

Massachusetts Animal Control Laws

MGL Chapter 34B Section 22. Municipalities of abolished counties; dog funds. Notwithstanding the provisions any general or special law to the contrary, the municipalities of an abolished county shall be deemed to have accepted the provisions of section 147A of chapter 140, and shall enact by-laws to provide for the functions performed by the abolished government of a county with respect to dogs pursuant to sections 136A to 174D, inclusive, of said chapter 140, as of July 11, 1997. The balance of funds remaining in the dog fund of an abolished county as of the transfer date shall be disbursed forthwith by the state treasurer in the manner prescribed by section 172 of said chapter 140 to the treasurer of each city and town, who shall maintain a separate dog fund consistent with the by-laws adopted by the city or town and said sections 136A to 174D, inclusive, of said chapter 140.

MGL Chapter 129 Section 9. Massachusetts Society for the Prevention of Cruelty to Animals; Animal Rescue League of Boston; agents; powers and duties. The agents of the Massachusetts Society for the Prevention of Cruelty to Animals and the agents of the Animal Rescue League of Boston may visit all places at which neat cattle, horses, mules, sheep, swine or other animals are delivered for transportation or are slaughtered, any pet shop where animals, birds, fish or reptiles are sold, or exhibited, or for sale, any guard dog business, any hearing dog business and any stable where horses are kept for hire or boarded for a fee, or any licensed kennel where animals are boarded for a fee or any animal dealer licensed with the United States Department of Agriculture, for the purpose of preventing violations of any law and of detecting and punishing the same and such agents shall have the power to prosecute any such violation coming to their notice. Records of inspection made under authority of this section shall be filed with the office of the division of animal health, within the department of agriculture no later than three months after such inspection. Any person who prevents, obstructs or interferes with any such agent in the performance of such duties shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two months, or both.

MGL Chapter 131, Section 77A. Wild canid and felid hybrids. No person shall possess, sell, trade, breed, import, export or release a wild canid hybrid or wild felid hybrid, except as otherwise provided by rules and regulations of the division. Any mammal which is the offspring of the reproduction between any species of wild canid or hybrid wild canid and a domestic dog or hybrid wild canid, or is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid, or which is the offspring of the reproduction between any species of wild felid or hybrid wild felid and a domestic cat or hybrid wild felid or is represented by its owner to be a wild felid hybrid. All mammals shall be considered to be wild mammals and subject to the provisions of this chapter. The provisions of this act shall not apply to an owner or other person possessing any such animal as of January first, nineteen hundred and ninety-four who has received a permit from the director; provided, however, that such permit has been acquired on or before July thirty-first, nineteen hundred and ninety-four. Such owner or other person shall be subject to the rules and regulations promulgated by the division. Such rules and regulations may include, but shall not be limited to, provisions for the housing of such animals. The provisions of this section shall not apply to an owner or person possessing a domesticated show or pet cat registered with a nationally or internationally recognized breeding association or registry which certifies the pedigree and registration of such cat to be without any wild felid parentage for a minimum of three generations.

MGL Chapter 140, Section 136A. Definitions. The following words and phrases as used in sections one hundred and thirty-seven to one hundred and seventy-five, inclusive, unless the context otherwise requires, shall have the following meanings:
"Adoption", the delivery of a cat or dog to any person eighteen years of age or older for the purpose of harboring as a pet.
"Commissioner", the commissioner of public health.
"Director", the director of the division of accounts of the department of corporations and taxation.

"Dog fund", the fees, fines and reimbursements collected in connection with the licensing of dogs and the enforcement of said sections.

"Dog officer", any officer appointed under said sections to enforce the laws relating to dogs.

"Keeper", any person, corporation or society, other than the owner, harboring or having in his possession any dog.

"Kennel", one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over, owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

"License period", the time between April first and the following March thirty-first, both dates inclusive.

"Live stock or fowls", animals or fowls kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.

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

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

Section 137. Dogs; registration and licenses. A person who at the commencement of a license period is, or who during any license period becomes, the owner or keeper of a dog six months old or over which is not duly licensed, and the owner or keeper of a dog when it becomes six months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such license period, and the owner or keeper of a dog so registered, numbered, described and licensed during any license period, in order to own or keep such dog after the beginning of the succeeding license period, shall, before the beginning thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a dog, if kept in Boston shall be in the office of the police commissioner or if kept in any other town in the office of the clerk thereof.

No town clerk or, in Boston, the police commissioner, shall grant such license for any dog unless the owner thereof provides such town clerk or, in Boston, the police commissioner, either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of section one hundred and forty-five B, or has been certified exempt from such provision as hereinafter provided, or a notarized letter from a veterinarian that a certification was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

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

The license shall be in a form prescribed by the director, upon a blank to be furnished, except in the county of Suffolk, by the county in which the town is located, and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowls. The owner of any dog may add descriptive words, not over ten in number, upon the license form to indicate the color, breed, weight and special markings of the licensed dog. The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag in a form prescribed by the director, and upon which shall appear the license number, the name of the town issuing such license and the year of issue. Such tags shall be furnished in the same manner as the license blanks, and if any such tag shall be lost the owner or keeper of such dog shall forthwith secure a substitute tag from the town clerk or, in Boston, from the police commissioner, at a cost of ten cents which, if received by a town clerk, shall be retained by him unless otherwise provided by law. This section shall not apply where it is otherwise provided by law, nor shall it apply to a person having a kennel license.

Section 137A. Kennel licenses. Every person maintaining a kennel shall have a kennel license. Any owner or keeper of less than four dogs three months old or over who does not maintain a kennel may elect to secure a kennel license in lieu of licensing such dogs

under section one hundred and thirty-seven, and during such time as he does not license such dogs thereunder shall have a kennel license and shall be subject to this section and to sections one hundred and thirty-seven B and one hundred and thirty-seven C and to so much of section one hundred and forty-one as relates to violations of this section, section one hundred and thirty-seven B or section one hundred and thirty-seven C to the same extent as though he were maintaining a kennel. Kennel licenses under this section shall be issued by the police commissioner of the city of Boston if the dogs are to be kept under such license in said city or by the clerk of any other town if to be so kept in said town.

Such license shall be in a form prescribed by the director, upon a blank to be furnished, except in the county of Suffolk, by the county in which the town is located. Such license shall be in lieu of any other license for any dog while kept at such kennel during any portion of the period for which such kennel license is issued. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the number of such kennel license, the name of the town issuing such license and the year of issue. Such tags shall be in a form prescribed by the director, and shall be furnished to such owner or keeper by the clerk of the town in which such kennel is licensed, or, if licensed in Boston, by the police commissioner, in quantities not less than the number of dogs kept in such kennel. The fee for each license for a kennel shall be ten dollars if not more than four dogs are kept in said kennel, twenty-five dollars if more than four but not more than ten dogs are kept therein and fifty dollars if more than ten dogs are kept therein; provided, that, for the purpose of determining the amount of such fee for any kennel, dogs under the age of six months shall not be counted in the number of dogs kept therein. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, shall be kept on file thereat and available to inspection by the county commissioners and by any dog officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer.

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

Any holder of a license for a kennel in any town may remove his kennel to a location in any other town in the same county, with the written approval of such new location of the mayor or selectmen of the town to which he removes his kennel. Before such removal he shall deliver to the clerk of the town into which he intends to remove his kennel the written approval of the mayor or selectmen thereof and his original license, and the clerk shall thereupon, on payment of a fee of one dollar, issue to him a new license covering the new location for the balance of the period of the original license.

