

SENATE DOCKET, NO.

XXXXX

FILED ON: 03/22/2012

SENATE No. 02192

The Commonwealth of Massachusetts

PRESENTED BY:

[Primary Sponsor]

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

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

An Act further regulating animal control.

PETITION OF:

NAME: _____ | DISTRICT/ADDRESS: _____

SENATE No. 02192

Senate, March 22, 2012 – Text the Senate Bill further regulating animal control (being the text of Senate, No. 2184, printed as amended)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act further regulating animal control.

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

1 SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after
2 section 35SS the following section:-

3 Section 35TT. There shall be established and set up on the books of the commonwealth a
4 separate fund, to be known as the Homeless Animal Prevention and Care Fund. The fund shall be
5 used by the department of agricultural resources to offset costs associated with the vaccination,
6 spaying and neutering of homeless dogs and cats, to offset costs associated with the vaccination,
7 spaying and neutering of dogs and cats owned by low-income residents of the commonwealth
8 and to assist with the training of animal control officers consistent with section 151C of chapter
9 140. The department may use the fund for necessary and reasonable administrative and personnel
10 costs related to the specific purposes of the fund. The commissioner of the department of
11 agricultural resources shall establish rules and regulations relating to the fund.

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

17 The state treasurer shall deposit the fund in accordance with sections 34 and 34A of
18 chapter 29 in such manner as will secure the highest interest rate available consistent with the
19 safety of the fund and with the requirement that all amounts on deposit shall be available for
20 immediate withdrawal at any time. The fund may be expended by the commissioner of the
21 department of agricultural resources without further appropriation for the purposes stated above
22 and any funds remaining at the end of any fiscal year shall not revert but shall be available for
23 use in subsequent fiscal years.

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

26 Section 6M. (a) An individual who files a separate return and a husband and wife filing a
27 return jointly may voluntarily contribute all, or part of any refund to which they are entitled, or
28 may voluntarily add an amount onto any amount due, to be credited to the Homeless Animal
29 Prevention and Care Fund established under section 35TT of chapter 10.

30 A contribution made under this section may be with respect to any taxable year at the
31 time of filing a return of the tax established by this chapter for such taxable year; provided,
32 however, that the commissioner shall prescribe the manner in which such contribution shall be
33 made on the face of the return required by section 5 of chapter 62C; provided further, that the

34 commissioner shall assure that taxpayers filing any such forms are made clearly aware of their
35 ability to make the contributions provided for by this section.

36 The commissioner shall annually report the total amount designated under this section to
37 the state treasurer, who shall credit such amount to said Homeless Animal Prevention and Care
38 Fund.

39 There is hereby established an advisory committee to assist the commissioner in
40 establishing procedures for disbursements from the Homeless Animal Prevention and Care Fund.
41 Members of the advisory committee shall receive no compensation or reimbursement for
42 expenses incurred in the performance of their duties. The advisory committee shall consist of the
43 following members, appointed by the governor: 1 member from a humane society, animal rescue
44 or sheltering organization located in the commonwealth; 1 animal control officer or
45 representative of an association organized in the commonwealth for animal control officers; 1
46 veterinarian or member of a veterinary medical association organized in the commonwealth; and
47 1 member of the general public with an interest in the well being of domestic animals. All
48 members shall have an active interest in educating residents of the commonwealth relative to the
49 benefits of pet population control. All members of the advisory committee shall be residents of
50 the commonwealth. Committee members shall serve 3-year terms; provided, however, that 2 of
51 the members appointed initially shall serve a term of 2 years.

52 SECTION 3. Chapter 129 of the General Laws is hereby amended by inserting after
53 section 39F the following section:-

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

57 (b) An official health certificate shall mean a legible certificate or form issued by an
58 accredited veterinarian and approved by the chief livestock official of the state or county of
59 origin containing the name and address of the consignor and consignee. The certificate shall also
60 show the age, sex, breed and description of each dog or cat and certify that the dog or cat is free
61 from visual evidence of infectious or contagious disease. A health certificate shall show proof of
62 rabies vaccination within the previous 12 months. If a dog or cat is imported into the
63 commonwealth with a health certificate that reflects that such dog or cat is not currently
64 vaccinated for rabies, such dog or cat shall be vaccinated as required under section 145B of
65 chapter 140.

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

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

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

75 (f) No commercial establishment, pet shop, firm, corporation or person shall sell a dog or
76 cat that has been surgically devocalized, as defined in section 80½ of chapter 272, unless written
77 notice that such a procedure has been conducted on the animal is provided to any prospective
78 purchaser before the purchaser enters into an agreement to purchase such animal. In addition to
79 the penalties set forth in this section, a failure to provide such notice shall render any purchase
80 agreement void and a violation of this paragraph shall constitute an unfair and deceptive act or
81 practice in the conduct of a trade or commerce under chapter 93A.

82 (g) The commissioner may, after notice and hearing, revoke or suspend a license issued
83 under section 137A of chapter 140 or section 39A of chapter 129 for a violation of this section.

84 (h) Whoever is aggrieved by an order issued under this section may, by petition, appeal
85 within 30 days to the superior court in the county wherein the aggrieved party resides or where
86 the aggrieved party's kennel or pet shop, which is the subject of the license, is located. The
87 appellant shall state the findings by the commissioner and the grounds of appeal therefrom. The
88 court shall consider the proceedings de novo and the parties shall have right of exception and
89 appeal.

90 SECTION 4. Chapter 140 of the General Laws is hereby amended by striking out
91 sections 136A, 137 and 137A, as appearing in the 2010 Official Edition, and inserting in place
92 thereof the following 3 sections:-

93 Section 136A. The following words and phrases as used in sections 137 to 174D, inclusive,
94 unless the context requires otherwise, shall have the following meanings:

95 "Adoption", the delivery of a cat or dog to any person 18 years of age or older for the
96 purpose of harboring such dog or cat as a pet.

97 “Animal control officer”, an appointed officer authorized to enforce sections 136A to
98 174D, inclusive.

