

# ACOAM NEWS

ACOAM NEWS

September 2018

## Special points of interest:

- 2018Academy
- Annual Meeting
- PAWS II

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## 2018 ACOAM Academy Class #34 Has Graduated!

This year marks ACOAM'S 33rd academy class with 40 participants this session.



### Congratulations to :

Carrie Anderson, Kerry Bowles, Janelle Caron, Michael Chalifoux, Ashley Chmiel, Mark Cianci, Justin Dawkins, Hayes Demeule, Jacqueline Edmands, Rene Falardeau, Brandon George, Jessica Gow, Patricia Grant, Edward Hart, Joshua Heal, Rachel Hoffman, Jordan Holbrook, Laura Howe, Elizabeth Jefferis, Katrina Klein, Jill Lively, Sarah Macone, Shelley Martins, Brian Miranda, Paul Morrissey, Andrea Russo, Kristen Salerno, Arther Samuelson, Katelyn Spencer, Casey Smith, Lori Smith, Julie Thomas, Donald Tryon, and Nichole Wheeler.

## ACOAM CERTIFICATION ACADEMY 2017

Greetings from the President:

On June 15th, 2018 ACOAM concluded it's 33rd academy with 40 ACOs representing municipalities from across the state. Each and every year we do an intake and outgoing exam beyond our regular testings. We use this exam as a tool to gauge how well the curriculum matches the educational needs for the animal control officers. In this years academy the students improved their initial intake exam by approximately 90%! It is the goal of ACOAM and the academy staff to bring up and promote a new level of professionalism, education and training for the animal control officers in our Commonwealth.

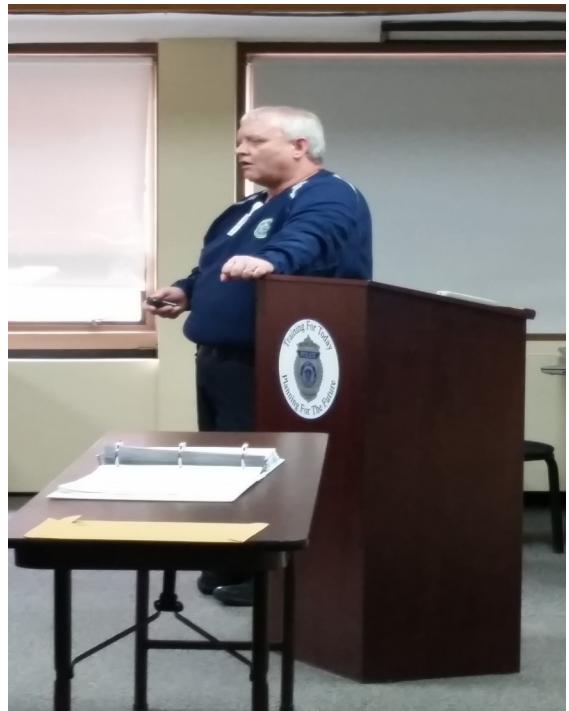
This class was held for twelve consecutive Fridays for a total of 96 hours at the Boylston Regional Training Academy in Boylston, MA. Topics included in this year's class consisted of equipment handling, self defense tactics, 4th amendment, compassion fatigue syndrome, canine behavior, MGL Chapter 140, large animal handling, report writing, wildlife, pets in disasters, bite prevention and officer field safety just to name a few.

The guest speakers and presenters that helped with the academy are the reason why this academy is so successful and a special thank you goes out to MSPCA, ARL, Pittsfield Police Department, MA Department of Fisheries and Wildlife, Department of Agricultural Resources, Berkshire County Sheriff's Department, MPTC, Ann Lindsey, Ritired Juvenile Chief Justice Martha Grace, Dennis ACO Lori Miranda, ADA Tracey Cusick (Norfolk), and Attorney Robert Fennessy.

