

# HOUSE . . . . . No. 4266

---

---

## The Commonwealth of Massachusetts

---

HOUSE OF REPRESENTATIVES, July 16, 2012.

The committee on Ways and Means, to whom was referred the Senate Bill further regulating animal control (Senate, No. 2192), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4266.

For the committee,

BRIAN S. DEMPSEY.

**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Twelve**  
—————

By striking out all after the enacting clause and inserting in place thereof the following:—

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

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

12 The fund shall consist of all revenues received by the commonwealth pursuant to the voluntary  
13 check-off donation indicated on the department of revenue’s annual income tax return authorized

14 by section 6L of chapter 62 and from public and private sources as gifts, grants and donations to  
15 further reduce the population of homeless animals.

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

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

25 Section 6M. (a) Persons filing a separate or joint return may voluntarily contribute all or part of  
26 any refund to which they are entitled, or may voluntarily add an amount on to any amount due, to  
27 be credited to the Homeless Animal Prevention and Care Fund established under section 35TT of  
28 chapter 10.

29 A contribution made under this section may be with respect to any taxable year at the time of  
30 filing a return of the tax established by this chapter for such taxable year. The commissioner  
31 shall prescribe the manner in which the contribution shall be made on the face of the return  
32 required by section 5 of chapter 62C; provided however, that the commissioner shall assure that  
33 taxpayers filing any such forms are made clearly aware of their ability to make the contributions  
34 provided for by this section.

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

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

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

42 (b) For purposes of this section, an official health certificate shall mean a legible certificate or  
43 form issued by an accredited veterinarian and approved by the chief livestock official of the state  
44 or county of origin containing the name and address of the consignor and consignee. The  
45 certificate shall also show the age, sex, breed and description of each dog or cat and certify that  
46 the dog or cat is free from visual evidence of infectious or contagious disease. A health  
47 certificate shall show proof of rabies vaccination within the previous 12 months. If a dog or cat is  
48 imported into the commonwealth with a health certificate that reflects that the dog or cat is not  
49 currently vaccinated for rabies, the dog or cat shall be vaccinated as required under section 145B  
50 of chapter 140.

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

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

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

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

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

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

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

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

79 “Adoption”, the delivery of a cat or dog to any person 18 years of age or older for the purpose of  
80 taking care of the dog or cat as a pet.

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

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

84

85 “Commercial boarding or training kennel”, an establishment used for boarding, holding, day  
86 care, overnight stays or training of animals that are not the property of the owner of such  
87 establishment, at which such services are rendered in exchange for consideration and in the  
88 absence of the owner of such animal; provided, however, that this definition shall not include an  
89 animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a  
90 grooming facility operated solely for the purpose of grooming and not overnight boarding or  
91 individuals who temporarily, and not in the normal course of business, board or care for animals  
92 owned by others.

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

96 “Commissioner”, the commissioner of agricultural resources.

97 “Dangerous dog”, a dog that either: (i) without justification, attacks a person or domestic animal  
98 causing physical injury or death; or (ii) behaves in a manner that a reasonable person would

99 believe poses an unjustified imminent threat of physical injury or death to 1 or more persons,  
100 domestic or owned animals.

101 “Department”, the department of agricultural resources.

102 “Domestic animal”, any animal designated as domestic by regulations promulgated by the  
103 department of fish and game..

104 “Domestic charitable corporation kennel”, a facility operated, owned or maintained by a  
105 domestic charitable corporation registered with the department, or an animal welfare society or  
106 other nonprofit organization incorporated for the purpose of providing for and promoting the  
107 welfare, protection and humane treatment of animals, including a veterinary hospital or clinic  
108 operated by a licensed veterinarian, which operates consistent with such purpose while providing  
109 veterinary treatment and care.

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

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

116 “Keeper”, any person, business, corporation, entity or society, other than the owner, having  
117 possession of a dog.

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

121 "License period", the period of time for which a municipal licensing authority prescribes the  
122 validity of a dog license, including the date of issuance of such license through the date on which  
123 such license expires, inclusive.

124 "Licensing authority", the police commissioner of the city of Boston and the clerks of any other  
125 municipality.

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

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

137 "Personal kennel", a pack or collection of more than 4 dogs, 3 months old or older, owned or  
138 kept under single ownership, for private personal use; provided, however, that breeding of  
139 personally owned dogs may take place for the purpose of improving, exhibiting or showing the

140 breed, use in legal sporting activity or other personal reasons; provided, further, that selling,  
141 trading, bartering or the distribution of such breeding from a personal kennel shall be to other  
142 breeders or individuals by private sale only and not to wholesalers, brokers or pet shops;  
143 provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not  
144 bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a  
145 personal kennel, in conjunction with an animal shelter or rescue registered with the department,  
146 may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting  
147 thereby.