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

100 “Commercial boarding or training kennel”, an establishment used for boarding, holding,
101 overnight stays or training of animals that are not the property of the owner of such
102 establishment, at which such services are rendered in exchange for consideration and in the
103 absence of the owner of such animal; provided, however, that this definition shall not include an
104 animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a
105 facility which does not provide overnight boarding for animals but does provide dog grooming,
106 dog training, supervised playtime of dogs or dog walking with not more than 12 dogs on a single
107 premises or individuals who temporarily, and not in the normal course of business, board or care
108 for animals owned by others.

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

112 “Commissioner”, the commissioner of agricultural resources.

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

117 (A) solely based upon growling or barking or solely growling and barking;

118 (B) based upon the breed of such dog; or

119 (C) if such dog was reacting to another animal or to a person and such dog's reaction was
120 not grossly disproportionate to any of the following circumstances:

121 (1) such dog was protecting or defending itself, its offspring, another domestic animal or
122 a person from attack or assault;

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

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

127 (4) at the time of such attack or threat, the person or animal that was attacked or
128 threatened by such dog had breached an enclosure or structure in which the dog was kept apart
129 from the public and such person or animal was not authorized by the owner of the premises to be
130 within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed,
131 whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be
132 a rebuttable presumption that such person was not committing a crime, provoking the dog or
133 trespassing.

134 "Department", the department of agricultural resources.

135 "Domestic animal", any animal on the list of animals appearing in 321 CMR 9.02.

136 "Domestic charitable corporation kennel", a facility operated, owned or maintained by a
137 domestic charitable corporation registered with the department, or an animal welfare society or
138 other nonprofit organization incorporated for the purpose of providing for and promoting the

139 welfare, protection and humane treatment of animals, including a veterinary hospital or clinic
140 operated by a licensed veterinarian, which operates consistent with such purpose while providing
141 veterinary treatment and care.

142 “Euthanize”, to take the life of an animal by the administration of barbiturates in a
143 manner deemed acceptable by the American Veterinary Medical Association Guidelines on
144 Euthanasia.

145 “Hearing authority”, the selectmen of a town, mayor of a city, the officer in charge of the
146 animal commission, the chief or commissioner of a police department, the chief or
147 commissioner’s designee or the person charged with the responsibility of handling dog
148 complaints in a town or city.

149 “Keeper”, any person, business, corporation, entity or society, other than the owner,
150 harboring or having in such person’s possession any dog.

151 "Kennel", a pack or collection of dogs on a single premise, including a commercial
152 boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel,
153 personal kennel or veterinary kennel.

154 “License period”, the period of time for which a municipal licensing authority prescribes
155 the validity of a dog license, including the date of issuance of such license through the date on
156 which such license expires, inclusive.

157 “Licensing authority”, the police commissioner of the city of Boston and the clerks of
158 any other municipality.

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

165 “Nuisance dog”, a dog that: (i) by excessive barking or other disturbance is a source of
166 annoyance to any sick person residing in the vicinity; or (ii) by excessive barking, causing
167 damage or other interference, a reasonable person would find disruptive to one’s quiet and
168 peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person,
169 but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

170 "Personal kennel", a pack or collection of more than 4 dogs, 3 months old or older,
171 owned or kept under single ownership, for private personal use; provided, however, that
172 breeding of personally owned dogs may take place for the purpose of improving, exhibiting or
173 showing the breed, use in legal sporting activity or other personal reasons; provided, further, that
174 selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to
175 other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops;
176 provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not
177 bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a
178 personal kennel, in conjunction with an animal shelter or rescue registered with the department,
179 may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting
180 thereby.

181 “Research institution”, any institution operated by the United States, the commonwealth
182 or a political subdivision thereof, a school or college of medicine, public health, dentistry,
183 pharmacy, veterinary medicine or agriculture, a medical diagnostic laboratory or biological
184 laboratory, or a hospital or other educational or scientific establishment within the
185 commonwealth above the rank of secondary school, which, in connection with any of the
186 activities thereof, investigates or provides instruction relative to the structure or functions of
187 living organisms or to the causes, prevention, control or cure of diseases or abnormal conditions
188 of human beings or animals.

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

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

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

199 (b) A licensing authority shall not grant a license for a dog unless the owner of the dog
200 provides the licensing authority with a veterinarian's certification that the dog has been
201 vaccinated in accordance with section 145B, certification that such dog is exempt from the

202 vaccination requirement under said section 145B or a notarized letter from a veterinarian that
203 either of these certifications was issued relative to such dog.

204 (c) The license shall be subject to the condition expressed in the license that the dog
205 which is the subject of the license shall be controlled and restrained from killing, chasing or
206 harassing live stock or fowl. The owner of a dog may add descriptive words, not over 10 in
207 number, upon the license form to indicate the color, breed, weight and special markings of the
208 licensed dog. The owner or keeper of a licensed dog shall keep affixed around such dog's neck
209 or body, a collar or harness of leather or other suitable material, to which shall be securely
210 attached a tag. This tag shall have inscribed upon it such dog's license number, the name of the
211 city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper
212 of such dog shall immediately secure a substitute tag from the licensing authority at a cost to be
213 determined by such city or town and the fee for the substitute shall, if received by a city or town
214 clerk, be retained by the clerk unless otherwise provided by law. This section shall not apply to a
215 person to whom a valid kennel license has been issued.

216 Section 137A. (a) Every person maintaining a kennel shall obtain a kennel license. An
217 owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may
218 elect to secure a kennel license in lieu of licensing the dogs under section 137, and shall be
219 subject to this section and to sections 137B and 137C and to so much of section 141 as relates to
220 violations of this section to the same extent as though the owner or keeper were maintaining a
221 kennel. In the case of an applicant for initial licensure, and in the case of an applicant for license
222 renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection
223 by an animal control officer.

