

SENATE NO. 512

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 is hereby amended by inserting after section 39D the following
2 section:-

3 Section 39E. All dogs or cats brought or shipped into the commonwealth shall be accompanied
4 by an official health certificate issued by an accredited veterinarian and a copy sent to the
5 commissioner of agricultural resources.

6 An official health certificate shall mean a legible certificate or form issued by an accredited
7 veterinarian and approved by the chief livestock official of the state or county of origin
8 containing the names and addresses of the consignor and consignee. The certificate or form
9 shall also show age, sex, breed and description of each dog or cat and that they are free from
10 visual evidence of infectious or contagious disease. The certificate or form shall show proof of
11 rabies vaccination within the previous 12 months. Dogs or cats imported into Massachusetts
12 that are not currently vaccinated for rabies will be required to be vaccinated within 90 days of
13 entry or acquisition or upon reaching the age of 6 months.

14 Dogs or cats purchased within the commonwealth for resale by commercial establishments or
15 pet shops shall be accompanied by a health certificate issued by an accredited veterinarian. The

16 certificate shall show age, sex, breed, and description of each dog or cat and that they are free
17 from visual evidence of infectious or contagious disease.

18 No commercial establishment, pet shop, firm or corporation shall import into the
19 commonwealth for sale or resale in the commonwealth any cat or dog less than eight weeks of
20 age.

21 All dogs or cats sold in the state by a commercial establishment, pet shop, firm or corporation
22 shall be accompanied by a health record indicating dates and types of vaccine administered.

23 Whoever is convicted of a violation of any of these sections may be punished by a fine of not
24 less than \$50 nor more than \$100 for each such offense. In addition thereto or in lieu thereof,
25 the commissioner may, after notice and hearing, revoke or suspend a pet shop, kennel, and
26 boarding kennel license providing any person, firm or corporation maintaining such pet shop,
27 kennel and boarding kennel violates any of these regulations.

28 Any person, firm or corporation aggrieved by an order under this section may, by petition,
29 appeal within 30 days to the superior court where said person resides, or where the firm or
30 corporation is located. Such person shall, in substance, state the findings by the commissioner
31 and the grounds of appeal and said court shall consider said proceedings de novo and the parties
32 thereto shall have right of exception and appeal.

33 SECTION 2. Section 136A of chapter 140 of the General Laws, as appearing in the 2004
34 Official Edition, is hereby amended by striking out, in line 6, the words ““Commissioner”, the
35 commissioner of public health” and inserting in place thereof the following words:-

36 “Commissioner”, the commissioner of agricultural resources, except in section 174D, where
37 commissioner shall mean commissioner of public health

38 SECTION 3. Section 136A of chapter 140 of the General Laws, as so appearing, is hereby
39 amended by striking out, in lines 7 and 8, the words ““Director”, the director of the division of
40 accounts of the department of corporations and taxation” and inserting in place there of the
41 following words:- “Department”, the department of agricultural resources

42 SECTION 4. Section 136A of chapter 140 of the General Laws, as so appearing, is hereby
43 amended by striking out, in lines 9 and 10, the words ““Dog fund”, the fees, fines and
44 reimbursements collected in connection with the licensing of dogs and the enforcement of said
45 sections.” and inserting in place thereof the following words:- “Animal control fund”, the fees,
46 fines and reimbursements collected by a city or town in connection with the licensing of
47 companion animals and the enforcement of section 137 to 175, inclusive.

48 SECTION 5. Section 136A of chapter 140 of the General Laws, as so appearing, is hereby
49 amended by striking out, in line 11 and 12, the words ““Dog Officer”, any officer appointed
50 under said sections to enforce the laws relating to dogs” and inserting in place thereof the
51 following words:- “Animal control officer”, any officer appointed under said sections to enforce
52 the laws in sections 137 to 175, inclusive.

53 SECTION 6. Section 136A of chapter 140 of the General Laws, as so appearing, is hereby
54 amended by striking out, in lines 15 to 20, inclusive, the words ““Kennel”, one pack or
55 collection of dogs on a single premises, whether maintained for breeding, boarding, sale,
56 training, hunting or other purposes and including any shop where dogs are on sale, and also
57 including every pack or collection of more than three dogs three months old or over owned or
58 kept by a person on a single premises irrespective of the purpose for which they are

59 maintained.” and inserting in place thereof the following words:- "Kennel", one pack or
60 collection of dogs on a single premises, defined as follows:

61 a. “Commercial boarding or training kennel”, a kennel or establishment, other than an animal
62 shelter or animal control facility, used for boarding, holding, day care, overnight stays or
63 training, for a fee or consideration. This does not include dogs owned by the operator,
64 grooming facilities holding dogs solely for the purpose of grooming and not overnight boarding,
65 hobby breeders who board intact males or females for a period of time for the sole purpose of
66 breeding, individuals who temporarily, and not in the normal course of business, board or care
67 for animals owned by others, or a licensed pet shop.

68 b. “Commercial breeder kennel”, an establishment, other than a hobby breeder, engaged in the
69 business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in
70 return for consideration.

71 c. “Domestic charitable corporation kennel”, a facility operated, owned, or maintained by a
72 domestic charitable corporation registered with the department, or an animal welfare society or
73 other non profit organization incorporated for the purpose of providing for and promoting the
74 welfare, protection and humane treatment of animals. A domestic charitable corporation kennel
75 includes a veterinary hospital or clinic operated by a licensed veterinarian, which operates for
76 the above purpose in addition to providing medical treatment and care.

77 d. “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to
78 medical treatment or care. This shall not apply to a hospital or clinic used solely to house dogs
79 that have undergone veterinary treatment, observation, or will do so, only for the period of time
80 needed to accomplish the needed veterinary care.

81 e. "Personal kennel", one pack or collection of more than 4 dogs 3 months old or over, owned or
82 kept by a person on a single premises, under one ownership, for private personal use. Breeding
83 of personally owned dogs may take place for the purpose of improving the breed, exhibiting,
84 showing, use in sporting activity or other personal reasons, provided that selling, trading,
85 bartering or the distribution of such breeding from a personal kennel shall be to other breeders
86 or individuals by private sale only and not to wholesalers, brokers or pet shops. Kennels in this
87 category shall not sell, trade, barter or distribute any dogs not bred from their personally owned
88 dogs. However, dogs temporarily housed at a personal kennel in conjunction with an animal
89 shelter or rescue registered with the department may be sold, traded, bartered or distributed as
90 long as the transfer is not made for the purpose of making a profit.