The other reason why this class is so successful is for the hard work and dedication of the academy staff, Co-Director ACO/SPO Hilary Cohen (Norfolk), ACO Brenda Hamelin (Millis/Medway), and Paul Murphy.

Respectfully submitted:

Joseph M. Chague  
President & Co Academy Director



~~~~SAVE THE DATE~~~~

ACOAM Annual Meeting and Awards Banquet

**WHEN:** Friday October 19th, 2018

**WHERE:** Marriott Courtyard  
75 Felton Street  
Marlborough, MA 01752

**TIMES:** Registration and Cocktails 6:00 pm  
Annual Meeting: 6:45 pm  
Dinner: 7:00 pm—awards to follow

Raffle prizes and cash bar

**PLEASE SEND RSVP AND PAYMENT PRIOR TO:  
\*\*\*SEPTEMBER 28th, 2018\*\*\***

**Detach RSVP coupon below and Mail to:  
ACOAM  
PO Box 455  
Framingham, MA 01704**



**RSVP FOR ANNUAL BANQUET AND MEETING**

**\$ 45.00 per person ACOAM members \$ 50.00 per person for non members and guests**

Name\*\*\* \_\_\_\_\_ Organization \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Additional Guests name(s) \_\_\_\_\_



Total sent \$ \_\_\_\_\_ for # \_\_\_\_\_ of people attending.

**Please note payment in full has to be received at time of RSVP; we cannot hold a place for payment the night of the event.**

**\*\*\*Current year ACOAM Graduates are free-Guests of those graduates will have to pay to attend-Thank you**

## PAWS II and What This Means for You

**PAWS 2 UPDATE:** Hello ACOs and non ACOs who are supportive of animal welfare changes. As many know, I was a member on Governor Baker's Animal Cruelty Task force which was tasked with analyzing and suggesting changes to the legislature which would benefit the animals of the Commonwealth. PAWS 2 was voted upon on 7/31/2018, passed and has been signed by Governor Baker to be enacted into law. With this legislation there will be a lot of changes that you need to know about for your day to day interactions with the public, both four legged and two legged. The easiest way to break these changes down is to go through the changes line by line.

**Section 1:** MGL ch. 6 s 178C which deals with sex crimes will now have the following addition added to the law on line 96 after the figure "272" and it will state "engaging in sexual contact with an animal under section 77C of said chapter 272". We'll dig in to this section later in the article. However, having this added to this section of law brings animal sexual contact in with the state law that defines sexual crimes involving sexual contact and rape against humans.

Sexual crimes against animals will now be defined under MGL.

**Section 2:** Ch 19A s 15 is regarding Elder Affairs and reporting abuse. In this law, the words "Animal Control Officer" is being added after the word technician. Yes ACOs, we are now mandatory reporters. This will help us in many different avenues in dealing with our residents. In years past there has been a lack of communication between different agencies regarding the health and welfare of our animals, and also of our residents. So many of our calls involve "The Link" the correlation between animal abuse/neglect and human abuse/neglect. This is aimed to help our residents get the care they may need. So how does this work? All ACOs that witness elder neglect/abuse **MUST** report verbally their concerns to the proper elder agency (i.e. in my area it's Hessco. Ask your police department and/or board of health where you report to), **AND** you must submit a written report to the agency within 48 hours of the incident. Failure to do so may result in a fine not to exceed \$1000.00 under this law, **AND** it could also be a violation under your duties under 140 if you fail to perform this. Within this section of law once ACOs are added, we are also covered from liability (civil or criminal) for making a report in good faith.

Animal Control Officers will now be mandatory reporters of child, elderly and handicapped neglect and/or abuse.



**Section 3:** Under Ch 19A a new section is going to be added which addresses all non-ACOs listed in the law (i.e. physicians, phys. Assistant, interns, dentists, counselor, probation officer, social worker, policeman, firefighter, EMT, mental health provider, etc.- read the law for all listed), **MAY** report suspected animal abuse and/or neglect to a humane law enforcement agency within MA, police department or an animal control department. The report may be made within 2 working days in writing or telephone, and immediately by telephone if there is imminent danger to the animal at the present time.

Other agencies "may" report suspected animal abuse to appropriate animal agencies.



PAWS II Continued

Sections 4 & 5: Are exactly the same as section 2 & 3 in wording except this is for disabled people. If you suspect abuse/neglect in a disabled person you are to follow the same guidelines as 2 & 3 and report it to the appropriate agency (in many instances it is the Dept. Of Public Health – state not local). We still have the same immunity for reporting and the same for those other professionals that may report suspected animal abuse and/or neglect to us.