224 (b) A kennel license shall be in lieu of any other license for a dog kept at a kennel during
225 any portion of the period for which the kennel license is valid. A kennel licensee shall cause each
226 dog kept in its kennel to wear, while it is at large, a collar or harness of leather or other suitable
227 material, to which shall be securely attached a tag. The tag shall have inscribed upon it the
228 number of the kennel license, the name of the city or town issuing the license and the year of
229 issue. Tags shall be furnished to the owner or keeper by the licensing authority in quantities not
230 less than the number of dogs kept in the kennel. The issuing city or town shall determine the
231 period of time for which a kennel license is valid, including the date of issuance of such license
232 through the date on which such license expires, inclusive, and shall further determine the fee for
233 the issuance and renewal of said license. To determine the amount of the license fee for a kennel,
234 a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel. The
235 name and address of the owner of each dog kept in a kennel, if other than the person maintaining
236 the kennel, shall be kept at the kennel and available for inspection by an animal control officer,
237 natural resource officer, deputy natural resource officer, fish and game warden or police officer.

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

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

244 SECTION 6. Said chapter 140 is hereby further amended by striking out section 137C, as
245 so appearing, and inserting in place thereof the following section:-

246 Section 137C. The mayor of a city, the selectmen of a town, the police commissioner in
247 the city of Boston, a chief of police or an animal control officer may at any time inspect a kennel
248 or cause the inspection of a kennel. If, in the judgment of such person or body, the kennel is not
249 being maintained in a sanitary and humane manner or if records are not properly kept as required
250 by law, such person or body shall, by order, revoke or suspend the license for such kennel. Upon
251 the petition of 25 citizens, filed with the mayor of a city, the selectmen of a town or the police
252 commissioner in the city of Boston setting forth a statement that such citizens are aggrieved or
253 annoyed to an unreasonable extent by 1 or more dogs maintained in such city or town, due to
254 excessive barking of the dogs or other conditions connected with a kennel constituting a
255 nuisance, the mayor, selectmen or police commissioner, as the case may be, shall, within 7 days
256 after the filing of the petition, give notice to all parties in interest of a public hearing to be held
257 within 14 days after the date of such notice. The mayor, selectmen or police commissioner shall,
258 within 7 days after the public hearing, investigate or cause to be investigated the subject matter
259 of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate
260 the kennel, or dismiss the petition. Written notice of an order revoking, suspending or reinstating
261 a license shall be mailed immediately to the officer issuing the license and to the holder of the
262 license. Within 10 days after the order, the holder of the license may bring a petition in the
263 district court within the judicial district in which the kennel is maintained, addressed to the
264 justice of the court, praying that the order be reviewed by the court. After notice to all parties as
265 the court may consider necessary, the court shall review the action, hear the witnesses and affirm
266 the order unless it shall appear that it was made without proper cause or in bad faith, in which
267 case the order shall be reversed. The decision of the court shall be final and conclusive upon the

268 parties. A person maintaining a kennel after the license to maintain a kennel has been so revoked,
269 or while such a license is suspended, shall be punished by a fine of not more than \$250.

270 SECTION 7. Section 137D of said chapter 140 , as so appearing, is hereby amended by
271 striking out, in line 15, the word “two” and inserting in place thereof the following figure:- 5.

272 SECTION 8. Section 138 of said chapter 140 , as so appearing, is hereby amended by
273 inserting after the word “town”, in lines 2 and 3, the following words, in each instance:- or city.

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

277 SECTION 10. Section 138A of said chapter 140 is hereby repealed.

278 SECTION 11. Said chapter 140 is hereby further amended by striking out section 139, as
279 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

280 Section 139. (a) The fee for every license shall, except as otherwise provided, be
281 determined by a city or town; provided, however, that no fee shall be increased without a
282 majority vote of the city council or the voters present at a town meeting.

283 (b) The license fee for a spayed or neutered dog shall be less than the license fee of an
284 intact dog. Upon application for a license, a city or town clerk shall require a certificate from the
285 veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered;
286 provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian
287 who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a
288 bill from the veterinarian who performed such procedure or a statement signed under the

289 penalties of perjury by a veterinarian registered and practicing in the commonwealth describing
290 the dog and stating that the veterinarian has examined the dog, which appears to have been
291 spayed or neutered and incapable of propagation.

292 (c) No fee shall be charged for a license issued under this section for a service animal as
293 defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee
294 shall be charged for a license for a dog owned by a person aged 70 years or over in any city or
295 town that accepts this provision. A license fee, or portion thereof, shall not be refunded because
296 of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of
297 the dog, nor shall a license fee, or portion thereof, paid by mistake be paid or recovered after it
298 has been paid over to a city or town under section 147.

299 SECTION 12. Section 139A of said chapter 140, as so appearing, is hereby amended by
300 striking out, in lines 2 and 3, the words “a deposit of not less than ten nor more than thirty
301 dollars” and inserting in place thereof the following words:- a written agreement is entered into
302 and a deposit of not less than \$40.

303 SECTION 13. Said section 139A of said chapter 140, as so appearing, is hereby further
304 amended by adding the following paragraph:-

305 The commissioner may set fines for violations and may further establish regulations to
306 ensure compliance with this section. Additionally, an animal control officer, an officer licensed
307 under section 57 of chapter 22C, a police officer or the owner, director or a duly authorized agent
308 of an animal shelter from which an animal was obtained may bring a petition in the district court
309 within the judicial district of which the dog or cat is owned or kept for an action of forfeiture and

310 relinquishment of ownership. Legal fees or court costs incurred in the enforcement of this section
311 shall be the responsibility of the owner of the animal.

312 SECTION 14. Said chapter 140 is hereby further amended by striking out section 141, as
313 so appearing, and inserting in place thereof the following section:-

314 Section 141. Whoever violates section 137, 137A, 137B or 138 shall be assessed a fee of
315 not less than \$50, which shall be paid to the city or town wherein the violation occurred.

316 SECTION 15. Section 145 of said chapter 140, as so appearing, is hereby amended by
317 striking out, in lines 3 and 4, the words “to the director of accounts upon application therefor.”

318 SECTION 16. Section 145A of said chapter 140, as so appearing, is hereby amended by
319 striking out the fourth to seventh sentences, inclusive.