91 SECTION 7. Section 136A of chapter 140 of the General Laws, as so appearing, is hereby
92 amended by striking out, in lines 21 and 22, the words "between April first and the following
93 March thirty-first, both dates inclusive" and inserting in place thereof the following words:-
94 during which a companion animal is licensed, as determined by a city or town

95 SECTION 8. Said chapter 140 is hereby further amended by striking out section 137, as
96 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

97 Section 137. All dogs over the age of 6 months shall be licensed by the owner or keeper. The
98 registering, numbering, describing and licensing of a dog, if kept in Boston shall be in the office
99 of the police commissioner or if kept in any other town or city, in the office of the town or city
100 clerk thereof.

101 No town or city clerk or, in Boston, the police commissioner, shall grant such license for any
102 dog unless the owner thereof provides such town or city clerk or, in Boston, the police
103 commissioner, either a veterinarian's certification that such dog has been vaccinated in

104 accordance with the provisions of section 145B, or has been certified exempt from such
105 provision as hereinafter provided, or a notarized letter from a veterinarian that a certification
106 was issued or a metal rabies tag bearing an expiration date indicating that such certification is
107 still in effect.

108 A licensing official may grant an exemption from the provisions of section 145B for any dog
109 which has not yet attained the age of 6 months, any dog which the local board of health, for a
110 specified period of time, declared exempt upon presentation of a veterinarian's certificate stating
111 that because of an infirmity, other physical condition or regimen of therapy, that inoculation is
112 thereby deemed inadvisable, or any dog in transit, or dog brought into the commonwealth,
113 temporarily, for the sole purpose of showing in dog shows or exhibition.

114 The license shall be subject to the condition expressed therein that the dog which is the subject
115 of the license shall be controlled and restrained from killing, chasing or harassing live stock or
116 fowls. The owner of any dog may add descriptive words, not over 10 in number, upon the
117 license form to indicate the color, breed, weight and special markings of the licensed dog. The
118 owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or
119 harness of leather or other suitable material, to which shall be securely attached a tag, and upon
120 which shall appear the license number, the name of the town issuing such license and the year
121 of issue. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a
122 substitute tag from the city or town clerk or, in Boston, from the police commissioner, at a cost
123 to be determined by the city or town which, if received by a city or town clerk, shall be retained
124 by him unless otherwise provided by law. This section shall not apply where it is otherwise
125 provided by law, nor shall it apply to a person having a kennel license.

126 SECTION 9. Said chapter 140 is hereby further amended by striking out section 137A, as
127 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-
128 Section 137A. Every person maintaining a kennel shall have a kennel license. Any owner or
129 keeper of less than 4 dogs 3 months old or over who does not maintain a kennel may elect to
130 secure a kennel license in lieu of licensing such dogs under section 137, and shall be subject to
131 this section and to sections 137B and 137C and to so much of section 141 as relates to
132 violations of this section to the same extent as though he were maintaining a kennel. The city or
133 town clerk, of the police commissioner of the city of Boston, shall issue kennel licenses for
134 kennels, as defined in section 136A, subsequent to an inspection by the animal control officer.
135 Such license shall be in lieu of any other license for any dog while kept at such kennel during
136 any portion of the period for which such kennel license is issued. The holder of a license for a
137 kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of
138 leather or other suitable material, to which shall be securely attached a tag upon which shall
139 appear the number of such kennel license, the name of the city or town issuing such license and
140 the year of issue. Such tags shall be furnished to such owner or keeper by the clerk of the city or
141 town in which such kennel is licensed, or, if licensed in Boston, by the police commissioner, in
142 quantities not less than the number of dogs kept in such kennel. The fee for each license for a
143 kennel shall be determined by the city or town; provided, that, for the purpose of determining
144 the amount of such fee for any kennel, dogs under the age of 6 months shall not be counted in
145 the number of dogs kept therein. The name and address of the owner of each dog kept in any
146 kennel, if other than the person maintaining the kennel, shall be kept on file thereat and
147 available to inspection by any animal control officer, natural resource officer, deputy natural
148 resource officer, fish and game warden or police officer.

149 The clerk of any city or town, or in Boston the police commissioner, shall upon application
150 issue without charge a kennel license to any domestic charitable corporation incorporated
151 exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the
152 relief of suffering among animals.

153 The commissioner may promulgate additional rules and regulations for the licensing of kennels
154 and catteries.

155 SECTION 10. Section 137B of chapter 140 of the General Laws, as so appearing, is hereby
156 amended by inserting, in line 14, after the word “town”, the words:- or city

157 SECTION 11. Section 137B of chapter 140 of the General Laws, as so appearing, is hereby
158 amended by inserting, in line 18, after the word “town”, the words:- or city

159 SECTION 12. Said chapter 140 is hereby further amended by striking out section 137C, as
160 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

161 Section 137C. The mayor of a city or a selectmen of a town, or in Boston the police
162 commissioner, or a chief of police or animal control officer, may at any time inspect or cause to
163 be inspected any kennel and if, in their or his judgment, it is not being maintained in a sanitary
164 and humane manner, or if records are not properly kept as required by law, they shall by order
165 revoke or suspend, and in case of suspension may reinstate, such license. Upon the petition of
166 25 citizens, filed with the mayor of a city or the selectmen of a town, or in Boston with the
167 police commissioner, setting forth that they are aggrieved, or annoyed to an unreasonable
168 extent, by one or more dogs at a kennel maintained in the city or town, because of the excessive
169 barking or dangerous disposition of the dogs or other conditions connected with a kennel
170 constituting a public nuisance, the mayor, selectmen or police commissioner, as the case may
171 be, within 7 days after the filing of such petition, shall give notice to all parties in interest of a

172 public hearing to be held within 14 days after the date of notice. The mayor, selectmen or
173 police commissioner within 7 days shall investigate or cause to be investigated the subject
174 matter of such petition and shall, by order, either suspend or revoke such kennel license or
175 otherwise regulate such kennel, or dismiss the petition. Written notice of any order under this
176 section revoking, suspending or reinstating a license shall be mailed forthwith to the officer
177 issuing such license and to the holder of such license. Within 10 days after such order the holder
178 of such license may bring a petition in the district court within the judicial district of which such
179 kennel is maintained, addressed to the justice of the court, praying that the order may be
180 reviewed by the court, and, after such notice to the officer or officers involved as the court may
181 deem necessary, it shall review such action, hear the witnesses and affirm such order unless it
182 shall appear that it was made without proper cause or in bad faith, in which case such order shall
183 be reversed. The decision of the court shall be final and conclusive upon the parties. Any person
184 maintaining a kennel after the license has been so revoked, or while such license is suspended,
185 shall be punished by a fine not less than \$100.