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

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

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

161 Section 137. (a) The owner or keeper of any dog over the age of 6 months shall obtain a license  
162 for the dog. The registering, numbering, describing and licensing of a dog shall be conducted in  
163 the office of the licensing authority in the city or town in which the dog is kept.

164 (b) A licensing authority shall not grant a license for a dog unless the owner of the dog provides  
165 the licensing authority with a veterinarian's certification that the dog has been vaccinated in  
166 accordance with section 145B, certification that such dog is exempt from the vaccination  
167 requirement under said section 145B or a notarized letter from a veterinarian that either of these  
168 certifications was issued relative to such dog.

169 (c) The license shall be granted upon condition that the dog shall be controlled and restrained  
170 from killing, chasing or harassing live stock or fowl. The owner of a dog may add descriptive  
171 words, not over 10 in number, upon the license form to indicate the color, breed, weight and  
172 special markings of the licensed dog. The owner or keeper of a licensed dog shall keep affixed  
173 around the dog's neck or body, a collar or harness of leather or other suitable material, to which  
174 shall be securely attached a tag. This tag shall have inscribed upon it the dog's license number,  
175 the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the  
176 owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority  
177 at a cost to be determined by the city or town and the fee for the substitute shall, if received by a  
178 city or town clerk, be retained by the clerk unless otherwise provided by law. This section shall  
179 not apply to a person to whom a valid kennel license has been issued.

180 Section 137A. (a) Every person maintaining a kennel shall obtain a kennel license. An owner or  
181 keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to  
182 secure a kennel license in lieu of licensing the dogs under section 137, and shall be subject to this

183 section and to sections 137B and 137C and to so much of section 141 as relates to violations of  
184 this section to the same extent as though the owner or keeper were maintaining a kennel. In the  
185 case of an applicant for initial licensure, and in the case of an applicant for license renewal, a  
186 licensing authority shall not issue a kennel license until a kennel has passed inspection by an  
187 animal control officer.

188 (b) A kennel license shall be in lieu of any other license for a dog kept at a kennel during any  
189 portion of the period for which the kennel license is valid. A kennel licensee shall cause each dog  
190 kept in its kennel to wear, while it is at large, a collar or harness of leather or other suitable  
191 material, to which shall be securely attached a tag. The tag shall have inscribed upon it the  
192 number of the kennel license, the name of the city or town issuing the license and the year of  
193 issue. Tags shall be furnished to the owner or keeper by the licensing authority in quantities not  
194 less than the number of dogs kept in the kennel. The issuing city or town shall determine the  
195 period of time for which a kennel license is valid, including the date of issuance of such license  
196 through the date on which such license expires, inclusive, and shall further determine the fee  
197 for the issuance and renewal of said license. To determine the amount of the license fee for a  
198 kennel, a dog under the age of 6 months shall not be counted in the number of dogs kept in a  
199 kennel. The name and address of the owner of each dog kept in a kennel, if other than the person  
200 maintaining the kennel, shall be kept at the kennel and available for inspection by an animal  
201 control officer, natural resource officer, deputy natural resource officer, fish and game warden or  
202 police officer.

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

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

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

210 Section 137C. The mayor of a city, the selectmen of a town, the police commissioner in the city  
211 of Boston, a chief of police or an animal control officer may at any time inspect a kennel or  
212 cause the inspection of a kennel. If, in the judgment of such person or body, the kennel is not  
213 being maintained in a sanitary and humane manner or if records are not properly kept as required  
214 by law, such person or body shall, by order, revoke or suspend the license for such kennel. Upon  
215 the petition of 25 citizens, filed with the mayor of a city, the selectmen of a town or the police  
216 commissioner in the city of Boston setting forth a statement that such citizens are aggrieved or  
217 annoyed to an unreasonable extent by 1 or more dogs maintained in such city or town, due to  
218 excessive barking of the dogs or other conditions connected with a kennel constituting a  
219 nuisance, the mayor, selectmen or police commissioner, as the case may be, shall, within 7 days  
220 after the filing of the petition, give notice to all parties in interest of a public hearing to be held  
221 within 14 days after the date of such notice. The mayor, selectmen or police commissioner shall,  
222 within 7 days after the public hearing, investigate or cause to be investigated the subject matter  
223 of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate  
224 the kennel, or dismiss the petition. Written notice of an order revoking, suspending or reinstating

225 a license shall be mailed immediately to the officer issuing the license and to the holder of the  
226 license. Within 10 days after the order, the holder of the license may bring a petition in the  
227 district court within the judicial district in which the kennel is maintained, addressed to the  
228 justice of the court, praying that the order be reviewed by the court. After notice to all parties as  
229 the court may consider necessary, the court shall review the action, hear the witnesses and affirm  
230 the order unless it shall appear that it was made without proper cause or in bad faith, in which  
231 case the order shall be reversed. The decision of the court shall be final and conclusive upon the  
232 parties. A person maintaining a kennel after the license to maintain a kennel has been so revoked,  
233 or while such a license is suspended, shall be punished by a fine of not more than \$250.