320 SECTION 17. Said chapter 140 is hereby further amended by striking out section 145B,
321 as so appearing, and inserting in place thereof the following section:-

322 Section 145B. Whoever is the owner or keeper of a dog, cat or ferret in the
323 commonwealth, 6 months of age or older, shall cause such dog, cat or ferret to be vaccinated
324 against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer’s
325 directions and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by
326 the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth
327 shall be vaccinated within 30 days after the acquisition or arrival of such animal into the
328 commonwealth or upon reaching the age of 6 months, whichever last occurs. It shall be the duty
329 of each veterinarian, at the time of vaccinating any dog, cat or ferret, to complete a certificate of
330 rabies vaccination which shall include, but not be limited to, the following information: the

331 owner's name and address; a description of the animal, including breed, sex, age, name and
332 distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of
333 rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine
334 lot number.

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

341 In order for a dog, cat or ferret to be accepted at an animal hospital, veterinarian's office or
342 boarding facility, an owner or keeper of such animal shall show proof of current vaccination
343 against rabies; provided, however, that if an animal has not been so vaccinated or such owner or
344 keeper fails to show proof of vaccination, the animal shall be vaccinated against rabies prior to
345 being discharged if the animal's medical condition permits.

346 A licensing authority may grant an exemption from this section for any dog, cat or ferret
347 that:

348 (i) the local board of health has declared exempt from the rabies vaccination requirement
349 upon presentation of a veterinarian's certificate stating that because of an infirmity, other
350 physical condition or regimen of therapy, that such inoculation is considered inadvisable for a
351 specified period of time for such reasons;

352 (ii) is in transit; or

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

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

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

357 SECTION 18. Section 146 of said chapter 140, as so appearing, is hereby amended by
358 striking out, in lines 5 to 8, inclusive, the words “to which such dog has been removed, and such
359 clerk shall take up the same and issue to said owner or keeper a transfer license, together with a
360 tag, for such dog upon payment of twenty-five cents” and inserting in place thereof the following
361 words:- or city to which such dog has been removed, and such clerk shall take up the same and
362 issue to such owner or keeper a transfer license and a tag for such dog upon payment of an
363 amount to be determined by the city or town.

364 SECTION 19. Said chapter 140 is hereby further amended by striking out sections 147
365 and 147A, as so appearing, and inserting in place thereof the following section:-

366 Section 147. The police commissioner of the city of Boston and the clerks of other cities
367 and towns shall issue dog licenses and tags, receive the money therefor and pay it into the
368 treasuries of their respective cities and towns on the first Monday of each month or more often.
369 The clerks of cities and towns, except the city of Boston, may retain for their own use 75 cents
370 for each such license issued, unless otherwise provided by law, and shall certify under penalties
371 of perjury to the amounts of money thus received and paid over to them. The police
372 commissioner of the city of Boston and each city or town clerk shall make a record of the name
373 of the owner or keeper of each dog licensed and of the name, registered number and description
374 of each dog licensed. Such records shall be open to public inspection during the usual office

375 hours of the city or town clerk. All blanks for the licenses and tags and the record books shall be
376 paid for out of the city or town treasury. The police commissioner of the city of Boston and any
377 city or town clerk or city or town treasurer violating this section shall be punished by a fine of
378 not less than \$50 nor more than \$500 or by imprisonment for not less than 1 month nor more
379 than 1 year in the house of correction, or both. If a city or town clerk neglects or fails to pay the
380 money into the city or town treasury as required by this section, the city or town may recover the
381 amount thereof for the benefit of the city or town, with all damages sustained through such
382 neglect or failure, and interest thereon, in an action on the official bond required, in the case of a
383 city clerk, by section 13A of chapter 41 and, in the case of a town clerk, by section 13 of said
384 chapter 41. All payments required under this section shall be subject to section 52 of said chapter
385 41.

386 SECTION 20. Section 147B of said chapter 140 is hereby repealed.

387 SECTION 21. Said chapter 140 is hereby further amended by striking out sections 149,
388 150, 151, 151A and 151B, as appearing in the 2010 Official Edition, and inserting in place
389 thereof the following 6 sections:-

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

392 Section 150. Persons authorized or directed by section 4 of chapter 51 or by any special
393 law, to make lists of residents 3 years of age or older shall make a list of all dogs owned by the
394 inhabitants at the time of making such lists and shall annually return the same, in duplicate, to
395 the city or town clerk or, to the police commissioner in the city of Boston. An owner or keeper of

396 a dog who refuses to answer or answers falsely to persons directed or authorized to make such a
397 list shall be punished by a fine of not less than \$20 which shall be paid to the city or town.

398 Section 151. (a) The mayor of each city and the board of selectmen of each town shall
399 annually designate 1 or more animal control officers, who may be police officers or constables.
400 The mayor or board of selectman shall immediately submit to the commissioner the names,
401 addresses and date of hire of such animal control officers. Except as provided in this section, if
402 any city or town shall fail to make such appointment, the commissioner shall appoint an animal
403 control officer for that city or town. An animal control officer who fails to comply with the terms
404 of such officer's warrant shall immediately be removed from office by the mayor or board of
405 selectmen and notice of the removal shall immediately be given to the commissioner. Animal
406 control officers shall have completed, under the supervision of a veterinarian registered under
407 section 55 or 56C of chapter 112, a course of instruction in humane techniques for the execution
408 of animals before euthanizing any animal. Before euthanizing or giving or turning over to
409 another any dog or cat in the officer's possession, such animal control officer shall first examine
410 the animal for the presence of a microchip or tattoo, check the description of such animal against
411 descriptions within the city or town relative to such species of animal licensed or registered in
412 such municipality in order to verify the identity of the animal and to provide notice to the owner
413 of the animal before the animal is euthanized, given away or turned over to another. Bills for
414 such services shall be approved by the mayor of the city or the board of selectmen of the town in
415 which the dogs or cats are kept or euthanized and shall be paid by such city or town. Each animal
416 control officer appointed under this section shall also attend to all complaints or other matters
417 pertaining to animals, as prescribed by their respective city or town, in addition to the duties
418 imposed upon the officer by the officer's warrant, and shall be paid for such services by the town

419 or city treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of
420 any city or the board of selectmen of any town may, instead of appointing an animal control
421 officer, enter into a contract with a domestic charitable corporation incorporated exclusively for
422 the purpose of protecting animals from cruelty, neglect or abuse to perform the duties required of
423 an animal control officer. In that case, the payments to the corporation under the terms of the
424 contract shall be in full for all services rendered by it in that capacity.