ACOs SHALL report suspected child abuse.

Section 6: Ch 119 s 21 is adding the words “Animal Control Officer” as a mandated reporter for child abuse.

Section 7: This is a part of law change that deserves clarification in the future and I have spoken to a few on the cruelty task force board that this should be amended again at a later date. Chapter 119 s 85 will strike out the following in lines 8 through 10 “the entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any local animal control authority” and replacing it with “a police officer or a special state police officer appointed pursuant to section 57 of chapter 22C”.

Drowning of animals provision.

Section 8: Ch 131 s 19B – Transporting Mammals for the Purpose of Euthanasia: Added to this law is the practice of drowning animals as a means of euthanasia. As it’s already been stated that drowning is not an acceptable method under the AVMA , and one would think that this section would be easily addressed, it’s not. The following text is being added: A person authorized under this chapter to take and possess birds, reptiles, amphibians or mammals shall not put an animal to death by the use of drowning. Any such person who intentionally or knowingly put an animal to death by the use of drowning shall, for a first offense be punished by imprisonment in the state prison for not more than 7 years or in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and , for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment. This section shall not take effect until the department of Fish and Game, in consultation with the Environmental Police; the division of Animal Health; and the department of Agricultural Resources, file a report with the clerks of the senate and house of representatives, the house and senate chairs of the joint committee on municipalities and regional government, and the house and senate committees on ways and means, identifying the best practices related to trapping and pest control, to include alternatives to drowning. Such report shall be filed on or before June 1, 2019. Provided that if said report is not filed on or before June 1, 2019, the above paragraph shall take effect on June 1, 2019.



Section 9: Ch 140 s 136A (animal regulation definitions): There is a strike out on lines 2 & 7 to remove the word “174E” and replacing it with 174F.

Section 10: Ch 140 s 137A: This pertains the kennel licenses. If you look at the law it pertains to procuring a kennel license. The one thing the law omitted prior was a penalty within the law itself. The following is to be added: Section (d) “A person who violates this section shall be assessed a fine of \$500 for the first offense and a fine of not more than \$1,000 for a second of subsequent offense.

Fine amounts have changed.

## PAWS II Continued

Section 11: Ch 140 s 137C: Inspection of kennels; revocation, suspension and reinstatement of license; nuisance. The change in this law is the amount of the fine. In the current version of MGL, the fine is “not more than \$250”. The new language will read: A person who violates this section shall be assessed a fine of \$500 for the first offense and a fine of not more than \$1,000 for a second or subsequent offense.

Section 12: Is just a tidy-up section for the previous s 137A. In this section 137A is mentioned and the former fine was \$50. As stated above in section 10, the citation amounts have been increased so they struck the word “137A” from CH 140 s 141.

Section 13: Similarly, to section 9 above, section 13 is striking the following out of Ch 140 ss 173 on line 3, the figure “174E” and replacing it with 174F.

Section 14: ACOs you’re going to really like this one, and this was one that was fought for during the animal cruelty task force because the way the law was written previously stopped us from being effective in our citation processes. The current law Ch 140 s 173A states in sentence 2 and up to sentence 7 “For the first offense committed by a person within a calendar year, the clerk SHALL dismiss the charge without the payment of a fine. For a second offense in the city or town within a calendar year, the payment of a fine of \$50 shall operate as a final disposition of the case. For a third offense in the city or town within a calendar year, payment of a fine of \$60 shall operate as a final disposition of the case. For a fourth or subsequent offense in the city or town within a calendar year, payment of a fine of \$100 shall operate as a final disposition of the case. Payment shall be made only by postal note, money order or check”. As we know, having our citations revolve around a calendar year is not effective as we always would have to start back at step one each year. This section will be replaced with the following text: The fine for the first offense committed by a person SHALL be \$50. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. The fourth or subsequent offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered. Payment shall be made only by money order or check. Notwithstanding the foregoing procedure and schedule of fines, but subject to all 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 the fines shall not be lower than those stated in this section. Notwithstanding this section, a municipality may seek a remedy under section 157 for a nuisance dog”.



