

SENATE, No. 2151

[September 17, 2009 - Text of Senate amendment (Ethics and Rules) to the Senate Bill further regulating animal control (S2120).]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

1 **SECTION 1.** Chapter 129 of the General Laws is hereby amended by inserting after section 39F
2 the following section:-

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

6 (b) 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 containing the
8 name and address of the consignor and consignee. The certificate or form shall also show the age, sex,
9 breed and description of each dog or cat and certify that the dog or cat is free from visual evidence of
10 infectious or contagious disease. The certificate or form shall show proof of rabies vaccination within the
11 previous 12 months. A dog or cat imported into the commonwealth that is not currently vaccinated for
12 rabies shall be vaccinated within 30 days of entry or acquisition or upon reaching the age of 6 months.

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

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

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

22 (f) Whoever violates this section shall be punished by a fine of not less than \$50 nor more than
23 \$100 for each such offense. In addition thereto, or in lieu thereof, the commissioner may, after notice and
24 hearing, revoke or suspend a pet shop, kennel and boarding kennel license of a person, firm or corporation
25 maintaining the pet shop, kennel and boarding kennel for a violation of this section.

26 (g) A person, firm or corporation aggrieved by an order under this section may, by petition,
27 appeal within 30 days to the superior court in the county wherein such person resides or where such firm
28 or corporation is located. The appellant shall state the findings by the commissioner and the grounds of
29 appeal therefrom. The court shall consider the proceedings de novo and the parties shall have right of
30 exception and appeal.

31 (h) The provisions of this section shall not apply to a greyhound dog if the care and
32 treatment of such greyhound dog is regulated by the state racing commission.

33 **SECTION 2.** Chapter 140 of the General Laws is hereby amended by striking out sections
34 136A, 137 and 137A, as appearing in the 2008 Official Edition, and inserting in place thereof the
35 following 3 sections:-

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

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

40 “Animal control officer”, an appointed officer authorized to enforce sections 136A to 175D,
41 inclusive.

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

43 “Commercial boarding or training kennel”, an establishment used for boarding, holding, day care,
44 overnight stays or training of animals that are not the property of the owner of such establishment, at
45 which such services are rendered in exchange for consideration and in the absence of the owner of such
46 animal; provided, however, that this definition shall not include an animal shelter or animal control
47 facility, a pet shop licensed pursuant to section 39A of chapter 129, a grooming facility operated solely
48 for the purpose of grooming and not overnight boarding or individuals who temporarily, and not in the
49 normal course of business, board or care for animals owned by others.

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

53 “Commissioner”, the commissioner of agricultural resources.

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

58 (i) solely based upon growling or barking or solely growling and barking;

59 (ii) based upon the breed of such dog;

60 (iii) if such dog was reacting to another animal or to a person and such dog’s reaction was not
61 grossly disproportionate to any of the following circumstances; provided, however, that if

62 a person is under the age of 7, it shall be a rebuttable presumption that such person was
63 not committing a crime, provoking the dog or trespassing:

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

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

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

70 (4) at the time of such attack or threat, the person or animal that was attacked or
71 threatened by such dog had breached an enclosure or structure wherein the dog was kept
72 apart from the public and such person or animal was not authorized by the owner of the
73 premises to be within such enclosure, including, but not limited to a gated, fenced in area
74 if the gate was closed, whether locked or unlocked.

75 “Department”, the department of agricultural resources.

76 “Domestic animal”, any animal on the list of animals appearing in 321 CMR 90.2.

77 “Domestic charitable corporation kennel”, a facility operated, owned or maintained by a
78 domestic charitable corporation registered with the department, or an animal welfare society or other
79 nonprofit organization incorporated for the purpose of providing for and promoting the welfare,
80 protection and humane treatment of animals, including a veterinary hospital or clinic operated by a
81 licensed veterinarian, which operates for the above purpose in addition to providing medical treatment
82 and care.

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

86 “Keeper”, any person, business, corporation, entity or society, other than the owner, harboring or
87 having in his possession any dog.

88 "Kennel", 1 pack or collection of dogs on a single premise, including a commercial boarding or
89 training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or
90 veterinary kennel.

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

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

96 “Live stock or fowl”, any fowl or other animal kept or propagated by the owner for food or as a
97 means of livelihood and any equine animal, deer, elk, cottontail rabbit, northern hare, pheasant, quail,
98 partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and
99 environmental law enforcement to be wild and kept by, or under a permit from, said department in proper
100 houses or suitable enclosed yards but excluding dogs, cats and other animals listed under 321 CMR 9.02.