425 (b) An animal control officer shall not be a licensed animal dealer registered with the
426 United States Department of Agriculture. An animal control officer shall not give, sell or turn
427 over any animal which may come into the officer's custody to any business or institution
428 licensed or registered as a research facility or animal dealer with the United States Department of
429 Agriculture either privately or in the course of carrying out such officer's official assignments as
430 an agent for the officer's municipality. A municipality shall not give, sell or turn over any animal
431 which may come into its custody to any business or institution licensed or registered as a
432 research facility or animal dealer with the United States Department of Agriculture. Whoever
433 violates this subsection shall be punished by a fine of not more than \$1,000.

434 Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to the
435 animal control officer or officers directing the officer or officers to seek out, catch and confine
436 all dogs within the city or town which are not licensed, collared or harnessed, or tagged, as
437 required by this chapter, and to enter and prosecute a complaint for failure to comply with this
438 chapter against the owners or keepers of such dogs, if known, and to euthanize or cause to be
439 euthanized only by the administration of barbiturates in a manner deemed acceptable by the
440 American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case
441 of emergency, each such dog not licensed, collared or harnessed, or tagged after being detained

442 by or for the officer for a period of 7 days; provided, however, that after 7 days, the animal
443 control officer may make available for adoption any dog found free of disease for a sum of not
444 less than \$10 and shall keep an account of all moneys received by such officer for the adoption
445 and shall immediately pay over the sums to the treasurer who shall forward the money to the city
446 or town. Before delivery of a dog so adopted, the animal control officer shall require the
447 purchaser to show identification and to procure a license and tag for the dog from the clerk of the
448 city or town wherein the dog is to be kept. Dogs detained under this section shall be confined in a
449 place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be
450 placed in the care of the holder of a kennel license or of a domestic charitable corporation
451 incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse.
452 The commissioner from time to time shall cause such places wherein animals are detained under
453 this section to be inspected and shall make necessary order in relation thereto. An animal control
454 officer having custody of a detained dog or cat shall be allowed a sum determined by the city or
455 town per day for the care of the dog or cat, payable by the owner or keeper, if known, otherwise
456 by the city or town.

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

460 (1) the date and location of apprehension;

461 (2) a description of the animal;

462 (3) the place of detainment;

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

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

466 (6) if the animal is euthanized, the method and date of such euthanization and the name
467 of the person who euthanized the animal; and

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

470 Every animal control officer shall forward a copy of the record to the town or city clerk within
471 30 days. Copies of the record shall be kept for 2 years in the offices of the city or town clerk
472 where such animal control officer is employed.

473 Section 151B. Any veterinarian registered under section 55 or 56A of chapter 112, who
474 renders emergency care or treatment to, or who euthanizes, a dog or cat that is injured on any
475 way shall receive payment from the owner of such dog or cat, if known, or, if not known, from
476 the city or town in which the injury occurred in an amount not to exceed \$250 for such care,
477 treatment or euthanization; provided, however, such emergency care, treatment or euthanization
478 shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating
479 suffering until the owner or keeper of such dog or cat is identified or for a period of 24 hours,
480 whichever is sooner. Any veterinarian who renders such emergency care or treatment to a dog or
481 cat or euthanizes a dog or cat shall notify the municipal animal control officer and such animal
482 control officer shall assume control of such dog or cat or the remains of such dog or cat.

483 Section 151C. The commissioner shall, from time to time, and subject to the availability
484 of funds from the Homeless Animal Prevention and Care Fund in section 35TT of chapter 10,
485 provide for a training course for animal control officers. For any training course established

486 under this section, there shall be a preference for persons who have been in the employ of a city
487 or town as an animal control officer for 12 months or less. A training course that is offered by a
488 private entity including, but not limited to, the Animal Control Officers Association, shall not be
489 eligible for reimbursement from the Homeless Animal Prevention and Care Fund unless such
490 course has been approved by the commissioner.

491 SECTION 22. Section 152 of said chapter 140, as appearing in the 2010 Official Edition,
492 is hereby amended by striking out, in line 1, the word “dog” and inserting in place thereof the
493 following words:- animal control.

494 SECTION 23. Said section 152 of said chapter 140, as so appearing, is hereby further
495 amended by inserting after the word “dogs”, in line 6, the following words:- and cats.

496 SECTION 24. Said section 152 of said chapter 140, as so appearing, is hereby further
497 amended by striking out, in line 10, the word “dogs” and inserting in place thereof the following
498 word:- animals.

499 SECTION 25. Section 153 of said chapter 140, as so appearing, is hereby amended by
500 striking out, in line 2, the words “, except Suffolk county”.

501 SECTION 26. Said section 153 of said chapter 140, as so appearing, is hereby further
502 amended by striking out, in lines 13 to 18, inclusive, the words “by methods of execution other
503 than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the
504 control of the federal Drug Enforcement Administration, unless by a veterinarian,
505 succinylcholine cholide, any drugs that have curariform-like action, electrocution or any other
506 method which causes an unnecessarily cruel death” and inserting in place thereof the following
507 words:- only by the administration of barbiturates in a manner deemed acceptable by the

508 American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case
509 of emergency.

510 SECTION 27. Said section 153 of said chapter 140, as so appearing, is hereby further
511 amended by striking out, in lines 18 to 21, inclusive, the words “ten days, shall not then have
512 been duly licensed, collared or harnessed, and tagged, except that any male or any spayed female
513 dog not found to be diseased may be made available for adoption for not less than three dollars”
514 and inserting in place thereof the following words:- 7 days, shall not then have been duly
515 licensed, collared or harnessed, and tagged, except that any dog not found to be diseased may be
516 made available for adoption for not less than \$10.

517 SECTION 28. Said section 153 of said chapter 140, as so appearing, is hereby further
518 amended by inserting after the word “dogs”, in line 34, the following words:- and cats.

