

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ms. 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 updating the animal control laws of Massachusetts.

PETITION OF:

NAME:

Ms. Jehlen

DISTRICT/ADDRESS:

Second Middlesex

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

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT UPDATING THE ANIMAL CONTROL LAWS OF MASSACHUSETTS.

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

- 1 SECTION 1. Chapter 129 of the General Laws is hereby amended by inserting after section 39F,
2 as appearing in the 2006 Official Edition, the following section:-
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- 4 Section 39G. (a) A dog or cat brought or shipped into the commonwealth shall be accompanied by an
5 official health certificate issued by an accredited veterinarian, a copy of which shall be sent to the
6 commissioner of agricultural resources.
- 7 (b) An official health certificate shall mean a legible certificate or form issued by an accredited
8 veterinarian and approved by the chief livestock official of the state or county of origin containing the
9 name and address of the consignor and consignee. The certificate or form shall also show age, sex,
10 breed and description of each dog or cat and certify that the dog or cat is free from visual evidence of
11 infectious or contagious disease. The certificate or form shall show proof of rabies vaccination within
12 the previous 12 months. A dog or cat imported into the commonwealth that is not currently vaccinated
13 for rabies shall be vaccinated within 30 days of entry or acquisition or upon reaching the age of 6
14 months.
- 15 (c) A dog or cat purchased within the commonwealth for resale by a commercial establishment or pet
16 shop shall be accompanied by a health certificate issued by an accredited veterinarian. The certificate
17 shall show age, sex, breed, and description of each dog or cat and certify that the dog or cat is free from
18 visual evidence of infectious or contagious disease.
- 19 (d) A commercial establishment, pet shop, firm or corporation shall not import into the Commonwealth
20 for sale or resale in the commonwealth a cat or dog less than 8 weeks of age.
- 21 (e) A dog or cat sold in the commonwealth by a commercial establishment, pet shop, firm or corporation

22 shall be accompanied by a health record indicating the date and type of each vaccine administered.
23 (f) Whoever is convicted of a violation of this section shall be punished by a fine of not less than \$50 nor
24 more than \$100 for each such offense. In addition thereto, or in lieu thereof, the commissioner may,
25 after notice and hearing, revoke or suspend a pet shop, kennel, and boarding kennel license of a person,
26 firm or corporation maintaining the pet shop, kennel and boarding kennel for a violation of this section.
27 (g) A person, firm or corporation aggrieved by an order under this section may, by petition, appeal
28 within 30 days to the superior court where the person resides, or where the firm or corporation is
29 located. The person shall, in substance, state the findings by the commissioner and the grounds of
30 appeal and the court shall consider the proceedings de novo and the parties thereto shall have right of
31 exception and appeal.

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

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

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

39

40 "Animal control officer", an officer appointed under said sections to enforce the laws in sections 137 to
41 175, inclusive.

42 "Commissioner", the commissioner of agricultural resources, except in section 174D, where the
43 commissioner shall mean the commissioner of public health.

44 "Department", the department of agricultural resources.

45 "Keeper", any person, corporation or society, other than the owner, harboring or having in his
46 possession any dog.

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

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

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

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

63 (4) "Personal kennel", one pack or collection of more than 4 dogs 3 months old or over, owned or kept

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

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

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

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

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

90 "Shelter", a public animal control facility, or any other facility which is operated by any organization or
91 individual for the purpose of protecting animals from cruelty, neglect, or abuse.