101 “Nuisance dog”, a dog that: (i) by excessive barking or other disturbance is a source of annoyance
102 to any sick person residing in the vicinity; or (ii) by excessive barking, by causing damage or other
103 interference with or disturbance of a person’s quiet enjoyment of his home or workplace and which a
104 reasonable person would find extremely annoying or disturbing; or (iii) a dog that has threatened or

105 attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly
106 disproportionate reaction under all the circumstances.

107 "Personal kennel", 1 pack or collection of more than 4 dogs 3 months old or older, owned or kept
108 under 1 ownership, for private personal use; provided, however, that breeding of personally owned dogs
109 may take place for the purpose of improving, exhibiting or showing the breed, use in sporting activity or
110 other personal reasons; provided, further, that selling, trading, bartering or the distribution of such
111 breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to
112 wholesalers, brokers or pet shops; provided, further, that kennels in this category shall not sell, trade,
113 barter or distribute any dogs not bred from their personally owned dogs; provided, further, that dogs
114 temporarily housed at a personal kennel in conjunction with an animal shelter or rescue registered with
115 the department may be sold, traded, bartered or distributed as long as the transfer is not made for the
116 purpose of making a profit.

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

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

126 "Veterinary kennel", a veterinary hospital or clinic that boards dogs for reasons in addition to
127 medical treatment or care; provided, however, that this definition shall not include a hospital or clinic

128 used solely to house dogs that have undergone veterinary treatment, observation, or will do so, only for the
129 period of time needed to accomplish the needed veterinary care.

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

133 (b) A licensing authority shall not grant a license for a dog unless the owner thereof provides the
134 licensing authority either a veterinarian's certification that the dog has been vaccinated in accordance with
135 section 145B, certification that such dog is exempt from the vaccination requirement under section 145B
136 or a notarized letter from a veterinarian that either such certification was issued relative to such dog.

137 (c) The license shall be subject to the condition expressed therein that the dog which is the subject
138 of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowl. The owner of
139 a dog may add descriptive words, not over 10 in number, upon the license form to indicate the color,
140 breed, weight and special markings of the licensed dog. The owner or keeper of a licensed dog shall cause
141 it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall
142 be securely attached a tag, upon which shall appear the license number, the name of the city or town
143 issuing the license and the year of issue. If the tag shall be lost, the owner or keeper of such dog shall
144 forthwith secure a substitute tag from the licensing authority at a cost to be determined by such city or
145 town and the fee therefore shall, if received by a city or town clerk, be retained by him unless otherwise
146 provided by law. This section shall not apply if otherwise provided by law, nor shall it apply to a person
147 having a kennel license.

148 Section 137A. (a) Every person maintaining a kennel shall have a kennel license. An owner or
149 keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a
150 kennel license in lieu of licensing the dogs under section 137, and shall be subject to this section and to
151 sections 137B and 137C and to so much of section 141 as relates to violations of this section to the same

152 extent as though the owner or keeper were maintaining a kennel. The licensing authority shall issue
153 kennel licenses for kennels subsequent to the kennel inspection by the animal control officer.

154 (b) The kennel license shall be in lieu of any other license for any dog while kept at the kennel
155 during any portion of the period for which the kennel license is issued. The holder of a license for a
156 kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other
157 suitable material, to which shall be securely attached a tag upon which shall appear the number of the
158 kennel license, the name of the city or town issuing the license and the year of issue. The tags shall be
159 furnished to the owner or keeper by the licensing authority in quantities not less than the number of dogs
160 kept in the kennel. The fee for each kennel license shall be determined by the city or town. For the
161 purpose of determining the amount of the fee for a kennel, a dog under the age of 6 months shall not be
162 counted in the number of dogs kept therein. The name and address of the owner of each dog kept in a
163 kennel, if other than the person maintaining the kennel, shall be kept at the kennel and available for
164 inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and
165 game warden or police officer.

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

169 (d) The commissioner may promulgate rules and regulations for the licensing of kennels and for
170 similar establishments for the breeding, raising or care of cats.

171 **SECTION 3.** Section 137B of said chapter 140, as so appearing, is hereby amended by inserting
172 after the word “town”, in lines 14 and 18, the following words, in each instance:- or city.