519 SECTION 29. Said section 153 of said chapter 140, as so appearing, is hereby further
520 amended by striking out, in lines 41 to 84, inclusive, the words "nineteen hundred and _____

521 Mayor of (or Chairman of the Selectmen of)

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

523 COMMONWEALTH OF MASSACHUSETTS

524 (Seal)

525 , ss.

526 To , constable of the city (or town) of

527 In the name of the commonwealth of Massachusetts, you are hereby required to proceed
528 forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed,
529 collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty
530 of the General Laws, and you are further required to make and enter complaint against the owner
531 or keeper of every such dog, and to kill or cause to be killed by methods of execution other than
532 gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the
533 control of the federal Drug Enforcement Administration, unless by a veterinarian,
534 succinylcholine choline, any drugs that have a curariform-like action, electrocution, or any other
535 method which causes an unnecessarily cruel death each such dog which, after being detained for
536 a period of seven days, shall not then have been duly licensed, collared or harnessed, except that
537 any male or any spayed female dog not found to be diseased may be made available for adoption
538 for not less than three dollars, and you shall keep an account of any such sale and forthwith pay
539 over the money to the town treasurer. Before delivery of any dog so adopted you shall require the
540 purchaser to show identification and to register and procure a license and tag for such dog from
541 the town clerk of the town where the dog is to be kept, in accordance with the provisions of
542 section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

543 Hereof fail not, and make due return of this warrant with your doings therein, on or
544 before the first day of October next, on or before the first day of January next, and on or before
545 the first day of April next, and at the expiration of your term of office, stating the number of dogs
546 caught, confined and/or killed, or adopted, and the names of the owners or keepers thereof, and
547 whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed, or
548 adopted, and the names of persons against whom complaints have been made under the
549 provisions of said chapter one hundred and forty, and whether complaints have been made and

550 entered against all the persons who have failed to comply with the provisions of said chapter one
551 hundred and forty.

552 Given under my hand and seal at ___ aforesaid the ___ day of ___ in the year nineteen
553 hundred and _____ Mayor of (or Chairman of the Selectmen of)”

554 and inserting in place thereof the following words:- two thousand.

555 Mayor of (or Chairman of the Selectmen of).

556 SECTION 30. Section 156 of said chapter 140, as so appearing, is hereby amended by
557 inserting after the word “dog”, in line 11, the first time it appears, the following sentence:- Any
558 person killing or wounding a dog under the conditions set out in this section shall promptly
559 report to the owner, animal control officer or police officer such killing or wounding.

560 SECTION 31. Said chapter 140 is hereby further amended by striking out sections 157,
561 158, 159, 160 and 161, as so appearing, and inserting in place thereof the following 6 sections:-

562 Section 157. (a) Any person may file a complaint in writing to the hearing authority
563 complaining that a dog owned or kept in the city or town is a nuisance dog or is a dangerous dog.
564 Such hearing authority shall investigate the complaint, or cause the investigation of the
565 complaint, including an examination under oath of the complainant at a public hearing in such
566 municipality to determine whether the dog is a nuisance or a dangerous dog. Based on the
567 credible evidence and testimony presented at the public hearing, the hearing authority shall, if the
568 dog is complained of as a nuisance dog, either: (i) dismiss the complaint; or (ii) deem such dog a
569 nuisance dog, or, if the dog is complained of as a dangerous dog, either: (i) dismiss the
570 complaint; (ii) deem such dog a nuisance dog; or (iii) deem such dog a dangerous dog.

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

574 (c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order
575 1 or more of the following:

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

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

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

590 (iv) that the owner or keeper of the dog shall provide proof of a policy of
591 insurance in an amount not less than \$100,000 insuring such owner or keeper against any claim,
592 loss, damage or injury to persons, domestic animals or property resulting from the acts, whether

593 intentional or unintentional, of such dog or proof that reasonable efforts were made to obtain
594 such insurance if a policy has not been issued. If such a policy has been issued, the owner or
595 keeper shall produce such policy upon request of the hearing authority or a justice of the district
596 court or proof of efforts to obtain same if such a policy has not been issued.

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

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

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

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

610 (d) Within 10 days after any order issued under subsections (a) to (c), inclusive, the
611 owner or keeper of a dog may bring a petition in the district court within the judicial district in
612 which the order relative to such dog was issued or where the dog is owned or kept, addressed to
613 the justice of the court, praying that the order be reviewed by the court or magistrate of the court.
614 After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the

615 order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it
616 was made without proper cause or in bad faith, in which case the order shall be reversed. A party
617 shall have the right to request a de novo hearing on the complaint before a justice of the court.

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

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

626 (i) of restraint;

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

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

633 (f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d).
634 Based on the credible evidence and testimony presented at trial, the court shall, whether the dog
635 was initially complained of as a nuisance dog or as a dangerous dog, either: (i) dismiss the

636 complaint; (ii) deem such dog a nuisance dog; or (iii) deem such dog a dangerous dog. The
637 decision of the court shall be final and conclusive upon the parties.

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

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

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

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

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

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

653 (h) If an owner or keeper of a dog is found in violation of an order issued under this
654 section, such dog shall be subject to seizure and impoundment by a law enforcement or animal
655 control officer. If the keeper, not the owner of such dog, is in violation, all reasonable effort shall
656 be made by the seizing authority to notify the owner of such dog of the seizure. Upon receipt of

657 such notice, the owner may file a petition with the hearing authority, within 7 days, for the return
658 of the dog to such owner. Such owner or keeper shall be ordered to immediately surrender to the
659 licensing authority the license and tags in such person's possession, if any, and such owner or
660 keeper shall be banned from licensing any dog within the commonwealth for 5 years. A hearing
661 authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has
662 violated an order issued under this section shall report such violations to the issuing licensing
663 authority within 30 days.

664 (i) Orders issued by a hearing authority shall be valid throughout the commonwealth
665 unless and until overturned under subsections (d) or (f).

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

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

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

678 Section 158. Any police officer, constable or animal control officer may capture, detain or, in the
679 case of a threat to public safety, euthanize a dog, in a humane manner if found to be in violation
680 of an order of a hearing authority or a district court and may euthanize a dog, in a humane
681 manner, if it is living in a wild state.