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

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

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

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

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

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

246 (b) The license fee for a spayed or neutered dog shall be less than the license fee of an intact dog.  
247 Upon application for a license, a city or town clerk shall require a certificate from the  
248 veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered;  
249 provided, however, that if the city or town clerk is satisfied that the certificate of the veterinarian  
250 who spayed or neutered the dog cannot be obtained, the clerk may instead accept a receipt of a  
251 bill from the veterinarian who performed such procedure or a statement signed under the  
252 penalties of perjury by a veterinarian registered and practicing in the commonwealth describing  
253 the dog and stating that the veterinarian has examined the dog, which appears to have been  
254 spayed or neutered and incapable of propagation.

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

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

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

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

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

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

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

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

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

285 Section 145B. (a) Whoever is the owner or keeper of a dog, cat or ferret in the commonwealth, 6  
286 months of age or older, shall cause such dog, cat or ferret to be vaccinated against rabies by a  
287 licensed veterinarian using a licensed vaccine according to the manufacturer’s directions and  
288 shall cause such dog, cat or ferret to be revaccinated at intervals recommended by the

289 manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth shall  
290 be vaccinated within 30 days after the acquisition or arrival of such animal into the  
291 commonwealth or upon reaching the age of 6 months, whichever last occurs. It shall be the duty  
292 of each veterinarian, at the time of vaccinating any dog, cat or ferret, to complete a certificate of  
293 rabies vaccination which shall include, but not be limited to, the following information: the  
294 owner's name and address; a description of the animal, including breed, sex, age, name and  
295 distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of  
296 rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine  
297 lot number.

298 (b) The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be  
299 secured by the owner or keeper of such dog, cat or ferret to a collar or harness made of suitable  
300 material to be worn by the dog, cat or ferret; provided, however, that the owner of a cat or ferret  
301 may choose not to affix the tag, but shall have the tag available for inspection by authorized  
302 persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon presentation  
303 of the original vaccination certificate, be issued a new tag.

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

309 (d) A licensing authority may grant an exemption from this section for any dog, cat or ferret that:

310 (i) the local board of health has declared exempt from the rabies vaccination requirement  
311 upon presentation of a veterinarian's certificate stating that because of an infirmity, other  
312 physical condition or regimen of therapy, that such inoculation is considered inadvisable for a  
313 specified period of time for such reasons; (ii) is in transit; or (iii) was brought into the  
314 commonwealth temporarily for the sole purpose of display in shows or for exhibition.

315 (e) This section shall not apply to dogs, cats or ferrets housed in a research institution.

316 (f) Whoever violates this section shall be punished by a fine of not more than \$100.

317 SECTION 18. Section 146 of said chapter 140, as so appearing, is hereby amended by striking  
318 out, in lines 5 to 8, inclusive, the words "to which such dog has been removed, and such clerk  
319 shall take up the same and issue to said owner or keeper a transfer license, together with a tag,  
320 for such dog upon payment of twenty-five cents" and inserting in place thereof the following  
321 words:- or city to which such dog has been removed, and such clerk shall take up the same and  
322 issue to such owner or keeper a transfer license and a tag for such dog upon payment of an  
323 amount to be determined by the city or town.

324 SECTION 19. Said chapter 140 is hereby further amended by striking out sections 147 and  
325 147A, as so appearing, and inserting in place thereof the following section:-

326 Section 147. The police commissioner of the city of Boston and the clerks of other cities and  
327 towns shall issue dog licenses and tags, receive the money therefor and pay it into the treasuries  
328 of their respective cities and towns on the first Monday of each month or more often. The clerks  
329 of cities and towns, except the city of Boston, may retain for their own use 75 cents for each such  
330 license issued, unless otherwise provided by law, and shall certify under penalties of perjury to  
331 the amounts of money thus received and paid over to them. The police commissioner of the city