Section 137B. Sale or other delivery of unlicensed dog kennel licensee. Every holder of a kennel license, on delivering an unlicensed dog to a purchaser or to any other person, shall attach to such dog a collar or harness which shall carry a tag marked with the name and address of such kennel licensee, and a number, which number shall be properly recorded on the records of such licensee, and shall also furnish to the person to whom the dog is delivered a certificate bearing the same number and a description of the dog. Such certificate shall bear the date of purchase, exchange or gift and, with the tag, shall, for a period of two weeks following such date, be a legal substitute for a license. The purchaser or other recipient of a dog shall, within two weeks of the purchase or receipt of such dog, either return the same to the licensee from whom it was received, together with the collar or harness, tag and certificate, or return to such licensee said tag, and a certificate signed by the clerk of the town where the dog is to be kept and certifying that the dog has been licensed in the name of such purchaser or recipient or of some other person. If any such purchaser or recipient fails to comply with the preceding sentence, such licensee shall notify the clerk of the town in which he is licensed of the purchase, exchange or gift of such dog and shall furnish to such clerk the date thereof, and the name and address of the purchaser or recipient.

Section 137C. Inspection of kennels; revocation, suspension and reinstatement of license; nuisance. The mayor of a city or selectmen of a town, or in Boston the police commissioner, or a chief of police or a dog officer within his jurisdiction, may at any time inspect or cause to be inspected any kennel and if, in their or his judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the county commissioners, or in Boston the police commissioner, shall by order revoke or suspend, and in case of suspension may reinstate, such license. Upon the petition of twenty-five citizens, filed with the mayor of a city or the selectmen of a town, or in Boston with the police commissioner, setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs at a kennel maintained in such city or town, because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, said mayor, selectmen or police commissioner, as the case may be, within seven days after the filing of such petition, shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven days

after such public hearing said mayor or selectmen, in Nantucket county or in Suffolk county elsewhere than in Boston, or in Boston said police commissioner, shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel, or dismissing said petition. In counties other than Nantucket or Suffolk, said mayor or selectmen within said seven days shall report in writing to the county commissioners their recommendations and within seven days after receipt of such report said county commissioners shall investigate or cause to be investigated the subject matter of such petition and shall, by order, either affirm or deny such recommendations by suspending or revoking such kennel license or otherwise regulating such kennel, or by dismissing the petition. Written notice of any order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the officer issuing such license and to the holder of such license. Within ten days after such order the holder of such license may bring a petition in the district court within the judicial district of which such kennel is maintained, addressed to the justice of the court, praying that the order may be reviewed by the court, and, after such notice to the officer or officers involved as the court may deem necessary, it shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. The decision of the court shall be final and conclusive upon the parties. Any person maintaining a kennel after the license therefor has been so revoked, or while such license is so suspended, shall be punished by a fine of not more than fifty dollars.

Section 137D. Licensee convicted of violation of statutes relating to offenses against animals. Unless otherwise specifically provided by law, every license and tag issued under the provisions of sections one hundred and thirty-seven and one hundred and thirty-seven A, or under any ordinance or by-law relative to the licensing of dogs made under the authority of this chapter, held by any person found guilty of, or penalized in any manner for, a violation of any provision of sections seventy-seven, eighty A, ninety-four or ninety-five of chapter two hundred and seventy-two, shall be void, and shall immediately be surrendered to the authority issuing such license and tag.

The clerk of the court in whose jurisdiction such finding has been made shall notify the licensing authority in the city or town where the guilty person resides.

No person shall be given a license and tag under authority of section one hundred and thirty-seven and one hundred and thirty-seven A during a period of two years from the date of his being found guilty or penalized as aforesaid, and any such license and tag so issued shall be void and shall be surrendered on demand of any authority granting such license and tag. No fee received for a license and tag made void under this section shall be refunded to the holder thereof.

Section 138. Change of owner or keeper of licensed dog; dog brought into commonwealth.

A person who during any license period becomes the owner or keeper of a dog which is duly licensed in the town where it is to be kept shall forthwith give notice in writing to the clerk of such town, or if kept in Boston to the police commissioner, that he has become such owner or keeper and said clerk or police commissioner, as the case may be, shall change the record of such license to show the name and address of the new owner or keeper. Any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is three months old or over or will be three months old before the expiration of thirty days therefrom shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth, cause such dog to be registered, numbered, described and licensed for the remainder of the then current license period.

Section 138A. Importation of dogs and cats for commercial resale; health certificates; violations. All dogs or cats brought or shipped into the commonwealth for commercial resale shall be inoculated against distemper not more than thirty nor less than seven days before entry and shall be accompanied by an official health certificate issued by an accredited veterinarian and a copy sent to the commissioner of agriculture. If such certificate is unavailable in the state of origin then a similar examination and certification shall be made within fourteen days of the arrival of the animal in the commonwealth.

An official health certificate shall mean a legible certificate or form issued by an accredited veterinarian and approved by the chief livestock official of the state or county of origin containing the names and addresses of the consignor and consignee, or in the case of examination after entry into the commonwealth the name of the consignee. The certificate or form shall also show age, sex, breed and description of each dog or cat and that the dogs are free from visual evidence of communicable disease such as kennel cough, Infectious Tracheobronchitis, canine distemper, external and intestinal parasites, including coccidiosis, and that cats are free from external parasites, including ear mites, and intestinal parasites, distemper, feline panleukopenia, and feline respiratory infections and feline distemper.

Dogs or cats purchased within the commonwealth for resale by commercial establishments or pet shops shall be accompanied by a health certificate issued by an accredited veterinarian. The certificate shall show age, sex, breed, and description of each dog or cat and that the dogs are free from visual evidence of communicable diseases such as kennel cough, Infectious Tracheobronchitis, canine

distemper, external and internal parasites, including coccidiosis, and that cats are free from external parasites, including ear mites, intestinal parasites, and feline respiratory infections and feline distemper.

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

All dogs or cats imported for resale shall be held in isolation by the importer for a period of two days prior to offering for sale.

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

Whoever is convicted of a violation of any of these sections may be punished by a fine of not less than fifty nor more than one hundred dollars for each such offense. In addition thereto or in lieu thereof, the commissioner of agriculture may, after notice and hearing, revoke or suspend a pet shop, kennel, and boarding kennel license providing any person, firm or corporation maintaining such pet shop, kennel and boarding kennel violates any of those regulations.

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

Nothing in this act shall be construed to prohibit the temporary importation of dogs for racing or field trials or the temporary importation of dogs or cats for show purposes, nor shall it prohibit the importation of dogs and cats as pets by individual owners.

Section 139. Fees; certificate or statement that dog has been spayed; dogs serving blind or deaf persons; refunds. The fee for every license shall, except as otherwise provided, be three dollars for a male dog and six dollars for a female dog, unless a certificate of a registered veterinarian who performed the operation that said female dog has been spayed and has thereby been deprived of the power of propagation has been shown to the town clerk, in which case the fee shall be three dollars. If the town clerk is satisfied that the certificate of the veterinarian who spayed the dog cannot be obtained, he may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth, describing the dog and stating that he has examined such dog and that it appears to have been, and in his opinion has been, spayed and thereby deprived of the power of propagation or a receipt of a bill from the veterinarian who performed the operation that spayed such female dog. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the Massachusetts commission for the blind certifies that such dog is so trained and actually in the service of a blind person. No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person; provided, that the director of the office of deafness certifies that such dog is so trained and actually in the service of the deaf person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying, or removal from the commonwealth or other disposal, of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the county under section one hundred and forty-seven.

Section 139A. Shelters; sale or gift of dog or cat not spayed or neutered. No shelter shall sell or give away any dog or cat that has not been spayed or neutered, unless a deposit of not less than ten nor more than thirty dollars for spaying or neutering such dog or cat has been tendered to the shelter. The shelter may make appropriate arrangements for the spaying or neutering of such dog or cat by a licensed veterinarian, or may return the deposit to the person purchasing or receiving the dog or cat upon presentation of a written statement or receipt from a veterinarian or clinic that the dog or cat has been spayed or neutered by a licensed veterinarian. Any dog or cat six months of age or older at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty days, or the deposit shall be deemed unclaimed. Any dog or cat under six months of age at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty days after reaching six months of age, or the deposit shall be deemed unclaimed.