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

686 Section 160. The mayor of any city, the selectmen of any town, or their agents who are
687 authorized in writing, to act in such mayor or selectmen's stead may, after written notice to the
688 owner or keeper, enter upon the premises of the owner or keeper of any dog known to such
689 persons to have worried or killed live stock or fowl, and then and there euthanize such dog, in a
690 humane manner, unless such owner or keeper whose premises are thus entered for said purpose
691 shall give a bond in the sum of \$200, with sufficient sureties, conditioned that the dog shall be
692 restrained for 12 months next ensuing. If the owner or keeper of the dog declares an intention to
693 give such a bond, the selectmen, chief of police, or the agent of the selectmen or chief, as the
694 case may be, shall allow the owner or keeper 7 days, exclusive of Sundays and holidays, in
695 which to procure and prepare such bond and to present it, or to file it with the clerk of the town
696 or city in which the owner or keeper resides.

697 Section 161. Whoever suffers loss by the worrying, maiming or killing of such person's
698 live stock or fowl by a dog, outside the premises of the owner or keeper of such dog, may, if the
699 damage is done in a city, inform the animal control officer and may, if the damage is done in a

700 town, inform the chairman of the selectmen of the town or, if the chairman is absent or ill, any
701 1 of the selectmen. Such officer, chairman or selectman shall proceed to the premises where the
702 damage was done and determine whether the damage was inflicted by a dog and, if so, appraise
703 the amount of damage if it does not exceed \$100. If in the opinion of such officer, chairman or
704 selectman, the amount of damage exceeds \$100, the damage shall be appraised, on oath, by 3
705 persons, of whom 1 shall be such officer, chairman or selectman, 1 shall be appointed by the
706 person alleged to be damaged, and the third shall be appointed by the other 2 appointees. Within
707 10 days, the appraisers shall consider and include in their appraisal the labor and time necessarily
708 to be expended to find and collect the live stock or fowl injured or separated and the value of
709 those lost or otherwise damaged by a dog. Such officer, chairman or selectman shall return a
710 certificate of the damages found to the treasurer of the city or town in which the damage was
711 done within 10 days after such appraisal is made. The treasurer shall immediately submit the
712 appraisal to the city or town clerk who, within 30 days, shall examine all bills for damages. A
713 city or town clerk may summons such appraisers or, upon the request of an interested party, shall
714 summons such appraisers and all parties interested and make such investigation as such clerk
715 deems proper, and shall issue an order upon the treasurer of the city or town for such amounts, if
716 any, determined to be just and shall notify all interested parties of the decision. The treasurer
717 shall pay all orders drawn upon the treasurer in full, for the above purpose and payments made
718 shall be charged to the city or town.

719 SECTION 32. Section 162 of said chapter 140 is hereby repealed.

720 SECTION 33. Said chapter 140 is hereby further amended by striking out section 163, as
721 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

722 Section 163. If the mayor, aldermen or selectmen determine, after notice to parties
723 interested and a hearing, the identity of the owner or keeper of any dog which is found to have
724 worried, maimed or killed any live stock or fowl, thereby causing damages for which the owner
725 of the live stock or fowl may become entitled to compensation from the city or town under
726 section 161, the mayor, aldermen or selectmen shall serve upon the owner or keeper of such dog
727 a notice directing him, within 24 hours, to euthanize the dog in a humane manner or restrain the
728 dog.

729 SECTION 34. Section 164 of said chapter 140, as so appearing, is hereby amended by
730 striking out, in lines 2 to 6, inclusive, the words “such notice and does not within twenty-four
731 hours kill such dog or thereafter keep it on his premises or under the immediate restraint and
732 control of some person, shall be punished by a fine of not more than twenty-five dollars; and any
733 police officer, constable or dog officer may kill such dog” and inserting in place thereof the
734 following words:- such notice under section 163 and does not within 24 hours euthanize such
735 dog or thereafter keep it on such owner’s or keeper’s premises or under the immediate restraint
736 and control of some person, shall be punished by a fine of not less than \$25; and any police
737 officer, constable or animal control officer may euthanize such dog in a humane manner.

738 SECTION 35. Said chapter 140 is hereby further amended by striking out section 165, as
739 so appearing, and inserting in place thereof the following section:-

740 Section 165. A city or town may investigate any case of damage done by a dog of which
741 the chairman of the board of selectmen, mayor or animal control officer shall have been
742 informed as provided in section 161. If the chairman, mayor or animal control officer believes
743 that the evidence is sufficient to sustain an action against the owner or keeper of the dog and

744 believes that such owner or keeper is able to satisfy any judgment recovered in such action, such
745 chairman, mayor or animal control officer shall bring the action, unless the owner or keeper pays
746 such amount in settlement of the damage as such chairman, mayor or officer deems reasonable
747 before the action is brought. Such action may be brought in the name of such chairman, mayor or
748 officer who shall prosecute the action and shall have the same powers and authority as police
749 officers, constables or animal control officers appointed under section 151 and acting under
750 sections 136A to 174D, inclusive. All damages received or recovered under this section shall be
751 paid over to the city or town treasurer.

752 SECTION 36. Said chapter 140 is hereby further amended by striking out section 167, as
753 so appearing, and inserting in place thereof the following section:-

754 Section 167. The mayor, aldermen or selectmen may order that all dogs shall be
755 restrained from running at large during such time as shall be prescribed by the order. Once
756 passed, a certified copy of such order shall be posted in 2 or more public places in the city or
757 town or, if a daily newspaper is published in the city or town, by publishing a copy once in that
758 newspaper. Following such publication, the mayor, aldermen or selectmen may issue their
759 warrant to 1 or more of the police officers or constables of such city or town, who shall, not
760 sooner than 24 hours after the publication of such notice, euthanize all dogs in a humane manner
761 found running at large contrary to such order. Notwithstanding the foregoing, a police officer or
762 constable may, in such officer's or constable's discretion, hold any such dog for a period not to
763 exceed 7 days. If the owner of the dog claims it and pays to such officer or constable a fee of \$40
764 for each day that the dog has been held, the dog shall be returned to its owner. The fee shall be
765 paid over to the city or town.

