c) A fee shall not be charged for a license for a dog specially trained to lead or serve a blind person; provided, however, that the Massachusetts commission for the blind certifies that the dog is so trained and actually in the service of a blind person. A fee shall not be charged for a license for a dog owned by a person aged 70 years or over in any city or town that accepts this provision. A fee shall not be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person; provided, however, that the director of the office  the Massachusetts commission for the deaf and hard of hearing certifies that the dog is so trained and actually in the service of the deaf person. The Massachusetts office on disability shall adopt rules and regulations for the licensing of service dogs and a fee shall not be charged for a license for a dog recognized as a service dog. A license fee or part thereof shall not be refunded because of the subsequent death, loss, spaying, or removal from the commonwealth or other disposal of the dog, nor shall a license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the city or town under section 147.

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

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

SECTION 15.  Said section 139A of said chapter 140, as so appearing, is hereby further amended by adding the following paragraph:-
The commissioner may set fines and violations and may further establish regulations to ensure compliance with this section.  Additionally, an animal control officer, an officer licensed under section 57 of chapter 22C, a police officer or an animal shelter from which an animal was obtained may bring a petition in the district court within the judicial district of which the dog or cat is owned or kept for an action of forfeiture and relinquishment of ownership.  Legal fees or court costs incurred in the enforcement of this section shall be the responsibility of the owner of the animal.

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

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

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

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

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

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

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

SECTION 23.  Said section 145B of said chapter 140 , as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-
A licensing official may grant an exemption to this section for any dog, cat or ferret which has not yet attained the age of 6 months, any dog, cat or ferret which the local board of health, for a specified period of time, declared exempt upon presentation of a veterinarian’s certificate stating that because of an infirmity, other physical condition or regimen of therapy, that inoculation is thereby considered inadvisable, or a dog, cat or ferret in transit, or dog, cat or ferret brought into the commonwealth, temporarily, for the sole purpose of showing in shows or for exhibition.

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

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

SECTION 26.  Said chapter 140 is hereby further amended by striking out section 147, as so appearing, and inserting in place thereof the following section:-
Section 147.  The police commissioner of Boston and the clerks of other cities and of towns shall issue said licenses and tags, receive the money thereof and pay it into the treasuries of their respective cities and towns on the first Monday of each month or more often.  The clerks of cities and towns except Boston may retain for their own use 75 cents for each license unless otherwise provided by law, and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. The police commissioner of Boston and each city or town clerk shall make a record of the name of the owner or keeper of each dog licensed, and of the name, registered number and description of each such dog, and such records shall be open to public inspection during the usual office hours of the city or town clerk. All blanks for the licenses and tags and the record books shall be paid for out of the city or town treasury. The police commissioner and any city or town clerk or city or town treasurer violating this section shall be punished by a fine of not less than $50 nor more than $500 or by imprisonment for not less than 1 month nor more than 1 year, or both. If a city or town clerk neglects or fails to pay the money into the city or town treasury as required by this section, the city or town may recover the amount thereof for the benefit of the city or town, with all damages sustained through the neglect or failure, and interest, in an action on the official bond required, in the case of a city clerk, by section 13A of chapter 41 and, in the case of a town clerk, by section 13 of said chapter 41. All payments required hereunder shall be subject to section 52 of said chapter 41.

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

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

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

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

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

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

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

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

SECTION 34.  Said chapter 140 is hereby further amended by striking out section 151, as so appearing, and inserting in place thereof the following section:-
Section 151.     (a)  The mayor of each city and the board of selectmen of each town shall annually designate 1 or more animal control officers, who may be police officers or constables. The mayor or board of selectmen shall forthwith submit to the commissioner the names and addresses of the officers. Except as hereinafter otherwise provided, if any city or town shall fail to make the appointment, the commissioner shall appoint an animal control officer for that city or town. An animal control officer who fails to comply with the terms of his warrant shall forthwith be removed from office by the mayor or board of selectmen, and notice of the removal shall forthwith be given to the commissioner. Animal control officers shall, before engaging in execution of animals, have completed under the supervision of a veterinarian registered under section 55 or 56C of chapter 112 a course of instruction in humane techniques for the execution of animals. Each animal control officer before disposing of any dog or cat in his possession shall check its description against the descriptions within the city or town issued on dogs licensed, or cats if the city or town licenses or registers cats. Bills for the services shall be approved by the mayor of the city or the board of selectmen of the town in which the dogs or cats are kept or killed and shall be paid by the city or town. Each animal control officer appointed under this section shall also attend to all complaints or other matters pertaining to animals, as prescribed by their respective city or town, in addition to the duties imposed upon him by his warrant, and shall be paid for the services by the town or city treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of any city or the board of selectmen of any town may, instead of appointing animal control officers, enter into a contract with a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, to perform the duties required of animal control officers. In that case the payments to the corporation under the terms of the contract shall be in full for all services rendered by it in that capacity.
(b)  An animal control officer shall not be a licensed animal dealer registered with the United States Department of Agriculture, and an animal control officer, either privately or in the course of carrying out his official assignments as an agent for his municipality, shall not give, sell, or turn over any animal which may come into his custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. A municipality shall not give, sell, or turn over any animal which may come into its custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates this paragraph shall be punished by a fine of not more than $1000.