Any deposit not claimed under this section shall be used only for the following purposes:

- (1) a public education program to prevent overpopulation of dogs or cats;
- (2) a program to spay or neuter dogs or cats;
- (3) a follow up program to assure that animals sold or given away by the shelter are spayed or neutered; or
- (4) costs incurred under this section.

A shelter may enter into a cooperative agreement with another shelter and with a veterinarian in carrying out the provisions of this section.

Section 140. Repealed, 1934, 320, Sec. 6.

Section 141. Violation of statutes. Whoever violates any provision of sections one hundred and thirty-seven, one hundred and thirty-seven A, one hundred and thirty-seven B, or one hundred and thirty-eight shall forfeit not less than twenty-five dollars, which shall be paid, if the dog was kept in any town in Suffolk county, to the treasurer of the town, or, if kept in any other county, to the treasurer thereof. If the dog as to which such violation occurs was unlicensed at the time of such violation, the court shall impose the forfeiture provided herein.

Section 141A. Application of law; exception. Section 141A. Sections one hundred and thirty-seven to one hundred and forty-one, inclusive, shall not apply to any institution licensed under the provisions of chapter forty-nine A.

Section 141B. Application of law; licensed pet shops exempted. Sections one hundred and thirty-seven to one hundred and forty-one, inclusive, shall not apply to any pet shop the owner of which is licensed under the provisions of section thirty-nine A of chapter one hundred and twenty-nine.

Section 142. Repealed, 1934, 320, Sec. 8.

Section 143. Repealed, 1934, 320, Sec. 8.

Section 144. Repealed, 1934, 320, Sec. 8.

Section 145. Symptoms of rabies printed on license; description supplied by department of health.

Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon. Such description shall be supplied by the department of public health to the director of accounts upon application therefor.

Section 145A. Anti-rabic vaccine and treatment; reimbursement for cost. The board of health of a city or town shall, upon application, furnish free of charge to any uninsured resident thereof who has been exposed to rabies, or may have been so exposed, anti-rabic vaccine and anti-rabic treatment, in accordance with rules and regulations which the department of public health is hereby authorized to make. Except in Boston, such person shall have the right to select his own physician, who shall be paid by the city or town at a rate established as hereinafter provided, and the fact that a physician is a member of a board of health shall not disqualify him from being so selected and from being paid by the city or town for his services. Boards of health shall establish rates of compensation for such treatment. A city or town so furnishing vaccine and treatment shall be reimbursed for the cost thereof, not exceeding fifty dollars in the case of any one person, from the dog fund of the county in which is situated the city or town where the person treated was exposed to rabies, except that if such exposure occurred in Suffolk county such reimbursement shall be made by the city or town where such person was exposed to rabies, and except that if such vaccine and treatment are given by the board of health of a city or town because of a bite by or other exposure to rabies from a dog required to be licensed therein, the city or town shall not be so reimbursed, unless such dog is licensed at the time of such bite or other exposure. No such reimbursement shall include any part of the salary of a salaried city or town physician. The county commissioners of all counties except Suffolk, acting jointly, or the county commissioners of each county, except Suffolk, shall contract for the supplying of such vaccine to the several cities and towns on the order of their respective boards of health, and shall, from time to time, notify said boards of the terms and conditions of contracts made hereunder. No city or town for which a supply of such vaccine is provided by a contract as aforesaid shall be reimbursed hereunder for any such vaccine not purchased under such contract.

Section 145B. Vaccination against rabies; certificate; tag; proof of vaccination; penalty. Whoever is the owner or keeper of a dog or cat in the commonwealth six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall cause such dog or cat to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs and cats acquired or moved into the commonwealth shall be vaccinated within ninety days after the acquisition or arrival into the commonwealth or upon reaching the age of six months, whichever last occurs. It shall be the duty of each veterinarian, at the time of vaccinating any dog or cat, to complete a certificate of rabies vaccination which shall include, but not be limited to the following information: the owner's name and address; a description of the animal, including breed, sex, age, name and distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the route of vaccination; the expiration date of the vaccine; and the vaccine lot number. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable material to be worn by the dog or cat; provided, however, that the owner of a cat may choose not to affix a tag to his cat, but shall have the tag available for inspection by authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon presentation of the original vaccination certificate, be issued a new tag.

In order for a dog or cat to be accepted at an animal hospital, veterinarian's office or boarding facility an owner or keeper of such animal shall show proof of current vaccination against rabies; provided, however, that if a dog or cat has not been so vaccinated or

such owner or keeper fails to show such proof the animal shall be vaccinated against rabies prior to being discharged if the animal's medical condition permits.

The provisions of this section shall not apply to dogs or cats housed in a research institution.

Whoever violates the provisions of this section shall be punished by a fine of not more than fifty dollars.

Section 146. License valid throughout state; removal of dog into another town. A license duly recorded shall be valid throughout the commonwealth, except that, in the case of the permanent removal of a dog into another town within the commonwealth, the owner or keeper thereof shall, within thirty days after such removal, present the original license and tag of such dog to the clerk of the town to which such dog has been removed, and such clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of twenty-five cents which shall be retained by the clerk unless otherwise provided by law. The provisions of section one hundred and thirty-seven relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this section.

Section 147. Issuance of licenses; disposition of fees; return of license books and tags to county; penalty; action on official bond. The police commissioner of Boston and the clerks of other cities and of towns shall issue said licenses and tags, receive the money thereof and pay it into the treasuries of their respective cities and towns on the first Monday of each month or more often, retaining, except in Boston, for their own use seventy-five cents for each license unless otherwise provided by law, and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. The city and town treasurers shall pay into the treasuries of their respective counties, except in Suffolk county, on or before June first and December first of each year, the amounts received by them on account of such licenses and not previously paid over and shall certify under penalties of perjury to the amounts of money thus received and paid over by them; provided, however, that in Worcester county payment into the treasury shall be made on or before the last day of each month. All such licenses shall bear date of issue and no other. The police commissioner of Boston and each such city or town clerk shall make a record, in books kept therefor and to be furnished, except in the county of Suffolk, by the county in which such city or town is located, of each license issued by him, of the name of the owner or keeper of each dog licensed, and of the name, registered number and description of each such dog, and such books shall be open to public inspection during the usual office hours of such police commissioner or city or town clerk. All blanks for such licenses and tags and all such record books shall be paid for out of the dog fund. Each city or town clerk, except in Suffolk county, shall, within thirty days next succeeding April first in each year return to the county all license books and tags furnished for the preceding license year, including all stubs and void licenses and unused license blanks and all licenses and tags taken up in accordance with section one hundred and forty-six. The said police commissioner and any city or town clerk or city or town treasurer violating any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not less than one month nor more than one year, or both. If such a city or town clerk neglects or fails to pay such money into the city or town treasury as required by this section, the city or town may recover the amount thereof for the benefit of the county, with all damages sustained through such neglect or failure, and interest, in an action on the official bond required, in the case of a city clerk, by section thirteen A of chapter forty-one and, in the case of a town clerk, by section thirteen of said chapter forty-one. All payments required hereunder shall be subject to the provisions of section fifty-two of said chapter forty-one.