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

175 Section 137C. The mayor of a city, the selectmen of a town, the police commissioner in the city
176 of Boston, a chief of police or an animal control officer may at any time inspect a kennel or cause the
177 inspection thereof. If, in the judgment of such person or body, the kennel is not being maintained in a
178 sanitary and humane manner, or if records are not properly kept as required by law, such person or body
179 shall, by order, revoke or suspend such license. Upon the petition of 25 citizens, filed with the mayor of a
180 city, the selectmen of a town or the police commissioner in the city of Boston, setting forth a statement
181 that such citizens are aggrieved or annoyed to an unreasonable extent by 1 or more dogs maintained in
182 such city or town, due to excessive barking of the dogs or other conditions connected with a kennel
183 constituting a nuisance, the mayor, selectmen or police commissioner, as the case may be, shall, within 7
184 days after the filing of the petition, give notice to all parties in interest of a public hearing to be held
185 within 14 days after the date of such notice. The mayor, selectmen or police commissioner shall, within 7
186 days after the public hearing, investigate or cause to be investigated the subject matter of the petition and
187 shall, by order, either suspend or revoke the kennel license or otherwise regulate the kennel, or dismiss
188 the petition. Written notice of an order revoking, suspending or reinstating a license shall be mailed
189 forthwith to the officer issuing the license and to the holder of the license. Within 10 days after the order,
190 the holder of the license may bring a petition in the district court within the judicial district in which the
191 kennel is maintained, addressed to the justice of the court, praying that the order may be reviewed by the
192 court. After notice to all parties as the court may consider necessary, the court shall review the action,
193 hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in
194 bad faith, in which case the order shall be reversed. The decision of the court shall be final and conclusive
195 upon the parties. A person maintaining a kennel after the license therefor has been so revoked, or while
196 the license therefor is suspended, shall be punished by a fine of not more than \$250.

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

199 **SECTION 6.** Section 138 of said chapter 140 , as so appearing, is hereby amended by inserting
200 after the word “town” , in lines 2 and 3, the following words, in each instance:- or city.

201 **SECTION 7.** Said section 138 of said chapter 140, as so appearing, is hereby further amended
202 by striking out, in line 9, the word “three” and inserting in place thereof, in each instance, the following
203 figure:- 6.

204 **SECTION 8.** Section 138A of said chapter 140 is hereby repealed.

205 **SECTION 9.** Said chapter 140 is hereby further amended by striking out section 139, as
206 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

207 Section 139. (a) The fee for every license shall, except as otherwise provided, be determined by a
208 city or town but such fee shall be not more than \$35 for a spayed or neutered dog and shall not exceed
209 \$50 for an intact dog, \$3 of which shall be a surcharge which shall be deposited into the General Fund. A
210 portion of this amount, subject to appropriation, shall be used by the commissioner for the purpose of
211 animal control and spay/neuter programs. The department shall establish rules and regulations relating to
212 the spay/neuter program to distribute these funds in an effective manner targeting low-income pet owners
213 and feral cats.

214 (b) If a certificate of a registered veterinarian who spayed or neutered a dog has been shown to a
215 city or town clerk, the license fee shall be lower than that of an intact animal. If the city or town clerk is
216 satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the
217 clerk may instead accept a receipt of a bill from the veterinarian who performed the operation, a
218 statement signed under the penalties of perjury by a veterinarian registered and practicing in the
219 commonwealth describing the dog and stating that the veterinarian has examined the dog, which appears
220 to have been spayed or neutered and thereby deprived of the power of propagation.

221 (c) No fee shall be charged for a license issued pursuant to this section: (i) for a service animal as
222 defined by the Americans with Disabilities Act or regulations promulgated thereunder; or (ii) for a dog
223 owned by a person aged 70 years or older. A license fee or part thereof shall not be refunded because of
224 the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor
225 shall a license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to a
226 city or town under section 147.

227 **SECTION 10.** Section 139A of said chapter 140, as so appearing, is hereby amended by striking
228 out, in lines 2 and 3, the words “a deposit of not less than ten nor more than thirty dollars ” and inserting
229 in place thereof the following words:- a written agreement is entered into and a deposit of not less than
230 \$40.

231 **SECTION 11.** Said section 139A of said chapter 140, as so appearing, is hereby further
232 amended by adding the following paragraph:-

233 The commissioner may set fines for violations and may further establish regulations to ensure
234 compliance with this section. Additionally, an animal control officer, an officer licensed under section 57
235 of chapter 22C, a police officer or the owner, director or a duly authorized agent of an animal shelter from
236 which an animal was obtained may bring a petition in the district court within the judicial district of
237 which the dog or cat is owned or kept for an action of forfeiture and relinquishment of ownership. Legal
238 fees or court costs incurred in the enforcement of this section shall be the responsibility of the owner of
239 the animal.

240 **SECTION 12.** Chapter 140 is hereby further amended by striking out section 141, as so
241 appearing, and inserting in place thereof the following section:-

242 Section 141. Whoever violates any provision of section 137, 137A, 137B or 138 shall be
243 assessed a fee of not less than \$50, which shall be paid to the city or town.

244 **SECTION 13.** Section 145 of said chapter 140, as so appearing, is hereby amended by striking
245 out, in lines 3 and 4, the words “to the director of accounts upon application therefor.”

246 **SECTION 14.** Section 145A of said chapter 140, as so appearing, is hereby amended by striking
247 out the fourth to seventh sentences, inclusive.