Change in law regarding citations issued within a calendar year, how the Magistrate will view initial citations, and fines associated.

PAWS II Continued

Section 15: Ch 140 s 174E (tethering law for reference) will have another section added to it. Section (i) will state “A city or town SHALL enforce this section through its animal control officers or police officers in a manner consistent with the disposition provisions in Ch 40 ss 21D. If you are not familiar with Ch 40 ss 21D you should read up on it as it explains how your citations are to be delivered to the offender, prosecuted and collected through the courts.

ACOs SHALL enforce 174E.

Section 16: Ch 140 Section 174F: (hot/cold car law) Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties. The following is going to be added to the text of the law: “(i) A city or town SHALL enforce this section through its animal control officers or police officers in a manner consistent with the disposition provisions in [Ch 40 s 21D](#).

Hot/Cold motor vehicle law. ACOs SHALL enforce 174F.



Section 17: This is regarding an additional provision in Ch 186 which involves responsibilities of landlords. Section 30 will be added and it states: Not more than 3 days after a property owner or a lessor knew or should have known that a property has been vacated through termination of tenancy, abandonment or other removal or exclusion of a tenant from the premises under this chapter or chapter 186A, the property owner, lessor or a designee SHALL inspect the property for the presence of abandoned animals. If the property owner, lessor or a designee encounters an abandoned animal, that person SHALL immediately notify an animal control officer as defined in Ch 140 s 136A, a police officer or other authorized agent of the presence of condition of the animal. The property owner, lessor or a designee who encounters an abandoned animal under this section shall not be considered the owner, possessor or person having charge or custody of the animal under Ch 272 s 77. For the purposes of this section, an animal shall be considered abandoned if it is found on or in a property vacated through termination of tenancy, abandonment or other removal or exclusion of a tenant from the premises under this chapter or said chapter 186A. If the property owner, lessor or designee fails to comply with this section, the lessor or property owner SHALL be subject to a civil penalty of not more than \$500 for the first offense and not more than \$1,000 for a second or subsequent offense. Funds collected under this section SHALL be deposited into the Homeless Animal Prevention and Care Fund established in Ch 10 s 35WW. Knowing that the money for this violation will be forwarded to the “HAPC” Fund, you will need to be up on the mailing address for your town clerk to send in the money if it is collected, and if it goes to a court for adjudication, the courts will need to know where the money will be submitted if they collect the fees from the defendant. In most cases even if it’s adjudicated in court, it is usually collected by your clerk.

Landlord laws regarding checking of vacated property after tenant has left to ensure no animals have been abandoned.



Section 18: Chapter 239 s 4: This still has to do with abandonment of animals relative to possession of land. At the end of sentence (1) one which outlines how personal property is to be stored the following will be added: After the word “thereof” on line 5, “provided, however, that if an animal is found on the land or in the tenement, the officer shall immediately notify an animal control officer as defined in section 136A of Chapter 140, a police officer or other authorized agent of the presence and condition of the animal”.

Explains how animals are to be classified differently than “regular” property if found left behind on property.

## PAWS II Continued

Section 19: The following text is also being added to subsection (a) of Ch 239 s 4: "This section shall not apply to an animal removed under section 30 of chapter 186, section 14 of this chapter or section 41 of 244". In other words, you cannot store animals in a storage unit similarly as one would store regular inanimate house hold object/possessions, AND you do not have to hold the animal for the length of time that you would if you were storing personal possessions such as clothes, furnishings, etc. Under the law, personal possessions are to be stored for a 6 month period before auction by the storage company if unclaimed. This does NOT apply to animals.