Section 147A. By-laws and ordinances relative to regulation of dogs. Section 147A. Any city or town which accepts the provisions of this section is hereby empowered to enact by-laws and ordinances relative to the regulation of dogs. Except as hereinafter provided in clauses (a), (b) and (c), and notwithstanding any contrary provision of sections one hundred and thirty-seven to one hundred and seventy-four D, inclusive, relating to the regulation of dogs or any special law relating to the regulation of dogs, such by-laws and ordinances may relate to, but not be limited to dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach thereof. No such by-law or ordinance shall be inconsistent with the provisions of this chapter relating to (a) the turning over or sale of animals to any business or institution licensed or registered as a research facility or animal dealer, as provided in section one hundred and fifty-one; (b) the minimum confinement period of dogs as provided in section one hundred and fifty-one A; and (c) the methods of execution, as provided in said section one hundred and fifty-one A.

In any city or town which accepts this section, all money received from licenses or recovered as fines under any by-law or ordinance enacted pursuant to the provisions of this section, shall be paid into the treasury of said town or city and shall not thereafter be paid over by the town or city treasurer to the county in which said town or city is located.

Any and all functions relating to the regulation of dogs pursuant to section one hundred and thirty-seven to one hundred and seventy-four D, inclusive, which would otherwise be performed by the county, by the county commissioner or otherwise, shall not be performed by the county on behalf of any city or town which is not a member of the county dog fund.

Any and all costs which would otherwise be paid out of the county dog fund shall not be paid by the county to any city or town which is not a member of the county dog fund, or to any city or town which accepts this section and such cities and towns shall thereupon be responsible for all costs and expenses relating to the regulation of dogs.

Section 147B. Counties; rules and regulations relating to dogs; limitations. Section 147B. Any county which by a two-thirds vote of the county commissioners and with advisory board approval accepts the provisions of this section is hereby authorized to establish rules and regulations relative to the regulation of dogs; provided, however, that such rules and regulations shall not have effect in a city or town which accepts the provisions of section one hundred and forty-seven A. Except as hereinafter provided in clauses (a), (b) and (c), and notwithstanding any contrary provision of sections one hundred and thirty-seven to one hundred and seventy-four D, inclusive, relating to the regulation of dogs, such rules and regulations may relate to, but not be limited to, dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach thereof. No such rule or regulation shall be inconsistent with the provisions of this chapter relating to (a) the turning over or sale of animals to any business or institution licensed or registered as a research facility or animal dealer, as provided in section one hundred and fifty-one; (b) the minimum confinement period of dogs as provided in section one hundred and fifty-one A; (c) the methods of execution, as provided in said section one hundred and fifty-one A; (d) emergency care, treatment or disposal of injured dogs or cats, as provided in section one hundred and fifty-one B.

Section 148. Repealed, 1932, 289, Sec. 6.

Section 149. Accounts of treasurers. Section 149. Each county, city and town treasurer, except in Suffolk county, shall keep an accurate and separate account of all money received and expended by him under the provisions of this chapter relating to dogs.

Section 150. Lists of dogs; refusal to answer person listing dogs; false answers. Persons authorized or directed by section four of chapter fifty-one or by any special law to make lists of residents three years of age or older shall make a list of all dogs owned by the inhabitants at the time of making lists required under such section and return the same in duplicate to the city or town clerk, or, in Boston, to the police commissioner on or before April first. An owner or keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to make a list of the owners of dogs shall be punished by a fine of not less than ten dollars which, except in Suffolk county, shall be paid into the county treasury.

Section 151. Dog officers; reimbursement of cities and towns for services; contracts with corporation to perform duties of officers; turning over or sale of animals; penalty. The mayor of each city and the board of selectmen of each town shall annually on May first designate one or more dog officers, who may be police officers or constables and who, except as herein provided, shall hold office for one year or until their successors are qualified. The mayor or board of selectmen shall forthwith submit to the county commissioners the names and address of such officers. Except as hereinafter otherwise provided, if any city or town shall fail to make such appointment, the county commissioners shall on June first thereafter appoint a dog officer for such city or town. Any dog officer who fails to comply with the terms of his warrant shall forthwith be removed from office by the mayor or board of selectmen, and notice of such removal shall forthwith be given to the county commissioners. Dog officers, other than those employed under regular pay, shall receive from the treasurers of their respective cities and towns two dollars for each dog killed, as provided in section one hundred and fifty-one A, in full compensation for their services; provided, however, that any dog officer shall, prior to engaging in execution of animals, have completed under the supervision of a veterinarian registered under the provisions of section fifty-five or fifty-six C of chapter one hundred and twelve a course of instruction in humane techniques for the execution of animals. Each dog officer before disposing of any dog in his possession shall check its description against the descriptions issued on dogs licensed within his city or town. Bills for such services shall be approved by the mayor of the city or the board of selectmen of the town in which said dogs are kept or killed, and in Suffolk county shall be paid out of the dog fund. Cities and towns in counties other than Suffolk shall be reimbursed by the treasurers of their respective counties from the dog fund. Each dog officer appointed under this section shall also attend to all complaints or other matters pertaining to dogs in their respective towns, in addition to the duties imposed upon him by his warrant, and shall be paid for such services by the town treasurer upon bills approved by the mayor or by the board of selectmen. The mayor of any city or the board of selectmen of any town may, instead of appointing dog officers as hereinbefore provided, enter into a contract with a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, to perform the duties required of dog officers, which contract shall, except in

Suffolk county, be subject to the approval of the county commissioners. In any such case the payments to such corporation under the terms of the contract shall be in full for all services rendered by it in such capacity. Whenever in the opinion of the county commissioners the cooperation of the local dog officer with a county dog officer is necessary for the proper enforcement of sections one hundred and thirty-seven to one hundred and seventy-five, inclusive, they may require such cooperation.

No dog officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no dog officer, either privately or in the course of carrying out his official assignments as an agent for his municipality, shall give, sell, or turn over any animal which may come into his custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. No municipality shall give, sell, or turn over any animal which may come into its custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this paragraph shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Section 151A. Issuance of warrant to officers; duties; confinement of dogs; allowance for care. In the several cities and towns of the several counties, except Suffolk county, the mayor or board of selectmen shall annually within ten days after June first issue a warrant to such dog officer or officers directing him or them to seek out, catch and confine all dogs within the city or town which then have not been licensed, collared or harnessed, and tagged, as required by this chapter, and to enter and prosecute a complaint for failure to comply with the provisions of this chapter against the owners or keepers thereof, if known, and to kill or cause to be killed by methods of execution other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the control of the federal Drug Enforcement Administration, unless by a veterinarian, succinylcholine choline, any drugs that have curariform-like action, electrocution or any other method which causes an unnecessarily cruel death each such dog which after being detained by or for him for a period of ten days shall not then have been licensed, collared or harnessed, and tagged; provided, that at the end of ten days such dog officer may make available for adoption any male or any spayed female dog not found to be diseased, for a sum not less than three dollars and shall keep an account of all moneys received by him for such adoption and shall forthwith pay over such sums to the town treasurer who shall forward all such money to the county treasurer in the same manner as dog license money as provided in section one hundred and forty-seven. Before delivery of any dog so adopted such dog officer shall require the purchaser to show identification and to procure a license and tag for such dog from the clerk of the town where the dog is to be kept. Dogs confined under authority of this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The county commissioners from time to time shall cause all such places to be inspected and shall make necessary orders in relation thereto. A dog officer having custody of a confined dog shall be allowed the sum of three dollars per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

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

The date and location of each apprehension; a description of each animal; place of confinement; if tagged, the name and address of owners of such animal; name and address of new owner including the date of sale or transfer of such animal; and, if animal is destroyed, the dog officer shall record the method and date of destruction and the name of the person who executed such animal.

Every dog officer shall forward a copy of said record to the town or city clerk as soon as possible. Copies of such record shall, for a period of two years, be kept in the offices of the county dog office and the city or town clerk where such dog officer is employed.