186 SECTION 13. Section 137D of chapter 140 of the General laws, as so appearing, is hereby
187 amended by striking out, in line 4, the word “dogs” and inserting in place thereof the following
188 words:- companion animals

189 SECTION 14. Section 137D of chapter 140 of the General laws, as so appearing, is hereby
190 amended by striking out, in line 15, the word “two” and inserting in place thereof the following
191 word:- 5

192 SECTION 15. Section 138 of chapter 140 of the General Laws, as so appearing, is hereby
193 amended by inserting, in line 2, after the word “town” the following words:- or city

194 SECTION 16. Section 138 of chapter 140 of the General Laws, as so appearing, is hereby
195 amended by inserting, in line 3, after the word “town” the following words:- or city

196 SECTION 17. Section 138 of chapter 140 of the General Laws, as so appearing, is hereby
197 amended by striking out, in line 9, each time it appears, the word “three” and inserting in place
198 thereof the following word:- 6

199 SECTION 18. Section 138A of chapter 140 is hereby repealed.

200 SECTION 19. Said chapter 140 is hereby further amended by striking out section 139, as
201 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

202 Section 139. The fee for every license shall, except as otherwise provided, be determined by a
203 city or town, provided this fee is not less than \$5 for a spayed or neutered dog and not less than
204 \$20 for an intact dog. Six dollars of the fee for an intact animal is a surcharge, \$5 of which shall
205 be transferred to the commissioner and deposited into a pet overpopulation fund to be used
206 solely to administer a program to prevent the overpopulation of dogs and cats, including feral
207 cats, in the commonwealth. One dollar of the surcharge shall be deposited with the
208 commissioner to be used for administration and oversight of animal control, which may include
209 the oversight of animal control officer training, assessing fines pursuant to section 139A, the
210 registration of shelters and animal control facilities, as well as reporting of information relating
211 to the adoption and euthanasia of animals.

212 If a certificate of a registered veterinarian who spayed or neutered a dog has been shown to the
213 city or town clerk, the license fee shall be lower than that of an intact animal. If the city or town
214 clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot
215 be obtained, the clerk may accept instead a statement signed under the penalties of perjury by a
216 veterinarian registered and practicing in the commonwealth, describing the dog and stating that

217 he has examined such dog and that it appears to have been, and in his opinion has been, spayed
218 or neutered and thereby deprived of the power of propagation or a receipt of a bill from the
219 veterinarian who performed the operation.

220 No fee shall be charged for a license for a dog specially trained to lead or serve a blind person;
221 provided, that the Massachusetts commission for the blind certifies that such dog is so trained
222 and actually in the service of a blind person. No fee shall be charged for a license for a dog
223 owned by a person aged 70 years or over in any city or town that accepts this provision. No fee
224 shall be charged for a license for a dog professionally trained in the hearing dog business to
225 serve a deaf person; provided, that the director of the office of deafness certifies that such dog is
226 so trained and actually in the service of the deaf person. The office on disability shall adopt
227 rules and regulations for the licensing of service dogs and no fee shall be charged for a license
228 for a dog recognized as a service dog. No license fee or part thereof shall be refunded because
229 of the subsequent death, loss, spaying, or removal from the commonwealth or other disposal, of
230 the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after
231 it has been paid over to the city or town under section 147.

232 SECTION 20. Section 139A of chapter 140 of the General Laws, as so appearing, is hereby
233 amended by striking out, in line 2 and 3, the words “ten nor more than thirty dollars” and
234 inserting in place thereof the following words:- \$40

235 SECTION 21. Section 139A of chapter 140 of the General Laws, as so appearing, is hereby
236 amended by inserting, in line 2, after the word “unless” the following words:- a written
237 agreement is entered into and

238 SECTION 22. Section 139A of chapter 140 of the General Laws, as so appearing, is hereby
239 amended by inserting after the last paragraph the following paragraph:-

240 The commissioner shall set fines for violations and may further establish regulations to ensure
241 compliance with this section. Additionally, an animal control officer, officer licensed under
242 Chapter 22C section 57, police officer or animal shelter from which an animal was obtained
243 may bring a petition in the district court within the judicial district of which the dog or cat is
244 owned or kept for an action of forfeiture and relinquishment of ownership. Any legal fees or
245 court costs used for the enforcement of this section are the responsibility of the owner.

246 SECTION 23. Section 141 of chapter 140 of the General Laws, as so appearing, is hereby
247 amended by striking out, in line 4 to 6, inclusive, the words “twenty-five dollars, which shall be
248 paid, if the dog was kept in any town in Suffolk county, to the treasurer of the town, or, if kept
249 in any other county, to the treasurer thereof” and inserting in place thereof the words:-\$50,
250 which shall be paid to the animal control fund

251 SECTION 24. Section 145 of chapter 140 of the General Laws, as so appearing, is hereby
252 amended by striking out, in lines 3 and 4, the words “to the director of accounts upon
253 application therefor.”

254 SECTION 25. Section 145A of chapter 140 of the General Laws, as so appearing, is hereby
255 amended by striking out, in lines 13 to 17, inclusive, the words “dog fund of the county in
256 which is situated the city or town where the person treated was exposed to rabies, except that if
257 such exposure occurred in Suffolk county such reimbursement shall be made by the city or town
258 where such person was exposed to rabies,” and inserting in place thereof the following words:-
259 animal control fund.

260 SECTION 26. Section 145A of chapter 140 of the General Laws, as so appearing, is hereby
261 amended by striking out, in lines 23 to 30, inclusive, the words:- “The county commissioners of
262 all counties except Suffolk, acting jointly, or the county commissioners of each county, except

263 Suffolk, shall contract for the supplying of such vaccine to the several cities and towns on the
264 order of their respective boards of health, and shall, from time to time, notify said boards of the
265 terms and conditions of contracts made hereunder. No city or town for which a supply of such
266 vaccine is provided by a contract as aforesaid shall be reimbursed hereunder for any such
267 vaccine not purchased under such contract.”