Section 20: A new section will also be added to chapter 239 which will state the following: "Section 14. Not more than 3 days after a property owner or a lessor knew or should have known that a property has been vacated as a result of the summary process, the property owner, lessor or a designee shall inspect the property for the presence of abandoned animals. If the property owner, lessor or a designee encounters an abandoned animal under this section or section 4, the property owner, lessor or a designee shall immediately notify an animal control officer as defined in section 136A of chapter 40, a police officer or other authorized agent of the presence and condition of the animal. The property owner, lessor or designee who encounters an abandoned animal pursuant to this section shall not be considered the owner, possessor or person having the charge of custody of the animal under section 77 of chapter 272. For the purposes of this section, an animal shall be considered abandoned if it is found on or in a property vacated as a result of summary process. If the property owner, lessor or a designee fails to comply with this section, the lessor or property owner shall be subject to a civil penalty of not more than \$500 for the first offense and not more than \$1,000 for a second or subsequent offense. Funds collected under this section shall be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10."

Section 21: This is the law regarding foreclosures of property. It is the same remedy as listed above regarding rentals and tenancy. The "bank", or a designee of such, SHALL report abandoned animals in the same manner as listed above similar to landlords, and the same penalties apply if they fail to do so.

Section 22: Our animal cruelty statute needed to be re worded to include all laws that are applicable, and to be in the same "written" scope of the laws that are currently on the books. So in lines 32 to 35 the words that will be changed are "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" will be replaced with "77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C, 80D, 80E, 80E1/2, 80F, 86, 86A, 86B or 94".



## PAWS II Continued

Section 23: More additions to our cruelty statute. Under ch 272 after section 77B the following definitions will be added for animal and sexual contact and ramifications for sexual contact. Section 77C will read: (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings: "Animal", a living nonhuman mammal, bird, reptile, amphibian, fish or invertebrate. "Sexual contact", (i) any act between a person and an animal that involves contact between the sex organs or anus of one and the mouth, anus or sex organs of the other; (ii) touching or fondling by a person of the sex organs or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (iii) any transfer of transmission of semen by the person upon any part of the animal; or (iv) the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal or the insertion of any part of the animal's body into the vaginal or anal opening of the person. (b) A person who willingly: (i) engages in sexual contact with an animal or advertises, offers, accepts an offer for, sells, transfers, purchases or otherwise obtains an animal with the intent that the animal be used for sexual contact; (ii) organizes, promotes, conducts or knowingly participates in as an observer an act involving sexual contact with an animal; (iii) causes, aids or abets another person to engage in sexual contact with an animal; (iv) knowingly permits sexual contact with an animal to be conducted on any premises under the person's control; (v) induces or otherwise entices a child younger than 18 years of age or a person with a developmental or intellectual disability, as defined in section 1 of chapter 123B, to engage in sexual contact an animal or engages in sexual contact with an animal in the presence of a child younger than 18 years of age or a person with a developmental or intellectual disability; (vi) forces another person to engage in sexual contact with an animal; or (vii) disseminates photographs, videotapes or other depictions prohibited sexual contact with an animal SHALL, for the first offense, be punished by imprisonment in the state prison for not more than 7 years or by imprisonment in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second of subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment. (c) Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district court and the division of the Boston municipal court SHALL have original jurisdiction, concurrent with the superior court, of a violation of this section. (d) Upon conviction for a violation of this section and in addition to any other penalties as may be provided by law, the defendant shall forfeit the animal whose treatment was the basis of the conviction to the custody of an entity incorporated under the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.