248 **SECTION 15.** Said chapter 140 of the General Laws is hereby further amended by striking out
249 section 145B and inserting in place thereof the following section:-

250 Section 145B. Whoever is the owner or keeper of a dog, cat or ferret in the commonwealth, 6
251 months of age or older, shall cause such dog, cat or ferret to be vaccinated against rabies by a licensed
252 veterinarian using a licensed vaccine according to the manufacturer’s directions, and shall cause such dog,
253 cat or ferret to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs, cats or
254 ferrets acquired or moved into the commonwealth shall be vaccinated within 30 days after the acquisition
255 or arrival into the commonwealth or upon reaching the age of 6 months, whichever last occurs. It shall be
256 the duty of each veterinarian, at the time of vaccinating any dog, cat or ferret, to complete a certificate of
257 rabies vaccination which shall include, but not be limited to, the following information: the owner’s name
258 and address; a description of the animal, including breed, sex, age, name and distinctive markings; the
259 date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the route of
260 vaccination; the expiration date of the vaccine; and the vaccine lot number.

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

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

272 A licensing authority may grant an exemption from this section for any dog, cat or ferret that;

273 (i) the local board of health, declared exempt upon presentation of a veterinarian's certificate
274 stating that because of an infirmity, other physical condition or regimen of therapy, that inoculation is
275 thereby considered inadvisable for a specified period of time;

276 (ii) is in transit; or

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

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

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

281 **SECTION 16.** Section 146 of said chapter 140, as so appearing, is hereby amended by striking
282 out, in lines 5 to 8, inclusive, the words "to which such dog has been removed, and such clerk shall take
283 up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon
284 payment of twenty-five cents" and inserting in place thereof the following words:- or city to which such
285 dog has been removed, and such clerk shall take up the same and issue to said owner or keeper a transfer
286 license, together with a tag, for such dog upon payment of an amount to be determined by the city or
287 town.

288 **SECTION 17.** Said chapter 140 is hereby further amended by striking out sections 147 and
289 147A, as so appearing, and inserting in place thereof the following section:-

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

308 **SECTION 18.** Section 147B of said chapter 140 is hereby repealed.

309 **SECTION 19.** Said chapter 140 is hereby further amended by striking out sections 149, 150,
310 151, 151A and 151B, as so appearing, and inserting in place thereof the following 6 sections:-

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

313 Section 150. Persons authorized or directed by section 4 of chapter 51, or by any special law, to
314 make lists of residents 3 years of age or older shall make a list of all dogs owned by the inhabitants at the
315 time of making such lists and shall annually return the same in duplicate to the city or town clerk or, in
316 the city of Boston, to the police commissioner. An owner or keeper of a dog who refuses to answer or
317 answers falsely to persons directed or authorized to make such a list shall be punished by a fine of not less
318 than \$20 which shall be paid to the city or town.

319 Section 151. (a) The mayor of each city and the board of selectmen of each town shall
320 annually designate 1 or more animal control officers, who may be police officers or constables. The
321 mayor or board of selectmen shall forthwith submit to the commissioner the names and addresses of such
322 officers. Except as hereinafter otherwise provided, if any city or town shall fail to make the appointment,
323 the commissioner shall appoint an animal control officer for that city or town. An animal control officer
324 who fails to comply with the terms of the officer's warrant shall forthwith be removed from office by the
325 mayor or board of selectmen and notice of the removal shall forthwith be given to the commissioner.
326 Animal control officers shall have completed, under the supervision of a veterinarian registered under
327 section 55 or 56C of chapter 112, a course of instruction in humane techniques for the execution of
328 animals before euthanizing any animal. Before euthanizing or giving or turning over to another any dog
329 or cat in the officer's possession, such animal control officer shall first examine the animal for the
330 presence of a microchip or tattoo, check the description of such animal against descriptions within the
331 city or town relative to such species of animal licensed or registered in such municipality in order to
332 verify the identity of the animal and to provide notice to the owner thereof before the animal is
333 euthanized, given away or turned over to another. Bills for such services shall be approved by the mayor
334 of the city or the board of selectmen of the town in which the dogs or cats are kept or euthanized and shall
335 be paid by the city or town. Each animal control officer appointed under this section shall also attend to

336 all complaints or other matters pertaining to animals, as prescribed by their respective city or town, in
337 addition to the duties imposed upon the officer by the officer's warrant, and shall be paid for such
338 services by the town or city treasurer upon bills approved by the mayor or by the board of selectmen. The
339 mayor of any city or the board of selectmen of any town may, instead of appointing an animal control
340 officer, enter into a contract with a domestic charitable corporation incorporated exclusively for the
341 purpose of protecting animals from cruelty, neglect or abuse to perform the duties required of an animal
342 control officer. In that case, the payments to the corporation under the terms of the contract shall be in full
343 for all services rendered by it in that capacity.

