

An Initiative Petition for a Law Relative to Animal Shelter Record Keeping

Be it Enacted by the People, and by Their Authority:

Section One

Massachusetts General Laws Chapter 140, section 136A, deletes the existing definition of “Shelter” and replaces it with:

“A public animal control facility or private facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.”

And inserts the following definitions:

“Community Cats,” a cat that is abandoned, stray, lost, or born and living outdoors, and may be cared for by one or more community cat caregivers.

“Community Cats Caregiver,” a person who provides care, including: food, shelter, or medical care to a cat that is abandoned, stray, lost, or born and living outdoors, but is not the cat’s owner.

“Ear tipping,” the removal of the ¼ inch tip of a community cat’s ear, performed while the cat is under anesthesia, to identify the community cat as being sterilized and vaccinated for rabies.

“Trap-Neuter-Return,” a process where community cats are humanely trapped, sterilized, vaccinated against rabies, ear-tipped and returned to trapping location.

Section Two

Massachusetts General Laws Chapter 140, section 151A (b) is hereby deleted and replaced with the following:

An animal control officer, law-enforcement officer, humane investigator, or custodian of a shelter, upon taking custody of any animal in the course of his or her official duties, or any representative of a humane society, upon taking custody of any animal on behalf of the society, shall immediately make a record of such matter. Such record shall include:

- 1.) The date on which the animal was taken into custody;
- 2.) The date of the making of the record;
- 3.) A description of the animal including the animal’s type, color, breed, sex, approximate age, and approximate weight;
- 4.) The location where custody was taken;
- and
- 5.) The name and address of the animal’s owner, if known.

Massachusetts General Laws Chapter 140, section 151A is hereby amended by adding section 151A (c), as follows:

Upon intake of any animal into a shelter, the custodian of the shelter shall immediately make a record of the reason that the animal was taken into custody. Such record shall include:

- 1.) The total number of animals in its custody, broken down by type of animal and whether the animal(s) of each type were:
 - a.) surrendered by owner;
 - b.) caught as strays;
 - c.) born in the shelter; or
 - d.) transferred from another shelter
 - i.) in-state; or
 - ii.)out-of-state

Upon disposition of any animal in the shelter, the custodian of the shelter shall immediately make a record of the reason that the animal left the shelter. Such record shall include:

- 1.) The total number of animals in custody of the shelter, broken down by type, and whether the animal(s) of each type were:
 - a.) adopted by new owner;
 - b.) returned to original owner;
 - c.) died in shelter;
 - d.) lost from shelter;
 - e.) stolen from shelter;
 - f.) euthanized;
 - g.) transferred to another shelter;
 - i.) in-state; or
 - ii.) out-of-state;
 - h.) trapped/natured/returned; or
 - i.) other

Each shelter shall also track the number of animals in its custody at the beginning of each calendar year and at the end of the year to ensure that all animals are accounted for.

Section Three

Shelters shall file these records with the town or city clerk at the end of each month in which information is added or updated. Public shelters shall also file these records with the Massachusetts Department of Agricultural Resources, Division of Animal Health at the end of each month in which any information is added or updated. Records, before filing, shall be redacted to remove any identifying information about owners.

In the event, that a private domestic organization is appointed in the capacity of Animal Control officer, under Massachusetts General Laws chapter 140, section 151 (a), then copies of the records shall be forwarded at the end of each month, if there is any information added or updated, to the Massachusetts Department of Agricultural Resources, Division of Animal Health.

All records shall be kept for two years by the town or city clerk, and the Massachusetts Department of Agricultural Resources.

Section Four

Shelters shall make records available for public viewing, upon request. The Massachusetts Department of Agricultural Resources shall establish and make operational a website publishing the records forwarded to it, as described in Massachusetts General Laws chapter 140, sections 151A (b) and (c), within one year of the effective date of this Act.

Section Five

Massachusetts General Laws chapter 66, section 10(a), is hereby amended by inserting at the end of this section the following language: “All fees and copy costs shall be waived in the event that a person is seeking a copy of the records that are kept by a public animal shelter, or by the city or town clerks or the Massachusetts Department of Agricultural Resources, under Massachusetts General Laws chapter 140, section 151A.”

Section Six

The provisions of this law are independent and severable, and the invalidity, if any, of any part or feature thereof, shall not affect or render the remainder of this law invalid or inoperative.

Section Seven

This Act shall take effect on January 1, 2017

I have personally reviewed the final text of this Initiative Petition entitled An Initiative Petition for a Law Relative to Animal Shelter Record Keeping, fully subscribe to its contents, and agree to be one of the original signers of this petition.

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