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

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

98 (b) A town or city clerk or, in Boston, the police commissioner, shall not grant a license for a dog unless
99 the owner thereof provides the town or city clerk or, in Boston, the police commissioner, either a
100 veterinarian's certification that the dog has been vaccinated in accordance with section 145B, or has
101 been certified exempt from the provision as hereinafter provided, or a notarized letter from a
102 veterinarian that a certification was issued. (c) The license shall be subject to the condition expressed
103 therein that the dog which is the subject of the license shall be controlled and restrained from killing,
104 chasing or harassing live stock or fowls. The owner of a dog may add descriptive words, not over 10 in
105 number, upon the license form to indicate the color, breed, weight and special markings of the licensed

106 dog. The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or
107 harness of leather or other suitable material, to which shall be securely attached a tag, and upon which
108 shall appear the license number, the name of the town issuing the license and the year of issue. If the
109 tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the city or
110 town clerk or, in Boston, from the police commissioner, at a cost to be determined by the city or town
111 which, if received by a city or town clerk, shall be retained by him unless otherwise provided by law. This
112 section shall not apply where it is otherwise provided by law, nor shall it apply to a person having a
113 kennel license.

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

117 Section 137A. (a) Every person maintaining a kennel shall have a kennel license. An owner or keeper of
118 less than 4 dogs, 3 months old or over, who does not maintain a kennel may elect to secure a kennel
119 license in lieu of licensing the dogs under section 137, and shall be subject to this section and to sections
120 137B and 137C and to so much of section 141 as relates to violations of this section to the same extent
121 as though he were maintaining a kennel. The city or town clerk, or the police commissioner of the city
122 of Boston, shall issue kennel licenses for kennels, as defined in section 136A, subsequent to an
123 inspection by the animal control officer.

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

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

141 (d) The commissioner may promulgate rules and regulations for the licensing of kennels and
142 catteries.

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

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147 SECTION 6. Said chapter 140 is hereby further amended by striking out section 137C, as so appearing,

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

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

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

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

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

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

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188 SECTION 12. Said chapter 140 is hereby further amended by striking out section 139, as appearing in the
189 2006 Official Edition, and inserting in place thereof the following section:-

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

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

204 (c) A fee shall not be charged for a license for a dog specially trained to lead or serve a blind person;
205 provided, however, that the Massachusetts commission for the blind certifies that the dog is so trained
206 and actually in the service of a blind person. A fee shall not be charged for a license for a dog owned by
207 a person aged 70 years or over in any city or town that accepts this provision. A fee shall not be charged
208 for a license for a dog professionally trained in the hearing dog business to serve a deaf person;
209 provided, however, that the director of the office the Massachusetts commission for the deaf and hard
210 of hearing certifies that the dog is so trained and actually in the service of the deaf person. The
211 Massachusetts office on disability shall adopt rules and regulations for the licensing of service dogs and
212 a fee shall not be charged for a license for a dog recognized as a service dog. A license fee or part
213 thereof shall not be refunded because of the subsequent death, loss, spaying, or removal from the
214 commonwealth or other disposal of the dog, nor shall a license fee or part thereof paid by mistake be
215 paid or recovered back after it has been paid over to the city or town under section 147.

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

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

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

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

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

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

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

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

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

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

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

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

273 A licensing official may grant an exemption to this section for any dog, cat or ferret which has not yet
274 attained the age of 6 months, any dog, cat or ferret which the local board of health, for a specified
275 period of time, declared exempt upon presentation of a veterinarian's certificate stating that because of
276 an infirmity, other physical condition or regimen of therapy, that inoculation is thereby considered
277 inadvisable, or a dog, cat or ferret in transit, or dog, cat or ferret brought into the commonwealth,
278 temporarily, for the sole purpose of showing in shows or for exhibition.

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

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

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

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

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

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310 Section 147A. (a) A city or town may enact by-laws and ordinances relative to the regulation of dogs
311 and cats, provided such by-law or ordinance shall be inconsistent with the provisions of sections 137 to
312 174D.

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314 SECTION 28. Section 147B of said chapter 140 is hereby repealed.

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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

357 all services rendered by it in that capacity.

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

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

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

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

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

393 (2) a description of each animal;

394 (3) the place of confinement;

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

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

397 (6) if the animal is destroyed, the animal control officer shall record the method and date of destruction
398 and the name of the person who executed the animal. Every animal control officer shall forward a copy

399 of the record to the town or city clerk within 30 days. Copies of the record shall, for a period of 2 years,
400 be kept in the offices of the city or town clerk where such animal control officer is employed.