344 (b) An animal control officer shall not be a licensed animal dealer registered with the United
345 States Department of Agriculture. An animal control officer shall not give, sell or turn over any animal
346 which may come into the officer's custody to any business or institution licensed or registered as a
347 research facility or animal dealer with the United States Department of Agriculture either privately or in
348 the course of carrying out such officer's official assignments as an agent for the officer's municipality. A
349 municipality shall not give, sell or turn over any animal which may come into its custody to any business
350 or institution licensed or registered as a research facility or animal dealer with the United States
351 Department of Agriculture. Whoever violates this subsection shall be punished by a fine of not more than
352 \$1,000.

353 Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to the animal
354 control officer or officers directing the officer or officers to seek out, catch and confine all dogs within the
355 city or town which are not licensed, collared or harnessed, or tagged, as required by this chapter, and to
356 enter and prosecute a complaint for failure to comply with this chapter against the owners or keepers
357 thereof, if known, and to euthanize or cause to be euthanized only by a humane method of euthanasia in
358 accordance with the guidelines of the American Veterinary Medical Association and section 174A,
359 except by gunshot in case of emergency, each such dog which after being detained by or for the officer
360 for a period of 7 days shall not have been licensed, collared or harnessed, and tagged; provided, however,

361 that after 7 days, the animal control officer may make available for adoption any dog found free of
362 disease for a sum of not less than \$10 and shall keep an account of all moneys received by such officer for
363 the adoption and shall forthwith pay over the sums to the treasurer who shall forward the money to the
364 city or town. Before delivery of a dog so adopted, the animal control officer shall require the purchaser to
365 show identification and to procure a license and tag for the dog from the clerk of the city or town wherein
366 the dog is to be kept. Dogs detained pursuant to this section shall be confined in a place suitable for the
367 detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder
368 of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of
369 protecting animals from cruelty, neglect or abuse. The commissioner shall cause such places to be
370 inspected from time to time and shall make necessary orders in relation thereto. An animal control officer
371 having custody of a detained dog or cat shall be allowed a sum determined by the city or town per day for
372 the care of the dog or cat, payable by the owner or keeper, if known, otherwise by the city or town.

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

376 (1) the date and location of apprehension;

377 (2) a description of the animal;

378 (3) the place of detainment;

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

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

382 (6) if the animal is euthanized, the method and date thereof and the name of the person who
383 euthanized the animal.

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

387 Section 151B. Any veterinarian registered under section 55 or 56A of chapter 112, who renders
388 emergency care or treatment to or who euthanizes a dog or cat that is injured on any way, shall receive
389 payment from the owner of such dog or cat, if known, or if not known, from the city or town in which the
390 injury occurred, in an amount not to exceed \$250 for such care, treatment or euthanization; provided,
391 however, such emergency care, treatment or euthanization shall be for the purpose of maintaining life,
392 stabilizing the animal or alleviating suffering until the owner or keeper of such dog or cat is identified or
393 for a period of 24 hours, whichever is sooner. Any veterinarian who renders such emergency care or
394 treatment to a dog or cat or euthanizes a dog or cat shall notify the municipal animal control officer and
395 such animal control officer shall assume control of such dog or cat or the remains thereof.

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

399 **SECTION 20.** Section 152 of said chapter 140, as so appearing, is hereby amended by striking
400 out, in line 1, the word “dog” and inserting in place thereof the following words:- animal control.

401 **SECTION 21.** Said section 152 of said chapter 140, as so appearing, is hereby further amended
402 by inserting after the word “dogs”, in line 6, the following words:- and cats.

403 **SECTION 22.** Said section 152 of said chapter 140, as so appearing, is hereby further amended
404 by striking out, in line 10, the word “dogs” and inserting in place thereof the following word:- animals.

405 **SECTION 23.** Section 153 of said chapter 140, as so appearing, is hereby amended by striking
406 out, in line 2, the words “, except Suffolk county”.

452 whether complaints have been made and entered against all the persons who have failed to comply with
453 the provisions of said chapter one hundred and forty.

454 Given under my hand and seal at ___ aforesaid the ___ day of ___ in the year nineteen
455 hundred and _____ Mayor of (or Chairman of the Selectmen of)” and inserting in
456 place thereof the following words:- two thousand.

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

458 **SECTION 28.** Section 155 of said chapter 140, as so appearing, is hereby amended by adding
459 the following sentence:- If the dog accused of as having caused the damage or injury has been deemed a
460 dangerous dog under section 157, liability shall be presumed and the burden of proof shall be upon the
461 defendant to such action to rebut liability.