332 of Boston and each city or town clerk shall make a record of the name of the owner or keeper of  
333 each dog licensed and of the name, registered number and description of each dog licensed. Such  
334 records shall be open to public inspection during the usual office hours of the city or town clerk.  
335 All blanks for the licenses and tags and the record books shall be paid for out of the city or town  
336 treasury. The police commissioner of the city of Boston and any city or town clerk or city or  
337 town treasurer violating this section shall be punished by a fine of not less than \$50 nor more  
338 than \$500 or by imprisonment for not less than 1 month nor more than 1 year in the house of  
339 correction, or both. If a city or town clerk neglects or fails to pay the money into the city or town  
340 treasury as required by this section, the city or town may recover the amount thereof for the  
341 benefit of the city or town, with all damages sustained through such neglect or failure, and  
342 interest thereon, in an action on the official bond required, in the case of a city clerk, by section  
343 13A of chapter 41 and, in the case of a town clerk, by section 13 of said chapter 41. All  
344 payments required under this section shall be subject to section 52 of said chapter 41.

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

346 SECTION 21. Said chapter 140 is hereby further amended by striking out sections 149 to 151B,  
347 inclusive, as appearing in the 2010 Official Edition, and inserting in place thereof the following 6  
348 sections:-

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

351 Section 150. Persons authorized or directed by section 4 of chapter 51 or by any special law, to  
352 make lists of residents 3 years of age or older shall make a list of all dogs owned by the  
353 inhabitants at the time of making such lists and shall annually return the same, in duplicate, to

354 the city or town clerk or, to the police commissioner in the city of Boston. An owner or keeper of  
355 a dog who refuses to answer or answers falsely to persons directed or authorized to make such a  
356 list shall be punished by a fine of not less than \$20 which shall be paid to the city or town.

357 Section 151. (a) The mayor of each city and the board of selectmen of each town shall annually  
358 designate 1 or more animal control officers, who may be police officers or constables. The  
359 mayor or board of selectman shall immediately submit to the commissioner the names, addresses  
360 and date of hire of such animal control officers. Except as provided in this section, if any city or  
361 town shall fail to make such appointment, the commissioner shall appoint an animal control  
362 officer for that city or town. An animal control officer who fails to comply with the terms of such  
363 officer's warrant shall immediately be removed from office by the mayor or board of selectmen  
364 and notice of the removal shall immediately be given to the commissioner. Animal control  
365 officers shall have completed, under the supervision of a veterinarian registered under section 55  
366 or 56C of chapter 112, a course of instruction in humane techniques for the execution of animals  
367 before euthanizing any animal. Before euthanizing or giving or turning over to another any dog  
368 or cat in the officer's possession, such animal control officer shall first examine the animal for  
369 the presence of a microchip or tattoo, check the description of such animal against descriptions  
370 within the city or town relative to such species of animal licensed or registered in such  
371 municipality in order to verify the identity of the animal and to provide notice to the owner of the  
372 animal before the animal is euthanized, given away or turned over to another. Bills for such  
373 services shall be approved by the mayor of the city or the board of selectmen of the town in  
374 which the dogs or cats are kept or euthanized and shall be paid by such city or town. Each animal  
375 control officer appointed under this section shall also attend to all complaints or other matters  
376 pertaining to animals, as prescribed by their respective city or town, in addition to the duties

377 imposed upon the officer by the officer's warrant, and shall be paid for such services by the town  
378 or city treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of  
379 any city or the board of selectmen of any town may, instead of appointing an animal control  
380 officer, enter into a contract with a domestic charitable corporation incorporated exclusively for  
381 the purpose of protecting animals from cruelty, neglect or abuse to perform the duties required of  
382 an animal control officer. In that case, the payments to the corporation under the terms of the  
383 contract shall be in full for all services rendered by it in that capacity.

384 (b) An animal control officer shall not be a licensed animal dealer registered with the United  
385 States Department of Agriculture. An animal control officer shall not give, sell or turn over any  
386 animal which may come into the officer's custody to any business or institution licensed or  
387 registered as a research facility or animal dealer with the United States Department of  
388 Agriculture either privately or in the course of carrying out such officer's official assignments as  
389 an agent for the officer's municipality. A municipality shall not give, sell or turn over any animal  
390 which may come into its custody to any business or institution licensed or registered as a  
391 research facility or animal dealer with the United States Department of Agriculture. Whoever  
392 violates this subsection shall be punished by a fine of not more than \$1,000.