Definitions for animal sexual abuse.

WARNING

**GRAPHIC LANGUAGE**

## PAWS II Continued

Upon conviction for a violation of this section the defendant SHALL NOT: (i) work in any capacity that requires the person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals; of (ii) harbor, own possess or exercise control over an animal, reside in a household where any animals are present or engage in an occupation, whether paid or unpaid, or participate in a volunteer position at any establishment where animals are present for any length of time that the court deems reasonable for the protection of all animals; provided, however, that the length of time shall not be less than 5 years after the person's release from custody. (e) This section SHALL not apply to lawful and accepted practices that relate to veterinary medicine performed by a licensed veterinarian or a certified veterinary technician under the guidance of a licensed veterinarian, artificial insemination of animals for the purpose of procreation, accepted animal husbandry practices, including raising, breeding or assisting with the birthing process of animals or any other practice that provides care for animals, or conformation judging.

Section 24: This is more cleanup regarding business entities that may be charged under 272 – Crimes against chastity, morality, decency and good order. Currently in chapter 272 section 79 the words “corporation violating either of the two preceding sections” will be replaced with “for-profit corporation, nonprofit corporation, business, professional corporation, partnership, limited liability company, limited partnership, limited liability partnership or any other business entity violating section 112 of chapter 266 or section 77, 77A, 77B, 78, 78A, 79A, 80 ½, 80A, 80B, 80C, 80D, 80E, 80E ½, 80F, 80H, 80I, 81, 85A, 85B, 87, 94 or 95 of this chapter”.

This further defines business entities that may be charged with cruelty to animals.

Section 25: Drowning will now be listed under our cruelty to animals statute under chapter 272 a new section will be added after 80E and will be called 80E 1/2 and it will state: Whoever puts an animal to death by drowning shall be punished by imprisonment in the state prison for not more than 7 years or imprisonment in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment for a first offense and punished by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment for a second of any subsequent offense.

Drowning to be included in our cruelty to animals statute.

## PAWS II Continued

Section 26: Section 80H of chapter 272. Motor vehicles; striking, injuring or killing dogs or cats. The penalty of \$50 will be stricken and inserted with the following words “\$100 for a first offense or not more than 10 days in a house of corrections and a fine of \$500 and the cost of medical expenses, not to exceed \$2,500, imprisonment in a house of correction for not more than 6 months or both such fine and cost and imprisonment for a second and subsequent offense. Nothing in this section shall preclude a civil cause of action including, but not limited to medical expenses, by the aggrieved party.” So what this means to us: You can still charge the fine if they fail to report striking a dog or cat even if there is an owner. The guts of the law is still the same and it reads: 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. The one thing to note on this, is that under chapter 272 section 84, the authorized agencies to write a ticket under this statute are police officers, constables, sheriffs, and deputy sheriffs.

Increased penalties for motor vehicle operators that strike dogs and cats.

Section 27: Just another housekeeping strike-out. Chapter 272 S 91 to strike out the words “district court” and add in it’s place “court having jurisdiction over the offense”.

Section 28: Is another housekeeping issue that is relative to fighting animals under chapter 272 S 91. The second, third and fourth sentence as it is currently written will be removed and replaced with the following two sentences: “If after a hearing on the application, notice thereof having been previously given as the court orders, it shall be found that the animals, at the time of seizure, were engaged in or were intended to be engaged in fighting at an exhibition thereof or the animals were owned, possessed, kept trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94, such animals SHALL be adjudged forfeited. A forfeited animal SHALL be individually assessed by the organization to which it is forfeited to determine the animal’s suitability for adoption or the organization SHALL transfer it to another organization or for another disposition.” What does this mean? Our old law was a “disposal” law for animals in fighting situations. As we’ve seen over time, there are some animals that were trained and used to fight which may be suitable for placing for adoption (i.e Michael Vick case where numerous dogs were placed for adoption).