462 **SECTION 29.** Said chapter 140 is hereby further amended by striking out sections 157, 158,
463 159, 160 and 161, as so appearing, and inserting in place thereof the following 6 sections:-

464 Section 157. (a) Any person may file a complaint in writing to the hearing authority complaining
465 that a dog owned or kept in the city or town wherein the complainant resides is a nuisance dog or is a
466 dangerous dog. Such hearing authority shall investigate the complaint, or cause the investigation thereof,
467 including an examination under oath of the complainant, at a public hearing in such municipality to
468 determine whether the dog is a nuisance or a dangerous dog, whichever is alleged. Based on the credible
469 evidence and testimony presented at the public hearing, the hearing authority shall, if the dog is
470 complained of as a nuisance dog, either: (i) dismiss the complaint; or (ii) deem such dog a nuisance dog,
471 or, if the dog is complained of as a dangerous dog, either: (i) dismiss the complaint; (ii) deem such dog a
472 nuisance dog; or (iii) deem such dog a dangerous dog.

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

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

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

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

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

491 (iv) that the owner or keeper of the dog shall provide proof of a policy of insurance in an amount
492 not less than \$100,000 insuring such owner or keeper against any claim, loss, damage or injury to
493 persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of
494 such dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been
495 issued. If such a policy has been issued, the owner or keeper shall produce such policy upon request of

496 the hearing authority or a justice of the district court or proof of efforts to obtain same if such a policy has
497 not been issued.

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

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

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

506 No order shall be issued directing that a dog deemed dangerous be removed from the town or city in
507 which the owner of such dog resides.

508 (d) Within 10 days after any order issued pursuant to subsections (a) to (c), inclusive, the owner
509 or keeper of a dog may bring a petition in the district court within the judicial district wherein the order
510 relative to such dog was issued or where the dog is owned or kept, addressed to the justice of the court,
511 praying that the order be reviewed by the court or magistrate thereof. After notice to all parties, the
512 magistrate shall, pursuant to section 62C of chapter 221, review the order of the hearing authority, hear
513 the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad
514 faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing
515 on the complaint before a justice of the court.

516 (e) (1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may
517 file a petition in the district court to request an order of impoundment at a facility the municipality uses to

518 shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability
519 for failure to request impoundment of any dog under this subsection.

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

523 (i) of restraint;

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

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

531 (f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based
532 on the credible evidence and testimony presented at trial, the court shall, whether the dog was initially
533 complained of as a nuisance dog or as a dangerous dog, either: (i) dismiss the complaint; (ii) deem such
534 dog a nuisance dog; or (iii) deem such dog a dangerous dog. The decision of the court shall be final and
535 conclusive upon the parties.

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

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

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

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

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

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

550 (h) If an owner or keeper of a dog is found in violation of an order issued under this section, such
551 dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the
552 keeper, not the owner of such dog, is in violation, all reasonable effort shall be made by the seizing
553 authority to notify the owner of such dog of the seizure. Upon receipt of such notice, the owner may file
554 a petition with the hearing authority, within 7 days, for the return of the dog to such owner. Such owner
555 or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in his
556 possession, if any, and he shall be banned from licensing any dog within the commonwealth for 5 years.
557 The hearing authority making a determination that a dog is dangerous or a nuisance or that a dog owner or
558 keeper has violated an order issued pursuant to this section shall report such violations to the issuing
559 licensing authority within 30 days.

560 (i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless and
561 until overturned pursuant to subsections (d) or (f).

562 Section 157A. (a) An owner or keeper of a dog who fails to comply with an order of a hearing
563 authority or district court shall be punished by a fine of not more than \$500 or imprisonment for not more

564 than 60 days in the house of correction, or both, for a first offense and not more than \$1,000 or
565 imprisonment for not more than 90 days in the house of correction, or both, for a second or subsequent
566 such offense.

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

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

574 Section 158. Any police officer, constable or animal control officer may capture, detain or, in the
575 case of a threat to public safety, euthanize a dog, in a humane manner, which is found to be in violation of
576 an order of a hearing authority or a district court and may euthanize a dog, in a humane manner, which is
577 living in a wild state.

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

582 Section 160. The mayor of any city, the selectmen of any town, or their agents thereto authorized
583 in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or
584 keeper of any dog known to them to have worried or killed live stock or fowl, and then and there
585 euthanize such dog, in a humane manner, unless such owner or keeper whose premises are thus entered
586 for said purpose shall give a bond in the sum of \$200, with sufficient sureties, conditioned that the dog

587 shall be restrained for 12 months next ensuing. And if the owner or keeper of the dog declares his
588 intention to give such a bond, such selectmen, or chief of police, as the case may be, or the agent of the
589 selectmen or chief, shall allow him 7 days, exclusive of Sundays and holidays, in which to procure and
590 prepare the same and to present it to them, or to file it with the clerk of the town or city where the owner
591 or keeper resides.