268 SECTION 27. Section 145B of chapter 140 of the General Laws, as so appearing, is hereby
269 amended striking out, in lines 1, 2, 4, 5, 10, 18, 19, 25 and 28, in each instance, the words “dog
270 or cat” and inserting in place thereof the following words:- dog, cat or ferret

271 SECTION 28. Section 145B of chapter 140 of the General Laws, as so appearing, is hereby
272 amended striking out, in lines 6 and 31, in each appearance, the words “dogs or cats” and
273 inserting in place thereof the following words:- dogs, cats or ferrets

274 SECTION 29. Section 145B of chapter 140 of the General Laws, as so appearing, is hereby
275 amended striking out, in lines 34, the words “more than fifty dollars” and inserting in place
276 thereof the following words:- less than \$50

277 SECTION 30. Section 146 of chapter 140 of the General Laws, as so appearing, is hereby
278 amended by inserting, in line 5, after the word “town” the words: - or city

279 SECTION 31. Section 146 of chapter 140 of the General Laws, as so appearing, is hereby
280 amended by striking out, in line 8, the word “twenty-five cents” and inserting in place thereof
281 the following words:- an amount to be determined by the city or town

282 SECTION 32. Said chapter 140 is hereby further amended by striking out section 147, as
283 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

284 Section 147. The police commissioner of Boston and the clerks of other cities and of towns
285 shall issue said licenses and tags, receive the money thereof and pay it into the treasuries of their

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

303 SECTION 33. Said chapter 140 is hereby further amended by striking out section 147A, as
304 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

305 Section 147A. Any city or town is hereby empowered to enact by-laws and ordinances
306 relative to the regulation of dogs and cats. Except as hereinafter provided in clauses (a), (b) and
307 (c), and notwithstanding any contrary provision of selections 137 to 174D, inclusive, relating to
308 the regulation of animals or any special law relating to the regulation of animals, such by-laws

309 and ordinances may relate to, but not be limited to licensing, fees, disposition of fees,
310 appointment of animal control officers, kennel and cattery licensing and regulations, procedures
311 for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and
312 establishing penalties for a breach thereof. No such by-law or ordinance shall be inconsistent
313 with the provisions of this chapter relating to (a) the turning over or sale of animals to any
314 business or institution licensed or registered as a research facility or animal dealer, as provided
315 in section 151; (b) the minimum confinement period of dogs as provided in section 151A; and
316 (c) the methods of execution, as provided in said section 151A.

317 All money received from licenses or recovered as fines under any by-law or ordinance enacted
318 pursuant to the provisions of this section, shall be paid into the animal control fund of said town
319 or city by the city or town treasurer.

320 SECTION 34. Section 147B of chapter 140 is hereby repealed.

321 SECTION 35. Section 149 of chapter 140 of the General Laws, as so appearing, is hereby
322 amended by striking out, in line 1, the word “county, city or town treasurer, except in Suffolk
323 county,” and inserting in place thereof the following words:-city or town treasurer

324 SECTION 36. Section 149 of chapter 140 of the General Laws, as so appearing, is hereby
325 amended by striking out, in line 4, the word “dogs” and inserting in place thereof the following
326 word:- animals

327 SECTION 37. Section 150 of chapter 140 of the General Laws, as so appearing, is hereby
328 amended by striking out, in line 6, the words “on or before April first” and inserting in place
329 thereof the following word:- yearly

330 SECTION 38. Section 150 of chapter 140 of the General Laws, as so appearing, is hereby
331 amended by striking out, in lines 8 and 9, the words “ten dollars” and inserting in place thereof
332 the following word:- \$50

333 SECTION 39. Section 150 of chapter 140 of the General Laws, as appearing, is hereby
334 amended by striking out, in lines 9 and 10, the words “except in Suffolk county shall be paid
335 into the county treasury” and inserting in place thereof the following words:- shall be paid into
336 the animal control fund

337 SECTION 40. Said chapter 140 is hereby further amended by striking out section 151, as
338 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-
339 Section 151. The mayor of each city and the board of selectmen of each town shall annually
340 designate one or more animal control officers, who may be police officers or constables. The
341 mayor or board of selectmen shall forthwith submit to the commissioner the names and address
342 of such officers. Except as hereinafter otherwise provided, if any city or town shall fail to make
343 such appointment, the commissioner shall appoint an animal control officer for such city or
344 town. Any animal control officer who fails to comply with the terms of his warrant shall
345 forthwith be removed from office by the mayor or board of selectmen, and notice of such
346 removal shall forthwith be given to the commissioner. Animal control officers, other than those
347 employed under regular pay, shall receive from the animal control fund by the treasurers of their
348 respective cities and towns a fee determined by each city or town for each dog killed, in a
349 humane manner, as provided in section 151A, in full compensation for their services; provided,
350 however, that any animal control officer shall, prior to engaging in execution of animals, have
351 completed under the supervision of a veterinarian registered under the provisions of section 55
352 or 56C of chapter 112 a course of instruction in humane techniques for the execution of animals.

353 Each animal control officer before disposing of any dog or cat in his possession shall check its
354 description against the descriptions within the city or town issued on dogs licensed, or cats if the
355 city or town licenses or registers cats. Bills for such services shall be approved by the mayor of
356 the city or the board of selectmen of the town in which said dogs or cats are kept or killed and
357 shall be paid out of the animal control fund. Each animal control officer appointed under his
358 section shall also attend to all complaints or other matters pertaining to animals, as prescribed
359 by their respective city or town, in addition to the duties imposed upon him by his warrant, and
360 shall be paid for such services by the town or city treasurer upon bills approved by the mayor or
361 by the board of selectmen. The mayor of any city or the board of selectmen of any town may,
362 instead of appointing animal control officers, enter into a contract with a domestic charitable
363 corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect
364 or abuse, to perform the duties required of animal control officers. In any such case the
365 payments to such corporation under the terms of the contract shall be in full for all services
366 rendered by it in such capacity.

367 No animal control officer shall be a licensed animal dealer registered with the United States
368 Department of Agriculture, and no animal control officer, either privately or in the course of
369 carrying out his official assignments as an agent for his municipality, shall give, sell, or turn
370 over any animal which may come into his custody to any business or institution licensed or
371 registered as a research facility or animal dealer with the United States Department of
372 Agriculture. No municipality shall give, sell, or turn over any animal which may come into its
373 custody to any business or institution licensed or registered as a research facility or animal
374 dealer with the United States Department of Agriculture. Whoever violates the provisions of
375 this paragraph shall be punished by a fine of not less than \$500.