In the cities and towns of Suffolk county, the mayor or board of selectmen shall annually within seven days after June first issue a warrant to such dog officer or officers directing him to seek out, catch and confine all dogs within the city or town which then have not been licensed, collared or harnessed, and tagged, as required by this chapter, and to enter and prosecute a complaint for failure to comply with the provisions of this chapter against the owners or keepers thereof, if known, and to kill or cause to be killed by methods of execution other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the control of the federal Drug Enforcement Administration, unless by a veterinarian, succinylcholine choline, any drugs that have curariform-like action, electrocution or any other method which causes an unnecessarily cruel death each such dog which after being detained by or for him for a period of seven days shall not then have been licensed, collared or harnessed, and tagged; provided, that at the end of seven days such dog officer may make available for adoption any male or any spayed female dog not found to be diseased, for a sum not less than three dollars and shall keep an account of all moneys received by him for such adoption and shall forthwith pay over such sums to the town treasurer who shall forward all such money to the county treasurer in the same manner as dog license money

as provided in section one hundred and forty-seven. Before delivery of any dog so adopted such dog officer shall require the purchaser to procure a license and tag for such dog from the clerk of the town where the dog is kept. Dogs confined under authority of this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The county commissioners from time to time shall cause all such places to be inspected and shall make necessary orders in relation thereto. A dog officer having custody of a confined dog shall be allowed the sum of three dollars per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

Section 151B. Emergency treatment of dogs or cats injured on ways; payment to veterinarians. Any veterinarian registered under the provisions of section fifty-five or fifty-six A of chapter one hundred and twelve who renders emergency care or treatment to, or disposes of, a dog or cat that is injured on any way, shall receive payment from the owner of such dog or cat, if known, or if not known, from the dog fund of the county in which the injury occurred, in an amount not to exceed twenty dollars for such care, treatment or disposal; provided, however, such emergency care, treatment or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of such dog or cat is identified or for a period of twenty-four hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or disposes of, such dog or cat shall notify the dog officer in the city or town and, upon notification, such dog officer shall assume control of such dog or cat.

Section 152. Returns by officers. Each police officer, constable or dog officer to whom such warrant is issued shall make returns, on or before October first, on or before January first, and on or before April first, in each year, and at the expiration of his term of office, to the mayor or chairman of the board of selectmen issuing the same, and shall state in said returns the number of dogs which he has caught, confined or killed, or made available for adoption, the names of the owners or keepers thereof and whether all unlicensed dogs in his town have been caught, confined or killed, or adopted, and the names of persons against whom complaints have been made under the provisions of this chapter relating to dogs, and whether complaints have been entered against all of the persons who have failed to comply therewith since the previous report.

Section 153. Form of warrant to officers. In the several cities and towns of the several counties, except Suffolk county, such warrant may be in the following form:--

COMMONWEALTH OF MASSACHUSETTS

(Seal)

, ss.

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

In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you are further required to make and enter complaint against the owner or keeper of every such dog, and to kill or cause to be killed by methods of execution other than gunshot except in case of emergency, T-16, so-called, an euthanasia solution not under the control of the federal Drug Enforcement Administration, unless by a veterinarian, succinylcholine choloride, any drugs that have a curariform-like action, electrocution, or any other method which causes an unnecessarily cruel death each dog which after being detained for a period of ten days, shall not then have been duly licensed, collared or harnessed, and tagged, except that any male or any spayed female dog not found to be diseased may be made available for adoption for not less than three dollars, and you shall keep an account of any such adoption and forthwith pay over the money to the town treasurer. Before delivery of any dog so adopted you shall require the purchaser to show identification and to register and procure a license and tag for such dog from the town clerk of the town where the dog is to be kept, in accordance with the provisions of section one hundred and thirty-seven of said chapter one hundred and forty of the General Laws.

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

Given under my hand and seal at _____ aforesaid the _____ day of _____ in the year nineteen hundred and _____

Mayor of (or Chairman of the Selectmen of)

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

COMMONWEALTH OF MASSACHUSETTS

(Seal)

, ss.

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

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

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

Given under my hand and seal at _____ aforesaid the _____ day of _____ in the year nineteen hundred and _____

Mayor of (or Chairman of the Selectmen of)

Section 154. Repealed, 1934, 320, Sec. 17.

Section 155. Liability for damage caused by dog; minors; presumption and burden of proof. If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant in such action.

Section 155A. Indemnification of law enforcement officers; damages caused by dogs used in performance of official duties.

If an action is brought against a law enforcement officer because of damage caused by a dog which said officer was caring for or maintaining in connection with his official duties, the commonwealth or the political subdivision employing said officer shall indemnify him for expenses or damages incurred in the settlement or defense of such action; provided that in the case of an officer employed by the commonwealth the settlement or defense of such case shall have been made by the attorney general, and that in the case of an officer employed by a city or town such settlement or defense shall have been made by the city solicitor or town counsel or by an attorney legally employed for the purpose by a city or town.

Section 156. Killing dogs under certain conditions; wounded dogs. Any person may kill a dog which suddenly assaults him while he is peaceably standing, walking or riding outside the enclosure of its owner or keeper; and any person may kill a dog found out of the enclosure of its owner or keeper and not under his immediate care in the act of worrying, wounding or killing persons, live stock or fowls, and if any person shall kill or attempt to kill a dog so found, and in the act of worrying, wounding or killing persons, live stock or fowls, he shall not be held liable for cruelty to the dog unless it shall be shown that he intended to be cruel to the dog, or that he acted with a wanton and reckless disregard for the suffering of the dog. Prompt killing of a wounded dog, or a prompt report to the owner or to a dog officer of the wounding of the dog, shall be considered evidence of sufficient regard for the suffering of the dog.

Section 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person. If any person shall make complaint in writing to the selectmen of a town, the officer in charge of the animal commission or person charged with the

responsibility of handling dog complaints of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

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

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

Section 158. Killing unrestrained dogs or dogs in wild state. Any police officer, constable or dog officer shall kill a dog which the selectmen of a town, chief of police of a city, or the county commissioners, or, upon review, the district court, shall have ordered to be restrained if such dog is again found outside the enclosure of its owner or keeper and not under his immediate care, and may kill a dog which is living in a wild state.

Section 159. Treble damages for injuries caused by dogs ordered to be restrained. If a dog which the selectmen of a town, chief of police of a city or the county commissioners, or, upon review, a district court, shall have ordered to be restrained shall wound any person, or shall worry, wound or kill any live stock or fowls, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of damages sustained by him.

Section 160. Killing dogs which have worried or killed stock or fowl; bond. The county commissioners of any county, the mayor of any city, the selectmen of any town, or their agents thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to them to have worried or killed live stock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars, with sufficient sureties, approved by the county commissioners, conditioned that the dog shall be restrained for twelve months next ensuing. And if the owner or keeper of the dog declares his intention to give such a bond, said selectmen, chief of police or county commissioners, as the case may be, or his or their agents, shall allow him seven days, exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to them, or to file it with the clerk of the town where the said owner or keeper resides.