393 Section 151A. (a) The mayor or board of selectmen shall annually issue a warrant to the animal  
394 control officer or officers directing the officer or officers to seek out, catch and confine all dogs  
395 within the city or town which are not licensed, collared or harnessed, or tagged, as required by  
396 this chapter, and to enter and prosecute a complaint for failure to comply with this chapter  
397 against the owners or keepers of such dogs, if known, and to euthanize or cause to be euthanized  
398 only by the administration of barbiturates in a manner deemed acceptable by the American  
399 Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case of

400 emergency, each such dog not licensed, collared or harnessed, or tagged after being detained by  
401 or for the officer for a period of 7 days; provided, however, that after 7 days, the animal control  
402 officer may make available for adoption any dog found free of disease for a sum of not less than  
403 \$3 to be determined by the city or town and shall keep an account of all moneys received by such  
404 officer for the adoption and shall immediately pay over the sums to the treasurer who shall  
405 forward the money to the city or town. Before delivery of a dog so adopted, the animal control  
406 officer shall require the purchaser to show identification and to procure a license and tag for the  
407 dog from the clerk of the city or town wherein the dog is to be kept. Dogs detained under this  
408 section shall be confined in a place suitable for the detention and care of dogs and kept in a  
409 sanitary condition, or they may be placed in the care of the holder of a kennel license or of a  
410 domestic charitable corporation incorporated exclusively for the purpose of protecting animals  
411 from cruelty, neglect or abuse. The commissioner from time to time shall cause such places  
412 wherein animals are detained under this section to be inspected and shall make necessary order  
413 in relation thereto. An animal control officer having custody of a detained dog or cat shall be  
414 allowed a sum determined by the city or town per day for the care of the dog or cat, payable by  
415 the owner or keeper, if known, otherwise by the city or town.

416 (b) Every animal control officer shall make, keep and maintain systems of records or forms  
417 which fully and correctly disclose the following information concerning each animal in the  
418 officer's custody: (1) the date and location of apprehension; (2) a description of the animal; (3)  
419 the place of detainment; (4) if tagged, the name and address of the owner of the animal; (5) the  
420 name and address of a new owner, if any, including the date of sale or transfer of the animal; (6)  
421 if the animal is euthanized, the method and date of such euthanization and the name of the person  
422 who euthanized the animal; and (7) the date, location, description of any animal shot by gunshot

423 in case of emergency, the disposition of the animal remains, as well as description of the  
424 situation requiring such gunshot.

425 Every animal control officer shall forward a copy of the record to the town or city clerk within  
426 30 days. Copies of the record shall be kept for 2 years in the offices of the city or town clerk  
427 where such animal control officer is employed.

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

438 Section 151C. The commissioner shall, from time to time, and subject to the availability of funds  
439 from the Homeless Animal Prevention and Care Fund in section 35TT of chapter 10, provide for  
440 a training course for animal control officers. For any training course established under this  
441 section, there shall be a preference for persons who have been in the employ of a city or town as  
442 an animal control officer for 12 months or less. A training course that is offered by a private  
443 entity including, but not limited to, the Animal Control Officers Association, shall not be eligible

444 for reimbursement from the Homeless Animal Prevention and Care Fund unless such course has  
445 been approved by the commissioner.

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

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

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

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

456 SECTION 26. Said section 153 of said chapter 140, as so appearing, is hereby further amended  
457 by striking out, in lines 13 to 18, inclusive, the words “by methods of execution other than  
458 gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the  
459 control of the federal Drug Enforcement Administration, unless by a veterinarian,  
460 succinylcholine choline, any drugs that have curariform-like action, electrocution or any other  
461 method which causes an unnecessarily cruel death” and inserting in place thereof the following  
462 words:- only by the administration of barbiturates in a manner deemed acceptable by the  
463 American Veterinary Medical Association Guidelines on Euthanasia, except by gunshot in case  
464 of emergency.

465 SECTION 27. Said section 153 of said chapter 140, as so appearing, is hereby further amended  
466 by striking out, in lines 18 to 21, inclusive, the words “ten days, shall not then have been duly  
467 licensed, collared or harnessed, and tagged, except that any male or any spayed female dog not  
468 found to be diseased may be made available for adoption for not less than three dollars” and  
469 inserting in place thereof the following words:- 7 days, shall not then have been duly licensed,  
470 collared or harnessed, and tagged, except that any dog not found to be diseased may be made  
471 available for adoption for not less than \$3.

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

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

476 Mayor of (or Chairman of the Selectmen of)

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

478 COMMONWEALTH OF MASSACHUSETTS

479 (Seal)

480 , ss.