376 SECTION 41. Said chapter 140 is hereby further amended by striking out section 151A, as
377 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-
378 Section 151A. The mayor or board of selectmen shall annually issue a warrant to such animal
379 control officer or officers directing him or them to seek out, catch and confine all dogs within
380 the city or town which then have not been licensed, collared or harnessed, and tagged, as
381 required by this chapter, and to enter and prosecute a complaint for failure to comply with the
382 provisions of this chapter against the owners or keepers thereof, if known, and to kill or cause to
383 be killed only by a humane method of euthanasia in accordance with the guidelines of the
384 American Veterinary Medical Association, and not as prohibited in section 174A, except by
385 gunshot in case of emergency, each such dog which after being detained by or for him for a
386 period of 7 days shall not have been licensed, collared or harnessed, and tagged; provided, that
387 at the end of 7 days, which shall be defined as a 24-hour period, such animal control officer may
388 make available for adoption any dog not found to be diseased, for a sum not less than \$10 and
389 shall keep an account of all moneys received by him for such adoption and shall forthwith pay
390 over such sums to the town treasurer who shall forward all such money to the animal control
391 fund. Before delivery of any dog so adopted such animal control officer shall require the
392 purchaser to show identification and to procure a license and tag for such dog from the clerk of
393 the city or town where the dog is to be kept. Dogs confined under authority of this section shall
394 be confined in a place suitable for the detention and care of dogs and kept in a sanitary
395 condition, or they may be placed in the care of the holder of a kennel license or of a domestic
396 charitable corporation incorporated exclusively for the purpose of protecting animals from
397 cruelty, neglect or abuse. The commissioner from time to time shall cause all such places to be
398 inspected and shall make necessary orders in relation thereto. An animal control officer having

399 custody of a confined dog or cat shall be allowed a sum determined by the city or town per day
400 for the care of such dog or cat, payable by the owner or keeper, if known, otherwise from the
401 animal control fund.

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

404 The date and location of each apprehension; a description of each animal; place of
405 confinement; if tagged, the name and address of owners of such animal; name and address of
406 new owner including the date of sale or transfer of such animal; and, if animal is destroyed, the
407 animal control officer shall record the method and date of destruction and the name of the
408 person who executed such animal. Every animal control officer shall forward a copy of said
409 record to the town or city clerk within 30 days. Copies of such record shall, for a period of two
410 years, be kept in the offices of the city or town clerk where such animal control officer is
411 employed.

412 SECTION 42. Section 151B of chapter 140 of the General Laws, as so appearing, is hereby
413 amended by striking out, in line 5, the word “dog” and inserting in place thereof the following
414 words:- animal control

415 SECTION 43. Section 151B of chapter 140 of the General Laws, as so appearing, is hereby
416 amended by striking out, in line 5, the word “county” and inserting in place thereof the
417 following words:- city or town

418 SECTION 44. Section 151B of chapter 140 of the General Laws, as so appearing, is hereby
419 amended by striking out, in line 6, the words “not to exceed twenty dollars” and inserting in
420 place thereof the following words:- not less than \$100

421 SECTION 45. Section 151B of chapter 140 of the General Laws, as so appearing, is hereby
422 amended by striking out, in line 12, the word “dog” and inserting in place thereof the following
423 words:- animal control

424 SECTION 46. Section 151B of chapter 140 of the General Laws, as so appearing, is hereby
425 amended by striking out, in line 13, the word “dog” and inserting in place thereof the following
426 words:- animal control

427 SECTION 47. Chapter 140 is hereby amended by inserting after section 151B the following
428 section: -

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

432 SECTION 48. Section 152 of chapter 140 of the General Laws, as so appearing, is hereby
433 amended by striking out, in line 1, the words “dog” and inserting in place thereof the following
434 words:- animal control

435 SECTION 49. Section 152 of chapter 140 of the General Laws, as so appearing, is hereby
436 amended by inserting, in line 6, after the word “dog” the following words:- and cats

437 SECTION 50. Section 152 of chapter 140 of the General Laws, as so appearing, is hereby
438 amended by striking out, in line 10, the word “dogs” and inserting in place thereof the following
439 word:- animals

440 SECTION 51. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
441 amended by striking out, in line 2, the words “except in Suffolk county,”

442 SECTION 52. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
443 amended by striking out, in lines 13 to 18, inclusive, the words “by methods of execution other

444 than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the
445 control of the federal Drug Enforcement Administration, unless by a veterinarian,
446 succinylcholine choline, any drugs that have curariform-like action, electrocution or any other
447 method which causes an unnecessarily cruel death”

448 SECTION 53. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
449 amended by inserting, in lines 13 to 18, inclusive, the words:- only by a humane method of
450 euthanasia in accordance with the guidelines of the American Veterinary Medical Association,
451 and not as prohibited in section 174A, except by gunshot in case of emergency

452 SECTION 54. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
453 amended by striking out, in line 18, the words “ten days” and inserting in place thereof the
454 following words:- 7 days, which shall be defined as a 24-hour period,

455 SECTION 55. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
456 amended by striking out, in line 20, the words “male or any spayed female”

457 SECTION 56. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
458 amended by striking out, in line 21, the words “three dollars” and inserting in place thereof the
459 following words:- \$10

460 SECTION 57. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
461 amended by inserting, in line 34, after the word “dogs” the following words:- and cats

462 SECTION 58. Section 153 of chapter 140 of the General Laws, as so appearing, is hereby
463 amended by striking out, the words in lines 43 to 84, inclusive.

464 SECTION 59. Said chapter 140 is hereby further amended by striking out section 157, as
465 appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

466 Section 157. If any person shall make a complaint in writing to the selectmen of a town, mayor,
467 the officer in charge of the animal commission, the chief or commissioner of a police
468 department or their designee or the person charged with the responsibility of handling dog
469 complaints of a town or city, that any dog owned or found within his or their jurisdiction is a
470 nuisance by reason of a dangerous disposition or excessive barking or other disturbance, these
471 officials shall investigate, or cause to be investigated, such complaint, including an examination
472 on oath of the complainant at a public hearing in the city or town of occurrence to determine
473 whether such dog has indeed engaged in such behaviors as to be classified as dangerous under
474 section 157A or that such dog constitutes a nuisance by reason of excessive barking or other
475 disturbance. If, after a fair and proper hearing, the dog is found to be a danger to the public
476 safety because of a dangerous disposition or found to be a nuisance, the officials presiding over
477 such hearing may make an order concerning such dog. The selectmen of a town, mayor, the
478 officer in charge of the animal commission, the chief or commissioner of a police department or
479 their designee or the person charged with the responsibility of handling dog complaints of a
480 town or city or the district court may order a dangerous dog humanely destroyed if in their
481 judgment this is warranted, based on the facts of the case.

482 Within 10 days after such order the owner or keeper of such dog may bring a petition in the
483 district court within the judicial district of which the dog is owned or kept, addressed to the
484 justice of the court, praying that the order may be reviewed by the court, or magistrate thereof,
485 and after such notice to the officer or officers involved as the magistrate deem necessary the
486 magistrate shall review such action, hear the witnesses and affirm such order unless it shall
487 appear that it was made without proper cause or in bad faith, in which case such order shall be

488 reversed. Any party shall have the right to request a de novo hearing on the petition before a
489 justice of the court. The decision of the court shall be final and conclusive upon the parties.

490 The act of a dog in attacking or biting another dog or other animal may be made the subject
491 of a complaint under the provisions of this section.