401

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

404

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

408

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

412

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

416

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

420

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

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

425

426 SECTION 42. Section 152 of said chapter 140, as so appearing, is hereby amended by striking out, in line
427 1, the words "dog" and inserting in place thereof the following words:- animal control.

428

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

431

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

435

436 SECTION 45. Section 153 of said chapter 140, as so appearing, is hereby amended by striking out, in line
437 2, the words "except Suffolk county,".

438

439 SECTION 46. Said section 153 of said chapter 140, as so appearing, is hereby further amended by
440 striking out, in lines 12 to 17, inclusive, the words "by methods of execution other than gunshot except

441 in case of emergency, T-61, so-called, an euthanasia solution not under the control of the federal Drug
442 Enforcement Administration, unless by a veterinarian, succinylcholine chlide, any drugs that have
443 curariform-like action, electrocution or any other method which causes an unnecessarily cruel death”
444 and inserting in place thereof the following words:- only by a humane method of euthanasia in
445 accordance with the guidelines of the American Veterinary Medical Association, and not as prohibited in
446 section 174A, except by gunshot in case of emergency.

447
448 SECTION 47. Said section 153 of said chapter 140, as so appearing, is hereby further amended by
449 striking out, in line 18, the words “ten days” and inserting in place thereof the following words:- 7 days.

450
451 SECTION 48. Said section 153 of said chapter 140, as so appearing, is hereby further amended by
452 striking out, in line 20, the words “male or any spayed female”.

453
454 SECTION 49. Said section 153 of said chapter 140, as so appearing, is hereby further amended by
455 striking out, in line 21, the words “three dollars” and inserting in place thereof the following figure:- \$6.

456
457 SECTION 50. Said section 153 of said chapter 140, as so appearing, is hereby further amended by
458 inserting after the word “dogs” , in line 34, the following words:- and cats.

459
460 SECTION 51. Said section 153 of said chapter 140 of the General Laws, as so appearing, is hereby further
461 amended by striking out, in lines 42 to 83, inclusive, the words “In the cities and towns of Suffolk county
462 such warrant may be in the following form:

463 COMMONWEALTH OF MASSACHUSETTS

464 (Seal)

465 , ss.

466
467 To , constable of the city (or town) of

468
469 In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to
470 seek out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed,
471 and tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you
472 are further required to make and enter complaint against the owner or keeper of every such dog, and to
473 kill or cause to be killed by methods of execution other than gunshot except in case of emergency, T-61,
474 so-called, an euthanasia solution not under the control of the federal Drug Enforcement Administration,
475 unless by a veterinarian, succinylcholine chlide, any drugs that have a curariform-like action,
476 electrocution, or any other method which causes an unnecessarily cruel death each such dog which,
477 after being detained for a period of seven days, shall not then have been duly licensed, collared or
478 harnessed, except that any male or any spayed female dog not found to be diseased may be made

479 available for adoption for not less than three dollars, and you shall keep an account of any such sale and
480 forthwith pay over the money to the town treasurer. Before delivery of any dog so adopted you shall
481 require the purchaser to show identification and to register and procure a license and tag for such dog
482 from the town clerk of the town where the dog is to be kept, in accordance with the provisions of
483 section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

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

492 Given under my hand and seal at ___ aforesaid the ___ day of ___ in the year nineteen hundred
493 and ___
494 Mayor of (or Chairman of the Selectmen of)”

495

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

498

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

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

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

506 A dog shall not be considered dangerous if:

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

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

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

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

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

516 A dog’s breed shall not be considered in determining whether or not a dog is dangerous. A dog shall
517 not be considered dangerous based only on the basis of growling, barking, or both.