766 SECTION 37. Section 168 of said chapter 140, as so appearing, is hereby amended by
767 striking out, in line 1, the words “aldermen or selectmen” and inserting in place thereof the
768 following words:- aldermen, selectmen or mayor.

769 SECTION 38. Said section 168 of said chapter 140, as so appearing, is hereby further
770 amended by striking out, in line 5, the words “more than twenty-five dollars” and inserting in
771 place thereof the following words:- less than \$25.

772 SECTION 39. Section 169 of said chapter 140, as so appearing, is hereby amended by
773 striking out the first sentence and inserting in place thereof the following sentence:- A city or
774 town officer who refuses or willfully neglects to perform the duties imposed upon him by the
775 provisions of this chapter relating to dogs shall be punished by a fine of not less than \$100,
776 which shall be paid to the city or town.

777 SECTION 40. Section 170 of said chapter 140 is hereby repealed.

778 SECTION 41. Said chapter 140 is hereby further amended by striking out section 171, as
779 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

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

783 SECTION 42. Section 172 of said chapter 140 is hereby repealed.

784 SECTION 43. Said chapter 140 is hereby further amended by striking out section 173, as
785 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

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

788 SECTION 44. The first paragraph of section 173A of said chapter 140, as so appearing,
789 is hereby amended by striking out the second to fourth sentences, inclusive, and inserting in
790 place thereof the following 3 sentences:- For the first offense committed by a person within a
791 calendar year, the clerk shall dismiss the charge without the payment of any fine; for a second
792 offense in such city or town within a calendar year, the payment of a fine of \$50 shall operate as
793 a final disposition of the case; for a third offense in such city or town in a calendar year, payment
794 of a fine of \$60 shall operate as a final disposition of the case; and for a fourth or subsequent
795 offense in such city or town within the calendar year, payment of a fine of \$100 shall operate as a
796 final disposition of the case. Payment shall be made only by postal note, money order or check.
797 Notwithstanding the foregoing procedure and schedules of fines, but subject to all of the other
798 provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative
799 procedure and a different schedule of fines.

800 SECTION 45. Said chapter 140 is hereby further amended by striking out section 174A,
801 as so appearing, and inserting in place thereof the following section:-

802 Section 174A. A dog or cat whose killing is authorized under this chapter shall be
803 euthanized only by the administration of barbiturates in a manner deemed acceptable by the
804 American Veterinary Medical Association Guidelines on Euthanasia or as allowed by in section
805 151A.

806 SECTION 46. Section 174B of said chapter 140, as so appearing, is hereby amended by
807 striking out, in line 4, the words “fifty dollars” and inserting in place thereof the following
808 figure:- \$100.

809 SECTION 47. Section 174D of said chapter 140, as so appearing, is hereby amended by
810 inserting after the word “commissioner”, in lines 4, 5, 6, 14, 16, 19, 28, 31 and 36, the following
811 words, in each instance:- of public health.

812 SECTION 48. Each animal control officer shall, within 24 months of the effective date
813 of this act if serving as an animal control officer before the effective date of this act or within 12
814 months from the officer’s date of hire if such date of hire is on or after the effective date of this
815 act, complete a training course offered under section 151C of chapter 140 of the General Laws;
816 provided, however, that such training requirement shall be subject to the availability of funds in
817 the Homeless Animal Prevention and Care Fund, established in section 35TT of chapter 10 of the
818 General Laws, as determined by the commissioner of the department of agricultural resources.
819 Priority for training animal control officers serving in such capacity before the effective date of
820 this act shall be given to those officers having served for 12 months or less.

821 SECTION 49. Chapter 209A of the General Laws is hereby amended by adding the
822 following section:-

823 Section 11. (a) Whenever the court issues a temporary or permanent vacate, stay away,
824 restraining or no contact order or a judgment under section 18, 34B or 34C of chapter 208;
825 section 32 of chapter 209; section 3, 4 or 5 of this chapter; section 15 or 20 of chapter 209C; or
826 section 3, 4, 5, 6 or 7 of chapter 258E; or a temporary restraining order or preliminary or
827 permanent injunction relative to a domestic relations, child custody, domestic abuse or abuse

828 prevention proceeding, the court may order the possession, care and control of any domesticated
829 animal owned, possessed, leased, kept or held by either party or a minor child residing in the
830 household to the plaintiff or petitioner. The court may order the defendant to refrain from
831 abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or
832 otherwise disposing of such animal.

833 (b) A party to any of the proceedings listed in subsection (a) may petition the court for an
834 order authorized by subsection (a).

835 (c) Whenever the court issues a warrant for a violation of a temporary or permanent
836 vacate, stay away, restraining or no contact order or of a judgment issued under section 18, 34B
837 or 34C of chapter 208; section 32 of chapter 209; section 3, 4 or 5 of this chapter; section 15 or
838 20 of chapter 209C; or section 3, 4, 5, 6 or 7 of chapter 258E, or otherwise becomes aware that
839 an outstanding warrant for such a violation has been issued against a person before the court, the
840 judge may make a finding, based upon the totality of the circumstances, as to whether there
841 exists an imminent threat of bodily injury to any party to such judgment or the petitioner of any
842 such protective order, a member of the petitioner's family or household or to a domesticated
843 animal belonging to such petitioner or to a member of the petitioner's family or household. If the
844 court makes a finding that such an imminent threat of bodily injury to a person or domesticated
845 animal exists, the court shall notify the appropriate law enforcement officials of such finding and
846 such law enforcement officials shall take all necessary actions to execute any such outstanding
847 warrant as soon as is practicable.

848 SECTION 50. The chief justice of administration and management of the trial court
849 department shall amend the relevant complaint forms for chapters 208, 209A, 209C and 258E of

850 the General Laws, or prescribe a new form, to incorporate a petition for an order under section
851 11 of chapter 209A of the General Laws, which shall be in such form and language to permit a
852 plaintiff to prepare and file such complaint pro se.