Section 161. Damages caused by dogs and paid by county; compensation for appraisers. Whoever suffers loss by the worrying, maiming or killing of his live stock or fowls by dogs, outside the premises of the owners or keepers of such dogs, may, if the damage is done in a city, inform the officer of police of the city who shall be designated to receive such information by the authority appointing the police, and, if the damage is done in a town, may inform the chairman of the selectmen of the town, or, if he is absent or ill, any one of the selectmen, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and if so, appraise the amount thereof if it does not exceed fifty dollars. If in the opinion of said officer of police, chairman or selectman, the amount of said damage exceeds fifty dollars, the damage shall be appraised, on oath, by three persons, of whom one shall be such officer of police, chairman or selectman, one shall be appointed by the person alleged to be damaged, and the third shall be appointed by the other two. The said appraisers shall consider and include in such damages the labor and time necessarily expended in the finding and collecting of the live stock or fowls injured or separated and the value of those lost or otherwise damaged by dogs. The said officer of police, chairman or selectman shall return a certificate of the damages found, except in Suffolk county, to the treasurer of the county where the damage was done, within ten days after such appraisal is made. The

treasurer shall thereupon submit the same to the county commissioners, who within thirty days shall examine all bills for damages, and may upon their own motion or upon request of an interested party shall summon the appraisers and all parties interested and make such investigation as they may think proper, and shall issue an order upon the treasurer of the county for such amounts, if any, as they decide to be just and shall notify all interested parties of their decision. The treasurer, except in Suffolk county, shall pay all orders drawn upon him in full, for the above purpose, and for the expenses of appraisal out of any money in the county treasury, and payments made therefor shall be charged to the dog fund. The appraisers shall receive from the county three dollars each for every such examination made by them, and also twenty cents a mile one way for their necessary travel.

Section 161A. Damages caused by dogs not reimbursable; amount of awards. No owner of live stock or fowls shall be reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed for any damage by any dog if, at the time such damage was inflicted, he was himself the owner or keeper of an unlicensed dog of the age of three months or older. No reimbursement shall be made on account of damages by a dog to deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other live stock or fowls determined by the department of fisheries, wildlife and environmental law enforcement to be wild unless they are kept by, or under permit from, said department, nor unless they shall be kept in proper houses or in suitable enclosed yards. No reimbursement shall be made for damage by a dog to dogs, cats and other pets. Awards shall in no case exceed the fair cash market value of such live stock or fowls.

Section 162. Reward for killing dog or for evidence determining owner. The aldermen or selectmen may offer a reward of not more than twenty-five dollars for the killing of any dog found worrying, maiming or killing live stock or fowls, thereby causing damages for which their owner may become entitled to compensation under section one hundred and sixty-one, or for evidence which shall determine to the satisfaction of such aldermen or such selectmen who is the owner or keeper of a dog which has been found to have so worried, maimed or killed any live stock or fowls. The county commissioners, except in Suffolk county, shall pay any such reward from the dog fund, upon a certificate signed by the aldermen or selectmen.

Section 163. Notice to kill dog which has caused damage. If the aldermen or selectmen determine, after notice to parties interested and a hearing, who is the owner or keeper of any dog which is found to have worried, maimed or killed any live stock or fowls, thereby causing damages for which their owner may become entitled to compensation from the dog fund under section one hundred and sixty-one, they shall serve upon the owner or keeper of such dog a notice directing him within twenty-four hours to kill or confine the dog.

Section 164. Failure to kill, confine or restrain dog after notice. A person who owns or keeps a dog, and who has received such notice and does not within twenty-four hours kill such dog or thereafter keep it on his premises or under the immediate restraint and control of some person, shall be punished by a fine of not more than twenty-five dollars; and any police officer, constable or dog officer may kill such dog if it is found outside of the enclosure of its owner or keeper and not under his immediate care.

Section 165. Investigators; investigation of damages caused by dogs; settlement; action against owner or keeper; payments over to county treasurer. The county commissioners, except in Suffolk county, shall appoint one and may appoint not more than four suitable persons, all residents of the county, any one of whom shall, at the request of said commissioners or of the chairman of the selectmen or officer of the police designated as provided in section one hundred and sixty-one, investigate any case of damages done by a dog of which the commissioners, chairman or officer shall have been informed as provided in said section. and if he believes that the evidence is sufficient to sustain an action against the owner or keeper of the dog as provided in said section and believes that such owner or keeper is able to satisfy any judgment recovered in such action, he shall bring the action, unless the owner or keeper before action brought pays him such amount in settlement of the damage as he deems reasonable. Such action may be brought in his own name and in the county where he resides, and he shall prosecute it. The persons so appointed shall also have throughout their respective counties the same powers and authority as police officers, constables or dog officers appointed under provisions of section one hundred and fifty-one, acting under sections one hundred and thirty-seven to one hundred and seventy-five, inclusive. All damages received or recovered under this section shall be paid over to the county treasurer and placed to the credit of the dog fund. The county treasurer shall pay out of the dog fund such reasonable compensation as the county commissioners shall allow for services and necessary expenses under this section and the reasonable expense of prosecuting the said actions. The persons appointed hereunder may be removed at any time by the county commissioners.

Section 166. Election of remedy by person damaged. The owner of live stock or fowls which have been worried, maimed or killed by dogs shall have his election to proceed under section one hundred and sixty-one or sections one hundred and fifty-seven to one hundred and fifty-nine, inclusive; but, having signified his election by proceeding in either mode, he shall not have the other remedy.

Section 167. Ordering dogs to be muzzled or restrained; killing unmuzzled or unrestrained dogs. The aldermen or selectmen may order that all dogs shall be muzzled or restrained from running at large during such time as shall be prescribed by such order. After passing such order and posting a certified copy thereof in two or more public places in the town, or, if a daily newspaper is published in such town, by publishing such copy once in such newspaper, the aldermen or selectmen may issue their warrant to one or more of the police officers or constables of such town, who shall, after twenty-four hours from the publication of such notice, kill all dogs found unmuzzled or running at large contrary to such order, and shall receive such compensation therefor as is provided in section one hundred and fifty-one. Notwithstanding the foregoing, a police officer or constable may, in his discretion, hold any such dog for a period not in excess of ten days. If the owner thereof claims such dog and pays to such officer or constable the sum of five dollars, together with one dollar and fifty cents for each day that it is so held, it shall be returned to the owner. The fee of five dollars shall be paid over to the city or town and the remaining moneys shall be retained by such officer or constable as his fee.

Section 168. Service of order to muzzle or restrain dogs; penalty. The aldermen or selectmen may cause service of such order to be made upon the owner or keeper of the dog by causing a certified copy thereof to be delivered to him; and if he refuses or neglects for twelve hours thereafter to muzzle or restrain such dog as so required, he shall be punished by a fine of not more than twenty-five dollars.

Section 169. Penalty on officer; report of refusal or neglect of officer to perform duties. A county, city or town officer who refuses or wilfully neglects to perform the duties imposed upon him by the provisions of this chapter relating to dogs shall be punished by a fine of not more than one hundred dollars, which shall be paid, except in Suffolk county, into the county treasury. Whoever is aggrieved by such refusal or neglect may report the same forthwith to the district attorney of his district.

Section 170. Suffolk county; disposition of money received; determination and payment of claims for damages caused by dogs. In Suffolk county, all money received for licenses or from the sale of dogs, or recovered as fines or penalties under the provisions of this chapter relating to dogs shall be paid into the treasury of the town in which said licenses are issued or such sales are made, or said fines or penalties recovered. All claims for damages done by dogs in Suffolk County shall be determined by appraisers as specified in section one hundred and sixty-one and, when approved by the aldermen or selectmen of the city or town where the damage was done, shall be paid in full on the first Wednesday of January of each year by the treasurer of such town, if the gross amount received by him and not previously paid out under the provisions of this chapter relating to dogs is sufficient therefor; otherwise such amount shall be divided pro rata among such claimants in full discharge of their claims.

Section 171. Liability to county or town of owner or keeper of dog; action. The owner or keeper of a dog which has done damage to livestock or fowls shall be liable in tort to the county for all damages so done which the county commissioners thereof have ordered to be paid as provided in this chapter. The county treasurer, except as provided in section one hundred and sixty-five, may, and if so ordered by the county commissioners shall, bring such action. In Suffolk county, such owner or keeper shall be liable in like manner to the town for damages so done therein which the aldermen or selectmen have so ordered to be paid; and the town treasurer may, and if so ordered by the aldermen or selectmen shall, bring such action.