492 The selectmen of a town, mayor, the officer in charge of the animal commission, the chief or
493 commissioner of a police department or their designee or the person charged with the
494 responsibility of handling dog complaints of a town or city may petition the local district court
495 to request to hold and impound the animal or animals in a humane place of detention while the
496 hearing or trial process is being processed for the further safety and protection of the public or
497 other animals.

498 Magistrates shall exercise their authority hereunder subject to the limitations of section 62C
499 of chapter 221.

500 SECTION 60. Said chapter 140 is hereby amended by inserting after section 157 the following
501 section:-

502 Section 157A. Any person owning or harboring a dog who fails to comply with any order of the
503 selectmen of a town, mayor, the officer in charge of the animal commission, the chief or
504 commissioner of a police department or their designee or the person charged with the
505 responsibility of handling dog complaints of a town or city or district court, including violation
506 of section 157B, shall be punished by a fine of not more than \$500 and/or imprisonment for not
507 more than 60 days for the first offense and not more than \$1,000 and/or imprisonment for not
508 more than 90 days for a second or subsequent offense.

509 Any person found in gross violation of said order shall be ordered to immediately surrender to
510 the licensing authority of a city or town such license and tags that they may possess and shall be

511 banned from licensing any dog within the Commonwealth for a period between 3 and 5 years.

512 Any selectmen of a town, mayor, the officer in charge of the animal commission, the chief or

513 commissioner of a police department or their designee or the person charged with the

514 responsibility of handling dog complaints of a town or city making such determination that a

515 dog is deemed dangerous or a nuisance under section 157 shall report such violations to the city

516 or town clerk.

517 SECTION 61. Said chapter 140 is hereby amended by inserting after section 157 the following

518 section:-

519 Section 157B. "Dangerous dog", shall mean any dog that without justification, attacks a person

520 or domestic animal causing physical injury or death, or behaves in a manner that a reasonable

521 person would believe poses an unjustified imminent threat of serious injury or death to one or

522 more persons, domestic or owned animals. A dog's breed shall not be considered in determining

523 whether or not a dog is "dangerous."

524 No dog may be declared "dangerous" if:

525 a. the dog was protecting or defending a person within the immediate vicinity of the dog

526 from an attack or assault;

527 b. at the time of attack or threat, the person was committing a crime or offense upon the

528 property of the owner, or custodian, of the dog;

529 c. the person injured or threatened was teasing, tormenting, abusing or assaulting the

530 dog;

531 d. the dog was attacked or menaced by another domestic animal, or the domestic animal

532 was on the property of the owner or custodian of the dog;

533 e. the dog was responding to pain or injury, or protecting itself, its kennels or its
534 offspring;

535 Neither growling nor barking nor both shall alone constitute grounds upon which to find a dog
536 to be dangerous.

537 “Attack”, means aggressive physical contact initiated by the dog.

538 “Serious injury”, means any physical injury consisting of broken bones or a permanently
539 disfiguring laceration requiring either multiple stitches or cosmetic surgery.

540 “Domestic animal”, for purposes of this section means any animal commonly kept as a pet in
541 family households in the United States, including, but not limited to dogs, cats, guinea pigs,
542 rabbits and hamsters and any animals commonly kept for companion or commercial purposes.

543 SECTION 62. Said chapter 140 is hereby amended by inserting after section 157 the following
544 section:-

545 Section 157C. The selectmen of a town, mayor, the officer in charge of the animal commission,
546 the chief or commissioner of a police department or their designee or the person charged with
547 the responsibility of handling dog complaints of a town or city, or the district court may order
548 the following conditions for a dog deemed dangerous under section 157:

549 a. A dangerous dog shall not go unconfined on the premises of the person owning or
550 harboring or having care or custody of the dog. A dangerous dog is unconfined, as the term
551 is used in this section, if the dog is not securely confined indoors or confined in a securely
552 enclosed and locked pen or dog run area upon the premises of said person. The pen or dog
553 run must have a secure top and if the structure has no bottom secured to the sides, the sides

554 must be embedded into the ground no less than 2 feet. There must also be within the
555 confines of the pen or dog run a dog house or shelter for the protection of the dog.

556 b. When off the premises of the owner or person harboring a dangerous dog, the animal
557 must be safely and humanely muzzled and restrained with a chain or other tethering device
558 having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length.

559 c. No dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object,
560 such as a tree, post, or building outside of its enclosure as provided for in (a) above.

561 d. No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to
562 buy within the Commonwealth any dangerous dog.

563 e. Any person owning or harboring or having the care of any dog determined to be
564 dangerous shall maintain a policy or insurance in an amount not less than \$100,000 insuring
565 said person against any claim, loss, damage or injury to persons, domestic animals, or
566 property resulting from the acts, whether intentional or unintentional, of the dangerous dog.
567 Such person shall produce evidence of such insurance upon request of the selectmen of a
568 town, mayor, the officer in charge of the animal commission, the chief or commissioner of a
569 police department or their designee or the person charged with the responsibility of handling
570 dog complaints of a town or city or district court.

571 f. In the event that the selectmen of a town, mayor, the officer in charge of the animal
572 commission, the chief or commissioner of a police department or their designee or the
573 person charged with the responsibility of handling dog complaints of a town or city or
574 district court has probable cause to believe that a dangerous dog is being harbored or cared

575 for in violation of any of the above provisions, they may make such order concerning the
576 restraint of such dog as may be deemed necessary pending required hearings or trials.

577 g. The selectmen of a town, mayor, the officer in charge of the animal commission or
578 person charged with the responsibility of handling dog complaints of a town or city, the
579 chief or commissioner of a police department or their designee or district court may make
580 any order regarding the permanent identification or numbering of dogs determined
581 dangerous as they deem reasonably necessary to identify such dog throughout its lifetime
582 including, but not limited to, photographs, videos, veterinary examination, tattooing or
583 microchip implantations.

584 In no case shall a dog found to be dangerous be ordered from the town or city limits in which
585 the animal resides.

586 Nothing in sections 157 through 157C shall be construed to prevent a city or town from
587 adopting or enforcing its own program for the control of potentially dangerous or dangerous
588 dogs that may incorporate all, part, or none of said sections, that may punish a violation of this
589 chapter as a misdemeanor or may impose a more restrictive program to control potentially
590 dangerous of dangerous dogs, provided that no program shall regulate dogs in a manner that is
591 specific as to breed.

592 In the event that the owner, keeper or person having charge, custody or control of any dog is a
593 minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of
594 this section are complied with.