592 Section 161. Whoever suffers loss by the worrying, maiming or killing of his live stock or fowl
593 by a dog, outside the premises of the owners or keepers of such dog, may, if the damage is done in a city,
594 inform the animal control officer and may, if the damage is done in a town, inform the chairman of the
595 selectmen of the town or, if he is absent or ill, any 1 of the selectmen who shall proceed to the premises
596 where the damage was done and determine whether the same was inflicted by a dog and, if so, appraise
597 the amount thereof if it does not exceed \$100. If in the opinion of said officer, chairman or selectman, the
598 amount of said damage exceeds \$100, the damage shall be appraised, on oath, by 3 persons, of whom 1
599 shall be such officer, chairman or selectman, 1 shall be appointed by the person alleged to be damaged,
600 and the third shall be appointed by the other 2. Within 10 days, such appraisers shall consider and include
601 in such damages the labor and time necessarily expended in the finding and collecting of the live stock or
602 fowl injured or separated and the value of those lost or otherwise damaged by a dog. Such officer,
603 chairman or selectman shall return a certificate of the damages found to the treasurer of the city or town
604 wherein the damage was done within 10 days after such appraisal is made. The treasurer shall thereupon
605 submit the same to the city or town clerk who, within 30 days, shall examine all bills for damages. A city
606 or town clerk may summons such appraisers or, upon the request of an interested party, shall summons
607 such appraisers and all parties interested and make such investigation as he deems proper, and shall issue
608 an order upon the treasurer of the city or town for such amounts, if any, as he decides to be just and shall
609 notify all interested parties of his decision. The treasurer shall pay all orders drawn upon him in full, for
610 the above purpose and payments made shall be charged to the city or town.

611 **SECTION 30.** Section 162 of said chapter 140 is hereby repealed.

612 **SECTION 31.** Said chapter 140, as appearing in the 2008 Official Edition, is hereby amended
613 by striking out section 163 and inserting in place thereof the following section:-

614 Section 163. If the mayor, aldermen or selectmen determine, after notice to parties interested and
615 a hearing, who is the owner or keeper of any dog which is found to have worried, maimed or killed any
616 live stock or fowl, thereby causing damages for which their owner may become entitled to compensation
617 from the city or town under section 161, they shall serve upon the owner or keeper of such dog a notice
618 directing him, within 24 hours, to euthanize the dog, in a humane manner, or impound the dog.

619 **SECTION 32.** Section 164 of said chapter 140, as so appearing, is hereby amended by striking
620 out, in lines 4 to 6, inclusive, the words “more than twenty-five dollars; and any police officer, constable
621 or dog officer may kill such dog” and inserting in place thereof the following words:- less than \$25; and
622 any police officer, constable or animal control officer may euthanize such dog in a humane manner.

623 **SECTION 33.** Said chapter 140 is hereby further amended by striking out section 165, as so
624 appearing, and inserting in place thereof the following section:-

625 Section 165. A city or town may investigate any case of damage done by a dog of which the
626 chairman of the board of selectmen, mayor or animal control officer shall have been informed as provided
627 in section 161 and such chairman, mayor or animal control officer believes that the evidence is sufficient
628 to sustain an action against the owner or keeper of the dog and believes that such owner or keeper is able
629 to satisfy any judgment recovered in such action, he shall bring the action, unless the owner or keeper
630 before the action is brought pays him such amount in settlement of the damage as such chairman, mayor
631 or officer deems reasonable. Such action may be brought in the name of such chairman, mayor or officer
632 and he shall prosecute it. The persons so appointed shall also have throughout their respective
633 municipalities the same powers and authority as police officers, constables or animal control officers
634 appointed under section 151, acting under sections 136A to 175D, inclusive. All damages received or
635 recovered under this section shall be paid over to the city or town treasurer.

636 **SECTION 34.** Said chapter 140 is hereby amended by striking out section 167, as so appearing,
637 and inserting in place thereof the following section:-

638 Section 167. The mayor, aldermen or selectmen may order that all dogs shall be restrained from
639 running at large during such time as shall be prescribed by the order. After passing the order and posting
640 a certified copy thereof in 2 or more public places in the city or town or, if a daily newspaper is published
641 in the city or town, by publishing a copy once in that newspaper, the mayor, aldermen or selectmen may
642 issue their warrant to 1 or more of the police officers or constables of such town, who shall, after 24 hours
643 from the publication of such notice, euthanize all dogs, in a humane manner, found running at large
644 contrary to such order, and shall receive such compensation therefor as is provided in section 151.
645 Notwithstanding the foregoing, a police officer or constable may, in his discretion, hold any such dog for
646 a period not in excess of 7 days. If the owner thereof claims such dog and pays to such officer or
647 constable \$40 for each day that it is so held, it shall be returned to the owner. The fee shall be paid over to
648 the city or town and the remaining moneys shall be retained by such officer or constable as his fee.