518 “Domestic animal”, an animal commonly kept as a pet

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

521
522 SECTION 53. Said chapter 140 is hereby further amended by inserting after section 157 the following 3
523 sections:-

524
525 Section 157A. (a) If a person shall make a complaint in writing to the selectmen of a town, mayor
526 of a city, the officer in charge of the animal commission, the chief or commissioner of a police
527 department or their designee or the person charged with the responsibility of handling dog complaints
528 of a town or city, that any dog owned or considered within his or her jurisdiction is a dangerous dog or a
529 nuisance dog by reason of a dangerous disposition, excessive barking or other disturbance, these
530 officials shall investigate, or cause to be investigated, the complaint, including an examination under
531 oath of the complainant at a public hearing in the city or town of complaint occurrence to determine
532 whether the dog has engaged in such behavior as to be deemed dangerous pursuant to section 157B or
533 that the dog constitutes a nuisance by reason of dangerous disposition, excessive barking or other
534 disturbance. If, after a public hearing, the dog is considered dangerous or a nuisance, the officials
535 presiding over the hearing may make an order concerning the dog. Based on the evidence and
536 testimony presented at the public hearing, the selectmen of a town, mayor of a city, the officer in
537 charge of the animal commission, the chief or commissioner of a police department or their designee or
538 the person charged with the responsibility of handling dog complaints of a town or city or the district
539 court may order a dangerous dog humanely restrained, confined or subject to conditions in section
540 157C, or euthanized.

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

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

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

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

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

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

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

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

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

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

581 (b) If a person is found in violation of the order, the dog shall be subject to seizure by the selectmen of a
582 town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a
583 police department or their designee or the person charged with the responsibility of handling dog
584 complaints of a town or city. The person shall be ordered to immediately surrender to the licensing
585 authority of a city or town the license and tags that they may possess and shall be banned from licensing
586 any dog within the commonwealth for a period of 5 years. The selectmen of a town, mayor of a city, the
587 officer in charge of the animal commission, the chief or commissioner of a police department or their
588 designee or the person charged with the responsibility of handling dog complaints of a town or city
589 making such determination that a dog is dangerous, or a nuisance under section 157A shall report the
590 violations to the city or town within 30 days.

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

596 (1) A dangerous dog shall be confined to the premises of the person owning or harboring or
597 having care or custody of the dog. A dangerous dog is unconfined, as the term is used in this section, if
598 the dog is not securely confined indoors or confined outdoors in a securely enclosed and locked pen or
599 dog run area upon the premises of said person. The pen or dog run must have a secure top and if the
600 structure has no bottom secured to the sides, the sides must be embedded into the ground no less than
601 2 feet. There must also be within the confines of the pen or dog run a doghouse or proper shelter from
602 the elements for the protection of the dog. However, no dangerous dog shall be chained, tethered, or

603 otherwise tied to any inanimate object, such as a tree, post, or building outside of its enclosure.

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

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

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

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

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

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

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

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

633

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

638

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

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

643

644 SECTION 57. Said section 158 of said chapter 140, as so appearing, is hereby further amended by
645 inserting after the word "dog" , in line 5, the following words:- , in a humane manner, .
646

647 SECTION58. Section 159 of said chapter 140, as so appearing, is hereby amended by striking out, in line
648 2, the words "or the county commissioners,".
649

650 SECTION 59. Section 160 of said chapter 140, as so appearing, is hereby amended by striking out, in line
651 1, the words "county commissioners of any county, the".
652

653 SECTION 60. Said section 160 of said chapter 140, as so appearing, is hereby further amended by
654 inserting after the word "dog" , in line 5, the following words:- in a humane manner.
655

656 SECTION 61. Said section 160 of said chapter 140, as so appearing, is hereby further amended by
657 striking out, in line 8, the words "approved by the county commissioners,".
658

659 SECTION 62. Said section 160 of said chapter 140, as so appearing, is hereby further amended by
660 striking out, in line 11, the words "or county commissioners".
661

662 SECTION 63. Said section 160 of said chapter 140, as so appearing, is hereby further amended by
663 inserting after the word "town" , in line 14, the following words:- or city.
664

665 SECTION 64. Section 161 of said chapter 140, as so appearing, is hereby amended by striking out, in
666 lines 10 and 11, the words "fifty dollars" and inserting in place thereof the following figure:- \$100.
667