595 SECTION 63. Section 158 of chapter 140 of the General Laws, as so appearing, is hereby
596 amended by striking out, in line 1, the words “dog officer shall kill” and inserting in place

597 thereof the following words:-animal control officer may capture, confine or in the case of public
598 safety, kill

599 SECTION 64. Section 158 of chapter 140 of the General Laws, as so appearing, is hereby
600 amended by inserting, in line 2, after the word “dog” the following words:- ,in a humane
601 manner,

602 SECTION 65. Section 158 of chapter 140 of the General Laws, as so appearing, is hereby
603 amended by striking out, in line 2 and 3, the words “or the county commissioners,”

604 SECTION 66. Section 158 of chapter 140 of the General Laws, as so appearing, is hereby
605 amended by inserting, in line 5, after the word “dog” the following words:- ,in a humane
606 manner,

607 SECTION 67. Section 159 of chapter 140 of the General Laws, as so appearing, is hereby
608 amended by striking out, in line 2, the words “or the county commissioners,”

609 SECTION 68. Section 160 of chapter 140 of the General Laws, as so appearing, is hereby
610 amended by striking out, in line 1, the words “county commissioners of any county, the”

611 SECTION 69. Section 160 of chapter 140 of the General Laws, as so appearing, is hereby
612 amended by inserting, in line 5, after the word “dog” the following words:- in a humane manner

613 SECTION 70. Section 160 of chapter 140 of the General Laws, as so appearing, is hereby
614 amended by striking out, in line 8, the words “approved by the county commissioners,”

615 SECTION 71. Section 160 of chapter 140 of the General Laws, as so appearing, is hereby
616 amended by striking out, in line 11, the words “or county commissioners”

617 SECTION 72. Section 160 of chapter 140 of the General Laws, as so appearing, is hereby
618 amended by inserting, in line 14, after the word “town” the following words:- or city

619 SECTION 73. Section 161 of chapter 140 of the General laws, as so appearing, is hereby
620 amended by striking out, in line 10, the words “fifty dollars” and inserting in place thereof the
621 following word:- \$100

622 SECTION 74. Section 161 of chapter 140 of the General laws, as so appearing, is hereby
623 amended by striking out, in line 11, the words “fifty dollars” and inserting in place thereof the
624 following words:- \$100

625 SECTION 75. Section 161 of chapter 140 of the General laws, as so appearing, is hereby
626 amended by striking out, in line 20, the words “except in Suffolk county”

627 SECTION 76. Section 161 of chapter 140 of the General laws, as so appearing, is hereby
628 amended by striking out, in line 20, the words “county” and inserting in place there of the
629 following words:- city or town

630 SECTION 77. Section 161 of chapter 140 of the General laws, as so appearing, is hereby
631 amended by striking out, in line 22, the words “county commissioners” and inserting in place
632 thereof the following words:- city or town clerk

633 SECTION 78. Section 161 of chapter 140 of the General laws, as so appearing, is hereby
634 amended by striking out, in line 27, the words “county” and inserting in place thereof the
635 following words:- city or town

636 SECTION 79. Section 161 of chapter 140 of the General laws, as so appearing, is hereby
637 amended by striking out, in lines 28 to 34, inclusive, the words “except in Suffolk county, shall
638 pay all orders drawn upon him in full, for the above purpose, and for the expenses of appraisal
639 out of any money in the county treasury, and payments made therefor shall be charged to the
640 dog fund. The appraisers shall receive from the county three dollars each for every such
641 examination made by them, and also twenty cents a mile one way for their necessary travel.”

642 and inserting in place thereof the following words:- shall pay all orders drawn upon him in full,
643 for the above purpose and payments made shall be charged to the animal control fund.

644 SECTION 80. Section 162 of chapter 140 is hereby repealed.

645 SECTION 81. Section 163 of chapter 140 of the General Laws, as appearing, is hereby
646 amended by striking out, in line 1, the word “alderman or selectmen” and inserting in place
647 thereof the following words:- alderman, selectmen or mayor

648 SECTION 82. Section 163 of chapter 140 of the General Laws, as so appearing, is hereby
649 amended by striking out, in line 5, the word “dog” and inserting in place thereof the following
650 words:-animal control

651 SECTION 83. Section 163 of chapter 140 of the General Laws, as so appearing, is hereby
652 amended by inserting, in line 7, after the word “kill” the following words:- ,in a humane
653 manner,

654 SECTION 84. Section 164 of chapter 140 of the General Laws, as so appearing, is hereby
655 amended by striking out, in line 4, the word “more” and inserting in place thereof the following
656 word:-less

657 SECTION 85. Section 164 of chapter 140 of the General Laws, as so appearing, is hereby
658 amended by striking out, in line 5, the word “dog” and inserting in place thereof the following
659 words:-animal control

660 SECTION 86. Section 164 of chapter 140 of the General Laws, as so appearing, is hereby
661 amended by inserting, in line 6, after the word “dog” the following words:- in a humane manner

662 SECTION 87. Section 165 of chapter 140 of the General Laws, as so appearing, is hereby
663 amended by striking out, in lines 1 to 5, inclusive, the words “The county commissioners,
664 except in Suffolk county, shall appoint one and may appoint not more than four suitable

665 persons, all residents of the county, any one of whom shall, at the request of said commissioners
666 or of the chairman of the selectmen or officer of the police designated as provided in section one
667 hundred and sixty-one,” and inserting in place thereof the following words:-A city or town may
668 SECTION 88. Section 165 of chapter 140 of the General Laws, as so appearing, is hereby
669 amended by striking out, in lines 6 and 7, the words “commissioners, chairman” and inserting in
670 place thereof the following words:- chairman of the board of selectmen or mayor
671 SECTION 89. Section 165 of chapter 140 of the General Laws, as appearing, is hereby
672 amended by striking out, in line 16, the word “dog” and inserting in place thereof the following
673 words:-animal control
674 SECTION 90. Section 165 of chapter 140 of the General Laws, as appearing, is hereby
675 amended by striking out, in line 20, the words “county treasurer” and inserting in place thereof
676 the following words:- city or town
677 SECTION 91. Section 165 of chapter 140 of the General Laws, as appearing, is hereby
678 amended by striking out, in line 21, the words “dog” and inserting in place there of the
679 following words:-animal control
680 SECTION 92. Section 165 of chapter 140 of the General Laws, as so appearing, is hereby
681 amended by striking out, in line 21 to 25, inclusive, the words “The county treasurer shall pay
682 out of the dog fund such reasonable compensation as the county commissioners shall allow for
683 services and necessary expenses under this section and the reasonable expense of prosecuting
684 the said actions. The persons appointed hereunder may be removed at any time by the county
685 commissioners.”