SECTION 35.  Said chapter 140 is hereby further amended by striking out section 151A, as so appearing, and inserting in place thereof the following section:-
Section 151A.  (a)  The mayor or board of selectmen shall annually issue a warrant to the animal control officer or officers directing him or them to seek out, catch and confine all dogs within the city or town which then have not been licensed, collared or harnessed, and tagged, as required by this chapter, and to enter and prosecute a complaint for failure to comply with this chapter against the owners or keepers thereof, if known, and to kill or cause to be killed only by a humane method of euthanasia in accordance with the guidelines of the American Veterinary Medical Association, and not as prohibited in section 174A, except  by gunshot  in case of emergency, each such dog which after being detained by or for him for a period of 7 days shall not have been licensed, collared or harnessed, and tagged; provided, however, that at the end of 7 days,  the animal control officer may make available for adoption a dog not found to be diseased, for a sum not less than $10 and shall keep an account of all moneys received by him for the adoption and shall forthwith pay over the sums to the treasurer who shall forward the money to the city or town. Before delivery of a dog so adopted the animal control officer shall require the purchaser to show identification and to procure a license and tag for the dog from the clerk of the city or town where the dog is to be kept. Dogs confined under authority of this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The commissioner from time to time shall cause the places to be inspected and shall make necessary orders in relation thereto. An animal control officer having custody of a confined dog or cat shall be allowed a sum determined by the city or town per day for the care of the dog or cat, payable by the owner or keeper, if known, otherwise by the city or town.
(b)  Every animal control officer shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each animal in his custody:
(1)  the date and location of each apprehension;
(2) a description of each animal;
(3) the  place of confinement;
(4) if tagged, the name and address of the owner of such animal;
(5) the  name and address of the new owner, including the date of sale or transfer of such animal; and
(6) if the animal is destroyed, the animal control officer shall record the method and date of destruction and the name of the person who executed the animal. Every animal control officer shall forward a copy of the record to the town or city clerk within 30 days.  Copies of the record shall, for a period of 2 years, be kept in the offices of the city or town clerk where such animal control officer is employed.

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

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

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

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

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

SECTION41.  Said chapter 140 is hereby further amended by inserting after section 151B, as so appearing, the following section: -
Section 151C.  Within 1 year of hire, an animal control officer shall complete a training course offered or approved by the Animal Control Officers Association of Massachusetts or the commissioner.

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

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

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

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

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

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

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

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

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

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

COMMONWEALTH OF MASSACHUSETTS

(Seal)

      , ss.

To     , constable of the city (or town) of

In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you are further required to make and enter complaint against the owner or keeper of every such dog, and to kill or cause to be killed by methods of execution other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the control of the federal Drug Enforcement Administration, unless by a veterinarian, succinylcholine cholide, any drugs that have a curariform-like action, electrocution, or any other method which causes an unnecessarily cruel death each such dog which, after being detained for a period of seven days, shall not then have been duly licensed, collared or harnessed, except that any male or any spayed female dog not found to be diseased may be made available for adoption for not less than three dollars, and you shall keep an account of any such sale and forthwith pay over the money to the town treasurer. Before delivery of any dog so adopted you shall require the purchaser to show identification and to register and procure a license and tag for such dog from the town clerk of the town where the dog is to be kept, in accordance with the provisions of section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.
            Hereof fail not, and make due return of this warrant with your doings therein, on or before the first day of October next, on or before the first day of January next, and on or before the first day of April next, and at the expiration of your term of office, stating the number of dogs caught, confined and/or killed, or adopted, and the names of the owners or keepers thereof, and whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed, or adopted, and the names of persons against whom complaints have been made under the provisions of said chapter one hundred and forty, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said chapter one hundred and forty.
            Given under my hand and seal at \_\_\_ aforesaid the \_\_\_ day of \_\_\_ in the year nineteen hundred and \_\_\_
Mayor of (or Chairman of the Selectmen of)”

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

            Section 157.  For the purposes of sections 157A to 157C, inclusive, the following words shall have the following meanings: -
“Attack”, aggressive physical contact initiated by a dog.
“Dangerous dog”, a dog that, without justification, attacks a person or domestic animal or causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to 1 or more persons, domestic or owned animals.
            A dog shall not be considered dangerous if:
      (1)      the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
      (2)      at the time of attack or threat, the person was committing a crime or offense upon the person or property of the owner, or custodian, of the dog;
      (3)      the person attacked or threatened was teasing, tormenting, abusing, assaulting, or stealing the dog;
      (4)      the dog was attacked or menaced by another domestic animal, or the domestic animal was on the property of the owner or custodian of the dog; or
      (5)      the dog was responding to pain or injury, or protecting itself, its kennels or its offspring.
A dog’s breed shall not be considered in determining whether or not a dog is dangerous.   A dog shall not be considered dangerous based only on the basis of growling, barking, or both.
“Domestic animal”, an animal commonly kept as a pet