Section 172. Disposition of balance of dog fund. Money received by a county treasurer under the preceding sections relating to dogs, and not paid out for damages, license blanks or books, record books, anti-rabic vaccine or other purposes as required under said sections, shall, in January, be paid back to the treasurers of the towns in proportion to the amounts received from such towns, and the money so refunded shall be expended for the support of public libraries or schools. In Suffolk county, money so received by the town treasurer and not so paid out shall be expended by the school committee for the support of public schools.

Section 173. Ordinances and by-laws relating to dogs. A town may make additional ordinances or by-laws relative to the licensing and restraining of dogs, and may affix penalties of not more than ten dollars for a breach thereof; but such ordinances or by-laws shall relate only to dogs owned or kept in such town, and the annual fee required for a license under section one hundred and thirty-nine shall in no case be more than one dollar in addition to the amount required by said section.

Section 173A. Non-criminal disposition of complaints for violation of dog control laws. Whenever a complaint is sought in a district court for a violation of an ordinance or by-law, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. If it is the first offense subject to this section committed by such person within a calander year, the clerk shall dismiss the charge without the payment of any fine; if it is the second offense so committed in such city or town in the calendar year the payment to the clerk of a fine of twenty-five dollars shall operate as a final disposition of the case; if it is the third offense so committed in such city or town in a calendar year payment of a fine of thirty dollars shall operate as a

final disposition of the case; and if it is the fourth or subsequent offense so committed in such city or town in the calendar year the payment of a fine of fifty dollars shall operate as a final disposition of the case. Such payment shall be made only by postal note, money order or check. Notwithstanding the foregoing procedure and schedules of fines and subject, however, to all of the other provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that no new schedule of fines shall contain a fine in excess of fifty dollars.

Proceedings under this section shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records. If a person notified to appear, as hereinbefore provided, fails to appear or pay the fine within twenty-one days of the sending of the notice, or having appeared, does not desire to avail himself of the procedure established by this section, the clerk shall issue the complaint and the procedure established for criminal cases shall be followed.

If any person fails to appear in accordance with the summons issued upon such complaint, the clerk of the court shall send such person, by registered mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within twenty-one days from the sending of such notice, a warrant for his arrest will be issued.

Section 174. Recovery of penalties. All fines and penalties provided in the preceding sections relating to dogs may be recovered before a district court in the county where the offense was committed.

Section 174A. Killing of dogs by carbon monoxide fumes. Section 174A. No dog whose killing is authorized under the provisions of this chapter shall be put to death in a carbon monoxide chamber unless such chamber is supplied with gas by an engine or gas generator that will produce a minimum of four per cent concentration of carbon monoxide within five minutes, the gas used is cooled and filtered before entering such chamber, and the temperature of the gas inside such chamber does not exceed a temperature of eighty-five degrees Fahrenheit.

Section 174B. Restraint of dogs in public highway rest areas; penalty. Section 174B. Whoever is the owner or keeper of a dog shall restrain said dog by a chain or leash when in an officially designated public highway rest area. Whoever violates the provisions of this section shall be punished by a fine of not more than fifty dollars.

Section 174C. Repealed, 1976, 299, Sec. 1.

Section 174D. Research institutions; license to use dogs or cats; rules and regulations. (a) No research institution shall employ dogs or cats in scientific investigation, experiment or instruction or for the testing of drugs or medicines without having first been issued a license therefor under this section by the commissioner. A research institution desiring to obtain a license shall make application to the commissioner. On receipt of such application the commissioner shall make or cause to be made such investigation as he may deem necessary to determine whether the public interest would be served by the issue of such license. The commissioner shall issue such license unless, after notice and hearing, he finds that the research institution, by reason of its standards, facilities, practices or activities, is not a fit and proper institution to receive such license, and that the issue thereof is not in the public interest. Each research institution licensed under this chapter shall before such license issues pay to the commissioner a license fee of fifty dollars. Each license shall expire on June thirtieth next following the date of issue. The commissioner shall annually renew each license upon the application of the licensee unless, after notice and hearing, he finds that by the reason of the standards, facilities, practices or activities of the licensee such renewal is not in the public interest. The commissioner may, after notice and hearing, cancel, suspend or revoke any license if he finds that by reason of the standards, facilities, practices or activities of the licensee the continuation of such license is not in the public interest.

Whoever knowingly violates any of the provisions of this section shall be liable for a civil penalty of not more than one hundred dollars for each offense. The superior court department of the trial court shall have authority to enjoin any violation of this section or to take such other actions as equity or justice may require.

(b) The commissioner may make such rules and regulations, not inconsistent with this section, necessary to carry out its purposes, and may alter, rescind or add to any rules or regulations previously made. The commissioner or an agent designated by him may, in connection with the granting, continuance or renewal of a license, visit and inspect the animal research and care facilities of any licensee or of any research institution which has applied for a license. The Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston may be designated as agents of the commissioner. For purposes of this paragraph the term "animal" shall refer to the dog and cat specifically and all other sentient creatures except humans.

MGL Chapter 266 Section 47. Poisoning, removing collar of dog. Whoever wrongfully removes the collar from a dog which is licensed and collared as provided in chapter one hundred and forty shall be punished by a fine of not more than one hundred dollars,

or by six months' imprisonment, or both. Whoever distributes or exposes a poisonous substance, with intent that it shall be eaten by a dog, shall be punished by a fine of not less than twenty nor more than one hundred dollars.

MGL Chapter 272, Section 77. Cruelty to animals. Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections seventy-seven A, seventy-eight, seventy-eight A, seventy-nine A, seventy-nine B, eighty A, eighty B, eighty C, eighty D, eighty F, eighty-six, eighty-six A, eighty-six B or ninety-four the defendant may, after an appropriate hearing to determine the defendant's fitness for continued custody of the abused animal, be ordered to surrender or forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.

Section 77A. Willfully injuring police dogs and horses. Whoever willfully tortures, torments, beats, kicks, strikes, mutilates, injures, disables or otherwise mistreats, a dog or horse owned by a police department or police agency of the commonwealth or any of its political subdivisions or whoever, willfully by any action whatsoever, interferes with the lawful performance of such dog or horse shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by imprisonment for not more than two and one-half years or both. Persons violating this section may be arrested without a warrant by any officer qualified to serve criminal process provided said offense is committed in his presence.

Section 80A. Cropping or cutting off ear of dog; wound as prima facie evidence. Whoever, not being a veterinarian duly registered under chapter one hundred and twelve, crops or cuts off the whole or any part of the ear of a dog shall be punished by a fine of not more than two hundred and fifty dollars. If a dog with an ear cropped or cut off in whole or in part and with the wound resulting therefrom unhealed is found confined upon the premises or in the charge or custody of any person other than such veterinarian, or a dog officer of a city or town duly appointed under section one hundred and fifty-one of chapter one hundred and forty, such fact shall be prima facie evidence of a violation of this section by the person in control of such premises or the person having such charge or custody.

Section 80B. Exhibiting dogs with ears cropped or cut off. Whoever shows or exhibits or procures to be shown or exhibited at any dog show or exhibition in the commonwealth a dog with an ear or ears cropped or cut off, except when and as certified to be reasonably necessary by a veterinarian duly registered under the laws of the state of his residence, shall be punished by a fine of not more than two hundred and fifty dollars.

Section 80C. Taking cat, dog or bird to exhibit it, subject it to experimentation or mutilation, or to sell it for such purposes; application of law. Whoever, without the consent of the owner, takes a cat, dog or bird, with intent to exhibit or cause it to be exhibited or to subject it or cause it to be subjected to experimentation or mutilation while alive, or with intent to sell it or cause it to be sold for the purpose of being exhibited or subjected to experimentation or mutilation as aforesaid, shall be punished by a fine of not less than one hundred dollars nor more than the maximum fine permitted by law for the larceny of an article of the same value as such cat, dog or bird. This section shall not apply to an institution acquiring a cat, dog or bird under the provisions of chapter forty-nine A.