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

482 In the name of the commonwealth of Massachusetts, you are hereby required to proceed  
483 forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed,  
484 collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty

485 of the General Laws, and you are further required to make and enter complaint against the owner  
486 or keeper of every such dog, and to kill or cause to be killed by methods of execution other than  
487 gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the  
488 control of the federal Drug Enforcement Administration, unless by a veterinarian,  
489 succinylcholine choline, any drugs that have a curariform-like action, electrocution, or any other  
490 method which causes an unnecessarily cruel death each such dog which, after being detained for  
491 a period of seven days, shall not then have been duly licensed, collared or harnessed, except that  
492 any male or any spayed female dog not found to be diseased may be made available for adoption  
493 for not less than three dollars, and you shall keep an account of any such sale and forthwith pay  
494 over the money to the town treasurer. Before delivery of any dog so adopted you shall require the  
495 purchaser to show identification and to register and procure a license and tag for such dog from  
496 the town clerk of the town where the dog is to be kept, in accordance with the provisions of  
497 section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

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



527 (C) the person attacked or threatened by the dog was engaged in teasing, tormenting,  
528 battering, assaulting, injuring or otherwise provoking such dog; or

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

536 Such hearing authority shall investigate the complaint, or cause the investigation of the  
537 complaint, including an examination under oath of the complainant at a public hearing in such  
538 municipality to determine whether the dog is a nuisance or a dangerous dog. Based on the  
539 credible evidence and testimony presented at the public hearing, the hearing authority shall, if the  
540 dog is complained of as a nuisance dog, either: (i) dismiss the complaint; or (ii) deem such dog a  
541 nuisance dog, or, if the dog is complained of as a dangerous dog, either: (i) dismiss the  
542 complaint; (ii) deem such dog a nuisance dog; or (iii) deem such dog a dangerous dog.

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

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

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

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

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

562 (iv) that the owner or keeper of the dog shall provide proof of a policy of insurance in an  
563 amount not less than \$100,000 insuring such owner or keeper against any claim, loss, damage or  
564 injury to persons, domestic animals or property resulting from the acts, whether intentional or  
565 unintentional, of such dog or proof that reasonable efforts were made to obtain such insurance if  
566 a policy has not been issued. If such a policy has been issued, the owner or keeper shall produce  
567 such policy upon request of the hearing authority or a justice of the district court or proof of  
568 efforts to obtain same if such a policy has not been issued.

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

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

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

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

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

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

595 (2) A justice of a district court may, upon probable cause to believe a dog is a dangerous  
596 dog or a dog is being kept in violation of this section or in violation of an order issued under this  
597 section by a hearing authority or a court, issue an order: (i) of restraint; (ii) of confinement of the  
598 dog as considered necessary for the safety of other animals and the public; provided, however,  
599 that if an order of confinement is issued, the person to whom the order is issued shall confine the  
600 dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place  
601 of detention where the municipality uses to shelter animals or such other order as the court  
602 deems necessary to protect other animals and the public from such dog.

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

608 (g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the  
609 city or town for all reasonable costs incurred for housing and care of such dog during its  
610 impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the  
611 municipality in which the owner or keeper of the dog resides on behalf of the hearing authority

612 by 1 of the following methods: (i) a lien on any property owned by the owner or keeper of such  
613 dog; (ii) an additional, earmarked charge to appear on the vehicle excise tax of the owner or  
614 keeper of such dog; or (iii) a direct bill sent to the owner or keeper of such dog.

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

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

621 (h) If an owner or keeper of a dog is found in violation of an order issued under this section,  
622 such dog shall be subject to seizure and impoundment by a law enforcement or animal control  
623 officer. If the keeper, not the owner of such dog, is in violation, all reasonable effort shall be  
624 made by the seizing authority to notify the owner of such dog of the seizure. Upon receipt of  
625 such notice, the owner may file a petition with the hearing authority, within 7 days, for the return  
626 of the dog to such owner. Such owner or keeper shall be ordered to immediately surrender to the  
627 licensing authority the license and tags in such person's possession, if any, and such owner or  
628 keeper shall be banned from licensing any dog within the commonwealth for 5 years. A hearing  
629 authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has  
630 violated an order issued under this section shall report such violations to the issuing licensing  
631 authority within 30 days.

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

634 Section 157A. (a) An owner or keeper of a dog who fails to comply with an order of a hearing  
635 authority or district court shall be punished by a fine of not more than \$500 or imprisonment for  
636 not more than 60 days in the house of correction, or both, for a first offense and not more than  
637 \$1,000 or imprisonment for not more than 90 days in the house of correction, or both, for a  
638 second or subsequent such offense.