649 **SECTION 35.** Section 168 of said chapter 140, as so appearing, is hereby amended by striking
650 out, in line 1, the words “aldermen or selectmen” and inserting in place thereof the following words:-
651 aldermen, selectmen or mayor.

652 **SECTION 36.** Said section 168 of said chapter 140, as so appearing, is hereby further amended
653 by striking out, in line 5, the words “more than twenty-five dollars” and inserting in place thereof the
654 following words:- less than \$25.

655 **SECTION 37.** Section 169 of said chapter 140, as so appearing, is hereby amended by striking
656 out the first sentence and inserting in place thereof the following sentence:- A city or town officer who
657 refuses or willfully neglects to perform the duties imposed upon him by the provisions of this chapter
658 relating to dogs shall be punished by a fine of not less than \$100, which shall be paid to the city or town.

659 **SECTION 38.** Section 170 of said chapter 140 is hereby repealed.

660 **SECTION 39.** Said chapter 140 is hereby further amended by striking out section 171, as so
661 appearing, and inserting in place thereof the following section:-

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

665 **SECTION 40.** Section 172 of said chapter 140 is hereby repealed.

666 **SECTION 41.** Said chapter 140, as appearing in the 2008 Official Edition, is hereby further
667 amended by striking out section 173 and inserting in place thereof the following section:-

668 Section 173. A town or city may make additional ordinances or by-laws relative to the licensing
669 and control animals not inconsistent with sections 137 to 174D, inclusive

670 **SECTION 42.** The first paragraph of section 173A of said chapter 140, as so appearing, is
671 hereby amended by striking out the second through fourth sentences and inserting in place thereof the
672 following 3 sentences:- If it is the first offense subject to this section committed by such person within a
673 calendar year, the clerk shall dismiss the charge without the payment of any fine; if it is the second
674 offense so committed in such city or town in the calendar year the payment to the clerk of a fine of \$50
675 shall operate as a final disposition of the case; if it is the third offense so committed in such city or town
676 in a calendar year payment of a fine of \$60 shall operate as a final disposition of the case; and if it is the
677 fourth or subsequent offense so committed in such city or town in the calendar year the payment of a fine
678 of \$100 shall operate as a final disposition of the case. Such payment shall be made only by postal note,
679 money order or check. Notwithstanding the foregoing procedure and schedules of fines and subject,
680 however, to all of the other provisions of this section, a city or town may, by ordinance or by-law, provide
681 for an alternative procedure and a different schedule of fines.

682 **SECTION 43.** Said chapter 140 is hereby further amended by striking out section 174A, as so
683 appearing, and inserting in place thereof the following section:-

684 Section 174A. No dog or cat shall be put to death by use of carbon monoxide or carbon dioxide
685 gas or a carbon monoxide or carbon dioxide chamber.

686 **SECTION 44.** Section 174B of said chapter 140, as so appearing, is hereby amended by striking
687 out, in line 4, the word “fifty” and inserting in place thereof the following figure: - \$100.

688 **SECTION 45.** Section 174D of said chapter 140, as so appearing, is hereby amended by
689 inserting after the word “commissioner”, in lines 4, 5, 6, 14, 16, 19, 28, 31 and 36, the following words,
690 in each instance:- of public health.

691 **SECTION 46.** Said chapter 140 is hereby further amended inserting after section 174D the
692 following section:-

693 Section 174E. The provisions of this chapter regulating dogs shall not apply to a
694 greyhound dog if the care and treatment of such greyhound dog is regulated by the state racing
695 commission.

696 **SECTION 47.** Section 2 of chapter 27 of the acts of 2009 is hereby amended by inserting, after
697 item 2511-0100, the following item:-

698 2511-0101 The commissioner of the department of agricultural resources may expend not more
699 than \$500,000 from revenues collected from fees under section 139 of chapter 140 for the purposes of
700 operating an animal control program, and not less than one-third of such revenues collected shall be
701 allocated to operating spay/neuter programs in the commonwealth; provided, however, that the
702 department shall annually file a report with the house and senate committees on ways and means detailing
703 the manner of expenditures under this item in the preceding fiscal year and the amount of funding

704 necessary to operate the animal control program, including spay/neuter programs, in the upcoming fiscal
705 year\$500,000

706 **SECTION 48.** Section 151C of chapter 140 of the General Laws shall not apply to an animal
707 control officer appointed on or before the effective date of this act until 1 year after such effective date.”