668 SECTION 65. Said section 161 of said chapter 140, as so appearing, is hereby further amended by
669 striking out, in line 20, the words "except in Suffolk county".
670

671 SECTION 66. Said section 161 of said chapter 140, as so appearing, is hereby further amended by
672 striking out, in line 20, the words "county" and inserting in place there of the following words:- city or
673 town .
674

675 SECTION 67. Said section 161 of said chapter 140, as so appearing, is hereby further amended by striking
676 out, in line 22, the words "county commissioners" and inserting in place thereof the following words:-
677 city or town clerk.
678

679 SECTION 68. Said section 161 of said chapter 140, as so appearing, is hereby further amended by
680 striking out, in line 27, the words "county" and inserting in place thereof the following words:- city or
681 town..
682

683 SECTION 69. Said section 161 of said chapter 140, as so appearing, is hereby further amended by
684 striking out, in lines 28 to 34, inclusive, the words "except in Suffolk county, shall pay all orders drawn
685 upon him in full, for the above purpose, and for the expenses of appraisal out of any money in the

686 county treasury, and payments made therefore shall be charged to the dog fund. The appraisers shall
687 receive from the county three dollars each for every such examination made by them, and also twenty
688 cents a mile one way for their necessary travel.” and inserting in place thereof the following words:-
689 shall pay all orders drawn upon him in full, for the above purpose and payments made shall be charged
690 to the city or town.

691
692 SECTION 70. Section 162 of said chapter 140 is hereby repealed.

693
694 SECTION 71. Section 163 of said chapter 140, as appearing in the 2006 Official Edition, is hereby
695 amended by striking out, in line 1, the word “alderman or selectmen” and inserting in place thereof the
696 following words:- alderman, selectmen or mayor.

697
698 SECTION 72. Said section 163 of said chapter 140, as so appearing, is hereby further amended by
699 striking out, in line 5, the word “dog fund” and inserting in place thereof the following words:- city or
700 town.

701
702 SECTION 73. Said section 163 of said chapter 140, as so appearing, is hereby further amended by
703 inserting after the word “kill” , in line 7, the following words:- ,in a humane manner,.

704
705 SECTION 74. Section 164 of said chapter 140, as so appearing, is hereby amended by striking out, in line
706 4, the word “more” and inserting in place thereof the following word:-less.

707
708 SECTION 75. Said section 164 of said chapter 140, as so appearing, is hereby further amended by
709 striking out, in line 5, the word “dog” and inserting in place thereof the following words:-animal control.

710
711 SECTION 76. Said section 164 of said chapter 140, as so appearing, is hereby further amended by
712 inserting after the word “dog” , in line 6, the following words:- in a humane manner.

713
714 SECTION 77. Section 165 of said chapter 140, as so appearing, is hereby amended by striking out, in
715 lines 1 to 5, inclusive, the words “The county commissioners, except in Suffolk county, shall appoint one
716 and may appoint not more than four suitable persons, all residents of the county, any one of whom
717 shall, at the request of said commissioners or of the chairman of the selectmen or officer of the police
718 designated as provided in section one hundred and sixty-one,” and inserting in place thereof the
719 following words:-A city or town may.

720
721 SECTION 78. Said section 165 of said chapter 140, as so appearing, is hereby further amended by
722 striking out, in lines 6 and 7, the words “commissioners, chairman” and inserting in place thereof the
723 following words:- chairman of the board of selectmen or mayor.

724
725 SECTION 79. Said section 165 of said chapter 140, as so appearing, is hereby further amended by
726 striking out, in line 16, the word “dog” and inserting in place thereof the following words:-animal
727 control.

728

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

732

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

735

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

741

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

745

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

748

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

751

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

755

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

758

759 SECTION 88. Section 168 of said chapter 140, as so appearing, is hereby amended by striking out, in line
760 1, the words "alderman or selectmen" and inserting in place thereof the following words:- alderman,
761 selectmen or mayor.