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

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

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

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

654 Section 160. The mayor of any city, the selectmen of any town, or their agents who are  
655 authorized in writing, to act in such mayor or selectmen's stead may, after written notice to the

656 owner or keeper, enter upon the premises of the owner or keeper of any dog known to such  
657 persons to have worried or killed live stock or fowl, and then and there euthanize such dog, in a  
658 humane manner, unless such owner or keeper whose premises are thus entered for said purpose  
659 shall give a bond in the sum of \$200, with sufficient sureties, conditioned that the dog shall be  
660 restrained for 12 months next ensuing. If the owner or keeper of the dog declares an intention to  
661 give such a bond, the selectmen, chief of police, or the agent of the selectmen or chief, as the  
662 case may be, shall allow the owner or keeper 7 days, exclusive of Sundays and holidays, in  
663 which to procure and prepare such bond and to present it, or to file it with the clerk of the town  
664 or city in which the owner or keeper resides.

665 Section 161. Whoever suffers loss by the worrying, maiming or killing of such person's live  
666 stock or fowl by a dog, outside the premises of the owner or keeper of such dog, may, if the  
667 damage is done in a city, inform the animal control officer and may, if the damage is done in a  
668 town, inform the chairman of the selectmen of the town or, if the chairman is absent or ill, any  
669 1 of the selectmen. Such officer, chairman or selectman shall proceed to the premises where the  
670 damage was done and determine whether the damage was inflicted by a dog and, if so, appraise  
671 the amount of damage if it does not exceed \$100. If in the opinion of such officer, chairman or  
672 selectman, the amount of damage exceeds \$100, the damage shall be appraised, on oath, by 3  
673 persons, of whom 1 shall be such officer, chairman or selectman, 1 shall be appointed by the  
674 person alleged to be damaged, and the third shall be appointed by the other 2 appointees. Within  
675 10 days, the appraisers shall consider and include in their appraisal the labor and time necessarily  
676 to be expended to find and collect the live stock or fowl injured or separated and the value of  
677 those lost or otherwise damaged by a dog. Such officer, chairman or selectman shall return a  
678 certificate of the damages found to the treasurer of the city or town in which the damage was

679 done within 10 days after such appraisal is made. The treasurer shall immediately submit the  
680 appraisal to the city or town clerk who, within 30 days, shall examine all bills for damages. A  
681 city or town clerk may summons such appraisers or, upon the request of an interested party, shall  
682 summons such appraisers and all parties interested and make such investigation as such clerk  
683 deems proper, and shall issue an order upon the treasurer of the city or town for such amounts, if  
684 any, determined to be just and shall notify all interested parties of the decision. The treasurer  
685 shall pay all orders drawn upon the treasurer in full, for the above purpose and payments made  
686 shall be charged to the city or town.

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

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

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

696 SECTION 34. Section 164 of said chapter 140, as so appearing, is hereby amended by striking  
697 out, in lines 2 to 6, inclusive, the words “such notice and does not within twenty-four hours kill  
698 such dog or thereafter keep it on his premises or under the immediate restraint and control of  
699 some person, shall be punished by a fine of not more than twenty-five dollars; and any police  
700 officer, constable or dog officer may kill such dog” and inserting in place thereof the following

701 words:- such notice under section 163 and does not within 24 hours euthanize such dog or  
702 thereafter keep it on such owner's or keeper's premises or under the immediate restraint and  
703 control of some person, shall be punished by a fine of not less than \$25; and any police officer,  
704 constable or animal control officer may euthanize such dog in a humane manner.

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

707 Section 165. A city or town may investigate any case of damage done by a dog of which the  
708 chairman of the board of selectmen, mayor or animal control officer shall have been informed as  
709 provided in section 161. If the chairman, mayor or animal control officer believes that the  
710 evidence is sufficient to sustain an action against the owner or keeper of the dog and believes  
711 that such owner or keeper is able to satisfy any judgment recovered in such action, such  
712 chairman, mayor or animal control officer shall bring the action, unless the owner or keeper pays  
713 such amount in settlement of the damage as such chairman, mayor or officer deems reasonable  
714 before the action is brought. Such action may be brought in the name of such chairman, mayor or  
715 officer who shall prosecute the action and shall have the same powers and authority as police  
716 officers, constables or animal control officers appointed under section 151 and acting under  
717 sections 136A to 174D, inclusive. All damages received or recovered under this section shall be  
718 paid over to the city or town treasurer.

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

721 Section 167. The mayor, aldermen or selectmen may order that all dogs shall be restrained from  
722 running at large during such time as shall be prescribed by the order. Once passed, a certified

723 copy of such order shall be posted in 2 or more public places in the city or town or, if a daily  
724 newspaper is published in the city or town, by publishing a copy once in that newspaper.  
725 Following such publication, the mayor, aldermen or selectmen may issue their warrant to 1 or  
726 more of the police officers or constables of such city or town, who shall, not sooner than 24  
727 hours after the publication of such notice, euthanize all dogs in a humane manner found running  
728 at large contrary to such order. Notwithstanding the foregoing, a police officer or constable may,  
729 in such officer's or constable's discretion, hold any such dog for a period not to exceed 7 days. If  
730 the owner of the dog claims it and pays to such officer or constable a penalty of \$40 for each day  
731 that the dog has been held, the dog shall be returned to its owner. The amount shall be paid over  
732 to the city or town.