Section 80E. Use of decompression chambers for putting animals to death. Whoever puts any animal to death by the use of a decompression chamber shall be punished by a fine of not less than one hundred dollars.

Section 80F. Giving away live animals as prize or award. No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Section 80H. Motor vehicles; striking, injuring or killing dogs or cats. The operator of a motor vehicle that strikes and injures or kills a dog or cat shall forthwith report such an accident to the owner or custodian of said dog or cat or to a police officer in the town wherein such accident has occurred. A violation of this section shall be punished by a fine of not more than fifty dollars.

Section 82. Arrest without warrant for violation of sec. 77 or 81; notice to owner, care of animals; lien. A person found violating any provision of section seventy-seven or eighty-one may be arrested and held without a warrant as provided in section fifty-four; the person making an arrest with or without a warrant shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, shall properly care and provide for such animals until the owner thereof takes charge of them, not, however, exceeding sixty days from the date of said notice, and shall have a lien on said animals for the expense of such care and provision.

Section 83. Complaint, warrant and search relative to cruelty to animals. If complaint is made to a court or magistrate authorized to issue warrants in criminal cases that the complainant has reasonable cause to believe that the laws relative to cruelty to animals have been or are violated in any particular building or place, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer to search such building or place; but no such search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.

Section 85A. Injuring, taking away or harboring domesticated animals or birds; removal of dog license tag, collar or harness; imitation tag. Whoever with wrongful intent kills, maims, entices or carries away a dog or other domesticated animal or bird shall be liable in tort to its owner for three times its value. Any person who removes from the dog of another its license tag, collar or harness, or who, without the authorization of the owner or keeper, holds or harbors a dog or other domesticated animal of another, or who holds or harbors a lost or strayed dog or other domesticated animal for more than forty-eight hours after such animal comes into his possession without reporting or taking it to the police station or dog officer nearest to the place where it was found and informing the police officer or dog officer in charge where such dog or other animal was found, the name, color, age, size and pedigree, as fully as possible, of such animal and the person's own name and address, or who shall cause a dog to wear an imitation or counterfeit of the official tag prescribed by section one hundred and thirty-seven, one hundred and thirty-seven A or one hundred and thirty-seven B of chapter one hundred and forty, shall be punished by a fine of not more than one hundred dollars.

Section 88. Complaints and warrants relative to fighting animals; searches; arrests. If complaint is made to a court or magistrate authorized to issue warrants in criminal cases that the complainant has reasonable cause to believe that preparations are being made for an exhibition of the fighting of birds, dogs or other animals, or that such exhibition is in progress, or that birds, dogs or other animals are kept or trained for fighting at any place or in any building or tenement, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer, or special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals or at the request of the Animal Rescue League of Boston, to search such place, building or tenement at any hour of the day or night and take possession of all such birds, dogs or other animals there found, and arrest all persons there present at any such exhibition or where preparations for such exhibition are being made, or where birds, dogs or other animals are kept or trained for fighting.

Section 89. Entering without warrant place for exhibition of fighting animals; arrests; seizure of animals. Any officer authorized to serve criminal process, or any special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals, or any municipal officer involved with animal control, may, without a warrant, enter any place or building in which there is an exhibition of the fighting of birds, dogs or other animals, or in which preparations are being made for such an exhibition, and arrest all persons there present and take possession of and remove from the place of seizure the birds, dogs or other animals engaged in fighting, or there found and intended to be used or engaged in fighting, or kept or trained for fighting, and hold the same in custody subject to the order of court as hereinafter provided.

Section 91. Application for decree of forfeiture; notice; hearing; adjudication; returning or killing animals; claimant. After such seizure and removal of such birds, dogs or other animals, application shall be made to a district court for a decree of forfeiture of the same; and if, upon the hearing of such application, notice thereof having been previously given as the court orders, it shall be found that such birds, dogs or other animals, or any of them, at the time of such seizure were engaged in fighting at an exhibition thereof, or were owned, kept, possessed or trained by any person with the intent that they should be so engaged, such birds, dogs or other animals shall be adjudged forfeited and such court shall thereupon, unless an appeal is taken as provided in the following section, issue an order for killing them, which shall be directed to any officer authorized to serve criminal process; and the officer receiving said order shall cause such birds, dogs or other animals to be killed within twenty-four hours thereafter. Birds, dogs or

other animals seized as hereinbefore provided, which are not adjudged forfeited, shall be delivered to the owner or person entitled to the possession thereof. Any person shall be allowed to appear as claimant in the proceeding upon the application for a decree of forfeiture.

Section 92. Appeal; recognizance; custody and disposition of animals. An owner or claimant aggrieved by such judgment may, within twenty-four hours after the entry thereof and before its execution, appeal therefrom to the superior court; and all proceedings upon and after such appeal, including the right of exception, shall conform, so far as may be, to those in criminal cases, except that before such appeal is allowed the appellant shall recognize to the commonwealth in the sum of two hundred dollars, with sufficient sureties, to prosecute his appeal and to pay such expenses of the prosecution as the court may order and such expenses as may be thereafter incurred in the care and keeping of the birds, dogs or other animals claimed by such appellant if final judgment is rendered against them, and to abide the judgment of the court thereon. Upon the final judgment, the birds, dogs or other animals held in custody to abide such judgment shall be disposed of, under the direction of the superior court, in like manner as the court or justice might have disposed of them if no appeal had been taken. During the pendency of the appeal, all birds, dogs or other animals adjudged forfeited shall be kept in custody in a place other than that from which they were taken.

Section 93. Expenses of care and destruction of fighting animals. The necessary expenses incurred in the care and destruction of such birds, dogs and other animals may be allowed and paid in the same manner as expenses in criminal prosecutions.

Section 94. Owning, possessing or training fighting animals; establishing or promoting exhibition. Whoever owns, possesses, keeps or trains a bird, dog or other animal, with intent that it shall be engaged in an exhibition of fighting, or whoever establishes or promotes an exhibition of the fighting of birds, dogs or other animals shall be punished by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than one year, or by a fine of not more than one thousand dollars or by both such fine and imprisonment in jail or house of correction.

Section 95. Aiding or being present at exhibition of fighting animals. Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, or is present at, aids in or contributes to such exhibition, shall be punished by a fine of not more than two hundred and fifty dollars or by imprisonment for not more than one month, or both.

Section 98A. Accommodations and privileges of physically handicapped persons with a dog guide; charges or fares; liability. Notwithstanding any other provision of law, any blind person, or deaf or hearing handicapped person, or other physically handicapped person accompanied by a dog guide, shall be entitled to any and all accommodations, advantages, facilities and privileges of all public conveyances, public amusements and places of public accommodation, within the commonwealth, to which persons not accompanied by dogs are entitled, subject only to the conditions and limitations applicable to all persons not accompanied by dogs, and no such blind person, or deaf or hearing handicapped, or other physically handicapped person shall be required to pay any charge or fare for or on account of the transportation on any public conveyance for himself and such dog so accompanying him in addition to the charge or fare lawfully chargeable for his own transportation. Whoever deprives any blind person, or deaf or hearing handicapped person, or other physically handicapped person of any right conferred by this section shall be punished by a fine of not more than three hundred dollars and shall be liable to any person aggrieved thereby for such damages as are set forth in section five of chapter one hundred and fifty-one B; provided, however, that such civic forfeiture shall be of an amount not less than one hundred dollars; provided, further, that in the case of a deaf or hearing handicapped person, or other physically handicapped person, such person carries and displays upon demand, written evidence that the dog accompanying him is a dog guide.