762

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

765

766 SECTION 90. Section 169 of said chapter 140, as so appearing, is hereby amended by striking out, in line
767 1, the word "county,".

768

769 SECTION 91. Said section 169 of said chapter 140, as so appearing, is hereby further amended by

770 striking out, in line 3, the word “more” and inserting in place thereof the following word:- less.

771

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

775

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

777

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

781

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

785

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

792

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

794

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

797

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

800

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

804

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

807

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

810

811 SECTION 103 Said section 173 of said chapter 140, as so appearing, is hereby further amended by

812 striking out, in lines 4 to 7, inclusive, the words “and the annual fee required for a license under section
813 one hundred and thirty-nine shall in no case be more than one dollar in addition to the amount required
814 by said section”.

815
816 SECTION 104. Section 173A of said chapter 140, as so appearing, is hereby amended by striking out, in
817 line 12, the words “twenty-five dollars” and inserting in place thereof the following figure:- \$50.

818
819 SECTION 105. Said section 173A of said chapter 140, as so appearing, is hereby further amended by
820 striking out, in line 14, the words “thirty dollars” and inserting in place thereof the following words:- not
821 less than \$60 .

822
823 SECTION 106. Said section 173A of said chapter 140, as so appearing, is hereby further amended by
824 striking out, in lines 16 and 17, the words “fifty dollars” and inserting the following figure:- \$100 .

825
826 SECTION 107. Said section 173A of said chapter 140, as so appearing, is hereby further amended by
827 striking out, in lines 22 and 23, the words “provided, however, that no new schedule of fines shall
828 contain a fine in excess of fifty dollars”.

829
830 SECTION 108. Section 174A of said chapter 140, as so appearing, is hereby amended by inserting after
831 the word “dog” , in line 1, the words: - or cat.

832
833 SECTION 109. Said section 174A of said chapter 140, as so appearing, is hereby further amended by
834 striking out, in line 2, the words “in a carbon monoxide chamber” and inserting in place thereof the
835 following words:-by use of a carbon monoxide or carbon dioxide chamber or carbon monoxide or
836 carbon dioxide gas.

837
838 SECTION 110. Said section 174A of said chapter 140, as so appearing, is hereby further amended by
839 striking out, in lines 3 to 7, inclusive, the words “unless such chamber is supplied with gas by an engine
840 or gas generator that will produce a minimum of four per cent concentration of carbon monoxide within
841 five minutes, the gas used is cooled and filtered before entering such chamber, and the temperature of
842 the gas inside such chamber does not exceed a temperature of eight-five degrees Fahrenheit”.

843
844 SECTION 111. Section 174B of said chapter 140, as so appearing, is hereby amended by striking out, in
845 line 4, the word “fifty” and inserting in place thereof the following figure: - \$100.

846
847 SECTION 112. Section 151C of chapter 140 of the General Laws shall not apply to an animal control
848 officer hired on or before the effective date of this act until 1 year from the effective date of this act.

849
850 SECTION 113. To provide for certain unanticipated obligations of the commonwealth, to provide for an
851 alteration of purpose for current appropriations and to meet certain requirements of law, the sum set
852 forth in this section hereby appropriated from the General Fund unless specifically designated otherwise
853 in this section for the several purposes and subject to the conditions specified in this section, and

854 subject to the laws end June 30th, 2008. This sum shall be in addition to any amounts previously
855 appropriated and made available for the purposes this item.
856

857 2511-0101 The commissioner of the department of agricultural resources may expend not more
858 than \$500,000 from revenues collected from fees under section 139 of chapter 140 for the purposes of
859 operating an animal control program, and no less than a third of said revenues collected shall be
860 allocated to operating spay/neuter programs, in the commonwealth;; provided, that the department
861 shall annually file a report with the house and senate committees on ways and means detailing the
862 manner of expenditures under this item in the preceding fiscal and the amount of funding necessary to
863 operate the animal control program, including spay/neuter programs, in the upcoming fiscal year
864\$500,000

865

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