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

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

            Section 157A.  (a)  If a person shall make a complaint in writing to the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city, that any dog owned or considered within his or her jurisdiction is a dangerous dog or a nuisance dog by reason of a dangerous disposition, excessive barking or other disturbance, these officials shall investigate, or cause to be investigated, the complaint, including an examination under oath of the complainant at a public hearing in the city or town of complaint occurrence to determine whether the dog has engaged in such behavior as to be deemed dangerous pursuant to section 157B or that the dog constitutes a nuisance by reason of dangerous disposition, excessive barking or other disturbance.  If, after a public hearing, the dog is considered dangerous or   a nuisance, the officials presiding over the hearing may make an order concerning the dog.  Based on the evidence and testimony presented at the public hearing, the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city or the district court may order a dangerous dog humanely restrained, confined or subject to conditions in section 157C, or euthanized.
(b) Within 10 days after the order, the owner or keeper of the dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court, or magistrate thereof, and after notice to the officer or officers involved as the magistrate considers necessary the magistrate shall review the action, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties.
(c)  The act of a dog in attacking or biting another dog or other domesticated or exotic animal, or livestock, may be made the subject of a complaint under this section.
(d)  The selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city may petition the local district court to request to hold and impound the dangerous dog  in a humane place of detention during an appeal by the owner or custodian of the subject dog for the further safety and protection of the public or other animals.  If a court affirms the order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs that the dog incurs for housing and care during its impoundment and throughout the appeals process. Unpaid costs shall be recovered by the municipality in which the aforementioned owner or keeper resides on behalf of the organization or entity charged with the responsibility of handling dog complaints and impoundment by 1 of the following methods:
(1) A lien on any property owned by the aforementioned owner or keeper.
(2) An additional, earmarked cost to appear on the aforementioned owner or keeper’s vehicle excise tax.
(3) A direct bill sent to the aforementioned owner or keeper.
All funds recovered by the municipality shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. In the case that the aforementioned organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed under the discretion of the municipality.
In the case that the court overturns the order of destruction, the city or town shall pay all reasonable costs that the dog incurred for housing and care during its impoundment and throughout the appeals process.
(e) Magistrates shall exercise their authority hereunder subject to the limitations of section 62C of chapter 221.
Section 157B.  (a) A person owning or harboring a dog who fails to comply with an order of the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city or district court, including violation of an order issued pursuant to sections 157A or 157C, shall be punished by a fine of not more than $500 or imprisonment for not more than 60 days for the first offense and not more than $1,000 or imprisonment for not more than 90 days for a second or subsequent offense, or both such fine and imprisonment.
(b)  If a person is found in violation of the order, the dog shall be subject to seizure by the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city.   The person shall be ordered to immediately surrender to the licensing authority of a city or town the license and tags that they may possess and shall be banned from licensing any dog within the commonwealth for a period of 5 years. The selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city making such determination that a dog is dangerous, or a nuisance under section 157A shall report the violations to the city or town within 30 days.
            Section 157C.  (a)  The selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city, or the district court may order any or combination of the following conditions for a dog considered dangerous under section 157A. The orders shall be valid throughout the commonwealth.  They may order that:
           (1) A dangerous dog shall be confined to the premises of the person owning or harboring or having care or custody of the dog.  A dangerous dog is unconfined, as the term is used in this section, if the dog is not securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of said person.  The pen or dog run must have a secure top and if the structure has no bottom secured to the sides, the sides must be embedded into the ground no less than 2 feet. There must also be within the confines of the pen or dog run a doghouse or proper shelter from the elements for the protection of the dog. However, no dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object, such as a tree, post, or building outside of its enclosure.
                (2)When off the premises of the owner or person harboring a dangerous dog, the dog must be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.
                (3) The person owning or harboring or having the care or custody of any dog deemed to be dangerous shall maintain a policy of insurance in an amount not less than $100,000 insuring said person against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the dangerous dog.  Such person shall produce evidence of such insurance upon request of the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city or district court.
                (4) An owner provide certain permanent identification of dogs determined dangerous as reasonably necessary to identify such dog throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations.
                (5) A dog which has been deemed dangerous shall not remain reproductively intact.  The animal will be exempt from such an order if a veterinarian certifies in writing that the animal is unfit for alterations because of medical conditions.
            (b) A person shall not transfer ownership or possession, or offer for sale, breed, or buy or attempt to buy within the commonwealth any dog considered dangerous.
            (c) The selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department or their designee or the person charged with the responsibility of handling dog complaints of a town or city, or the district court may make other orders as considered necessary.  Upon probable cause to believe a dangerous dog is being owned, harbored or cared for in violation of this section, issue an order concerning the restraint of the dog as considered necessary pending required hearings or trials.
            (d) A dog considered dangerous shall not be ordered from the town or city limits in which the animal resides. A city or town may impose a more restrictive program for the control of dangerous dogs; provided, however, that a program shall not regulate dogs in a manner that is specific as to breed.
(e) A minor may not own or have charge or custody of a dog considered dangerous under section 157A, whereupon the parent or guardian of the minor shall be responsible for compliance with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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