733 SECTION 37. Section 168 of said chapter 140, as so appearing, is hereby amended by striking  
734 out, in line 1, the words "aldermen or selectmen" and inserting in place thereof the following  
735 words:- aldermen, selectmen or mayor.

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

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

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

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

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

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

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

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

755 SECTION 44. The first paragraph of section 173A of said chapter 140, as so appearing, is  
756 hereby amended by striking out the second to fourth sentences, inclusive, and inserting in place  
757 thereof the following 3 sentences:- For the first offense committed by a person within a calendar  
758 year, the clerk shall dismiss the charge without the payment of any fine; for a second offense in  
759 such city or town within a calendar year, the payment of a fine of \$50 shall operate as a final  
760 disposition of the case; for a third offense in such city or town in a calendar year, payment of a  
761 fine of \$60 shall operate as a final disposition of the case; and for a fourth or subsequent offense  
762 in such city or town within the calendar year, payment of a fine of \$100 shall operate as a final  
763 disposition of the case. Payment shall be made only by postal note, money order or check.

764 Notwithstanding the foregoing procedure and schedules of fines, but subject to all of the other  
765 provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative  
766 procedure and a different schedule of fines.

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

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

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

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

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

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

788 Section 11. (a) Whenever the court issues a temporary or permanent vacate, stay away,  
789 restraining or no contact order or a judgment under section 18, 34B or 34C of chapter 208;  
790 section 32 of chapter 209; section 3, 4 or 5 of this chapter; section 15 or 20 of chapter 209C; or  
791 section 3, 4, 5, 6 or 7 of chapter 258E; or a temporary restraining order or preliminary or  
792 permanent injunction relative to a domestic relations, child custody, domestic abuse or abuse  
793 prevention proceeding, the court may order the possession, care and control of any domesticated  
794 animal owned, possessed, leased, kept or held by either party or a minor child residing in the  
795 household to the plaintiff or petitioner. The court may order the defendant to refrain from  
796 abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or  
797 otherwise disposing of such animal.

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

800 (c) Whenever the court issues a warrant for a violation of a temporary or permanent vacate, stay  
801 away, restraining or no contact order or of a judgment issued under section 18, 34B or 34C of  
802 chapter 208; section 32 of chapter 209; section 3, 4 or 5 of this chapter; section 15 or 20 of  
803 chapter 209C; or section 3, 4, 5, 6 or 7 of chapter 258E, or otherwise becomes aware that an  
804 outstanding warrant for such a violation has been issued against a person before the court, the  
805 judge may make a finding, based upon the totality of the circumstances, as to whether there  
806 exists an imminent threat of bodily injury to any party to such judgment or the petitioner of any  
807 such protective order, a member of the petitioner's family or household or to a domesticated  
808 animal belonging to such petitioner or to a member of the petitioner's family or household. If the  
809 court makes a finding that such an imminent threat of bodily injury to a person or domesticated  
810 animal exists, the court shall notify the appropriate law enforcement officials of such finding and

811 such law enforcement officials shall take all necessary actions to execute any such outstanding  
812 warrant as soon as is practicable.

813 SECTION 50. The chief justice of administration and management of the trial court department  
814 shall amend the relevant complaint forms for chapters 208, 209A, 209C and 258E of the General  
815 Laws, or prescribe a new form, to incorporate a petition for an order under section 11 of chapter  
816 209A of the General Laws, which shall be in such form and language to permit a plaintiff to  
817 prepare and file such complaint pro se.

818 SECTION 51. There is hereby established an advisory committee to assist the commissioner in  
819 establishing procedures for the disbursement of funds from the Homeless Animal Prevention and  
820 Care Fund. Members of the advisory committee shall receive no compensation or reimbursement  
821 for expenses incurred in the performance of their duties. The advisory committee shall consist of  
822 the following members, appointed by the governor: 1 member from a humane society, animal  
823 rescue or sheltering organization located in the commonwealth; 1 animal control officer or  
824 representative of an association organized in the commonwealth for animal control officers; 1  
825 veterinarian or member of a veterinary medical association organized in the commonwealth; and  
826 1 member of the general public with an interest in the well being of domestic animals. All  
827 members shall have an active interest in educating residents of the commonwealth relative to the  
828 benefits of pet population control.