686 SECTION 93. Section 167 of chapter 140 of the General Laws, as so appearing, is hereby
687 amended by striking out, in line 1, the words “alderman or selectmen” and inserting in place
688 thereof the following words:- alderman, selectmen or mayor

689 SECTION 94. Section 167 of chapter 140 of the General Laws, as so appearing, is hereby
690 amended by striking out, in line 6, the words “alderman or selectmen” and inserting in place
691 thereof the following words:- alderman, selectmen or mayor

692 SECTION 95. Section 167 of chapter 140 of the General Laws, as so appearing, is hereby
693 amended by inserting, in line 8, after the word “kill” and the following words:- in a humane
694 manner

695 SECTION 96. Section 167 of chapter 140 of the General Laws, as so appearing, is hereby
696 amended by striking out, in line 13, the word “ten” and inserting in place thereof the following
697 words:- 7

698 SECTION 97. Section 167 of chapter 140 of the General Laws, as so appearing, is hereby
699 amended by striking out, in lines 14 to 15, inclusive, the word “of five dollars, together with one
700 dollar and fifty cents” and inserting in place thereof the following words:- determined by the
701 city or town

702 SECTION 98. Section 167 of chapter 140 of the General Laws, as so appearing, is hereby
703 amended by striking out, in line 16, the words “of five dollars”

704 SECTION 99. Section 168 of chapter 140 of the General Laws, as so appearing, is hereby
705 amended by striking out, in line 1, the words “alderman or selectmen” and inserting in place
706 thereof the following words:- alderman, selectmen or mayor

707 SECTION 100. Section 168 of chapter 140 of the General Laws, as so appearing, is hereby
708 amended by striking out, in line 5, the word “more” and inserting in place thereof the following
709 word:- less

710 SECTION 101. Section 169 of chapter 140 of the General Laws, as so appearing, is hereby
711 amended by striking out, in line 1, the word “county,”

712 SECTION 102. Section 169 of chapter 140 of the General Laws, as so appearing, is hereby
713 amended by striking out, in line 3, the word “more” and inserting in place thereof the following
714 word:- less

715 SECTION 103. Section 169 of chapter 140 of the General Laws, as so appearing, is hereby
716 amended by striking out, in lines 4 to 5, inclusive, the words “,except in Suffolk county, into the
717 county treasury” and inserting in place thereof the following words:- into the animal control
718 fund

719 SECTION 104. Section 170 of chapter 140 is hereby repealed.

720 SECTION 105. Section 171 of chapter 140 of the General Laws, as so appearing, is hereby
721 amended by striking out, in line 2, the word “county” and inserting in place thereof the
722 following words:- city or town

723 SECTION 106. Section 171 of chapter 140 of the General Laws, as so appearing, is hereby
724 amended by striking out, in line 3, the words “county commissioners” and inserting in place
725 thereof the following words:- alderman, selectmen or mayor

726 SECTION 107. Section 171 of chapter 140 of the General Laws, as so appearing, is hereby
727 amended by striking out, in lines 4 to 10, inclusive, the words “The county treasurer, except as
728 provided in section one hundred and sixty-five, may, and if so ordered by the county
729 commissioners shall, bring such action. In Suffolk county, such owner or keeper shall be liable

730 in like manner to the town for damages so done therein which the aldermen or selectmen have
731 so ordered to be paid; and the town treasurer may, and if so ordered by the aldermen or
732 selectmen shall, bring such action.”

733 SECTION 108. Section 172 of chapter 140 is hereby repealed.

734 SECTION 109. Section 173 of chapter 140 of the General Laws, as so appearing, is hereby
735 amended by inserting in line 1, after the word “town” the following words:- or city

736 SECTION 110. Section 173 of chapter 140 of the General Laws, as so appearing, is hereby
737 amended by striking out, in line 2, the word “dogs” and inserting in place thereof the following
738 word:- animals

739 SECTION 111. Section 173 of chapter 140 of the General Laws, as so appearing, is hereby
740 amended by striking out in lines 2 and 3, the words “of not more than fifty dollars”

741 SECTION 112. Section 173 of chapter 140 of the General Laws, as so appearing, is hereby
742 amended by striking out, in line 4, the word “dogs” and inserting in place thereof following
743 word:- animals

744 SECTION 113. Section 173 of chapter 140 of the General Laws, as so appearing, is hereby
745 amended by inserting, in line 4, after the word “town” the following word:- or city

746 SECTION 114. Section 173 of chapter 140 of the General Laws, as so appearing, is hereby
747 amended by striking out, in lines 4 to 7, inclusive, the words “and the annual fee required for a
748 license under section one hundred and thirty-nine shall in no case be more than one dollar in
749 addition to the amount required by said section”

750 SECTION 115. Section 173A of chapter 140 of the General Laws, as so appearing, is hereby
751 amended by striking out, in line 12, the words “twenty-five dollars” and inserting in place
752 thereof the following words:- not less than \$50

753 SECTION 116. Section 173A of chapter 140 of the General Laws, as so appearing, is hereby
754 amended by striking out, in line 14, the word “thirty dollars” and inserting in place thereof the
755 following words:- not less than \$75

756 SECTION 117. Section 173A of chapter 140 of the General Laws, as so appearing, is hereby
757 amended by striking out, in lines 16 to 17, inclusive, the words “fifty dollars” and inserting the
758 following words:- not less than \$100

759 SECTION 118. Section 173A of chapter 140 of the General Laws, as so appearing, is hereby
760 amended by striking out, in lines 22 to 23, inclusive, the words “provided, however, that no new
761 schedule of fines shall contain a fine in excess of fifty dollars”

762 SECTION 119. Section 174A of chapter 140 of the General Laws, as so appearing, is hereby
763 amended by inserting, in line 1, after the word “dog” the words: - or cat

764 SECTION 120. Section 174A of chapter 140 of the General Laws, as so appearing, is hereby
765 amended by striking, in line 2, the words “in a carbon monoxide chamber” and inserting in
766 place thereof the following words:-by use of a carbon monoxide or carbon dioxide chamber or
767 carbon monoxide or carbon dioxide gas”

768 SECTION 121. Section 174A of chapter 140 of the General Laws, as so appearing, is hereby
769 amended by striking out, in lines 3 to 7, inclusive, the words “unless such chamber is supplied
770 with gas by an engine or gas generator that will produce a minimum of four per cent
771 concentration of carbon monoxide within five minutes, the gas used is cooled and filtered before
772 entering such chamber, and the temperature of the gas inside such chamber does not exceed a
773 temperature of eight-five degrees Fahrenheit”

774 SECTION 122. Section 174B of chapter 140 of the General Laws, as so appearing, is hereby
775 amended by striking out, in line 4, the word “more” and inserting in place thereof the following
776 word: - less

777 SECTION 123. Section 151C of chapter 140 shall not apply to any animal control officer hired
778 on or before the effective date of this act until 1 year from the effective date of this act.