

By Mr. Miceli of Wilmington, petition of Joseph V. Balestrieri and James R. Miceli relative to damages caused by dogs and paid by counties. Counties.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO DAMAGES CAUSED BY DOGS AND PAID BY THE COUNTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 140 of the General Laws is hereby amended by striking
2 out section 161 and inserting in place thereof the following sec-
3 tion: —

4 *Section 161.* Whoever suffers loss by worrying, maiming, or
5 killing of his livestock or fowls by dogs, outside the premises of the
6 owners or keepers of such dogs, may if the damage is done in a city
7 or town inform the chief of police in the city or town, who shall
8 inform any law enforcement officer involved with animal control
9 within said city or town, to investigate any such damages caused by
10 dogs.

11 After completion of such investigation, said chief of police in
12 such city or town shall upon request send a report to the county
13 commissioners, informing same that an investigation has been
14 made and is on file at the police station where incident had oc-
15 curred.

16 In no case shall an officer involved with animal control, in such
17 city or town appraise any such damages that was inflicted by dogs,
18 said appraisal shall be made by county official involved, and any
19 determination of payment shall be between the owner of the livestock
20 or fowl and the county officials.

21 Therefore the officer involved with animal control shall not be
22 required to be involved with any determination of any payments of
23 any kind.

24 Disposal of any livestock or fowl shall be disposed of by the
 25 owner or keeper of such livestock or fowl. The burden of proof of
 26 where such disposal was made would be on the owner or keeper
 27 and shall be made in writing to the county commissioners.