Animal forfeiture when involved in animal fighting.

The animals involved no longer have to be euthanized but should be evaluated for suitability. Due diligence is necessary to try to place animals. Please see full language at left to understand your responsibilities.

Section 29: Chapter 272 section 104 will have the following figure “77C” inserted after the figure “77”.

Section 30: Chapter 276 section 58A will be amended by inserting after the figure “269” in line 23 the following words “section 112 of chapter 266 or section 77 of chapter 272.

## PAWS II Continued

Section 31: This section is to set forth a study made by a special commission to analyze the feasibility and cost of mandating that employees and contractors of the department of children and families, employees and contractors of the department of elder affairs and investigators for the disabled persons protection report animal cruelty and neglect to the proper authority AND for animal control officers to report suspected neglect and/or abuse to DCF, DPH, and elder services. There will be one seat open on this board from a representative from ACOAM. Currently the law changes for those other agencies to report suspected abuse and/or neglect is written as a MAY instead of a SHALL status.

Section 32: This pertains to homeowners and renters insurance regarding coverage of dogs. These companies that insure dogs will have to report the following annually for the next three years the following information to the Massachusetts Division of Insurance, the clerks of the senate and house of representatives, the house and senate chairs of the joint committee on financial services and the house and senate committees on ways and means:

If the perceived breed is noted on the claim and whether the determination of the breed was based on visual identification or other methods

The sex of the dog

Whether at the time of the incident, the person or animal who was injured, attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked

For what purpose the person or animal who was injured, attacked or threatened by the dog was on the property, including but not limited to, a resident, invitee, licensee, trespasser or other status

Whether the dog was on a leash at the time of the incident; whether the incident occurred indoors or outdoors

Whether the person injured by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog

The age and behavior of the victim when the incident occurred

The exact location of the dog and the victim prior to the incident

Whether the incident occurred on the owner's property or elsewhere

Any training or past behavior evaluations of the dog

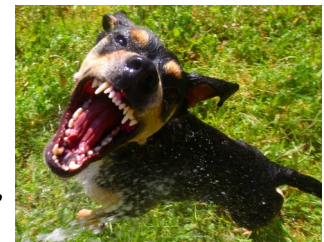
Whether the dog was declared dangerous by any municipality in Massachusetts

Whether the person who was injured by the dog was committing a crime upon the person or property of the owner or keeper of the dog

Whether the dog was spayed or neutered

Whether the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault

Insurance industry that covers homeowner/renters policy with dogs are to complete an annual study for three years regarding the dogs they cover when there is an incident.



## PAWS II Continued

The thinking behind this insurance study came about because of “pushback” from insurance companies that do not cover specific breeds. The original version was to have insurance companies cover all dog breeds and I’m sure everyone realizes that the insurance companies do not want to cover what they consider “high risk” breeds. These measures will hopefully show the industry some data that breed perceptions in many instances may not be accurate. The goal is to provide information on dog bites, reduction of dog bites, and hopefully decrease breed-based claims.

Respectfully Submitted,

Hilary Cohen

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### RABIES STATISTICS

The Division of Epidemiology and Immunization, a subdivision of Massachusetts Department of Public Health has recently changed to a new reporting system called Laboratory Information Management Systems (LIMS). This change over of software is taking a bit of time so please be patient.

The new link will be located at: [RABIES STATISTICS](#)

Currently, the only data on their website is up through the end of 2017 but more will be arriving shortly.





## Training Opportunities



### **ACOAM presents a day of training**

**Open to ACO's, Police, Fire, Board of Health, Animal Welfare Professionals, and Officers of the Court.**

**Friday October 19, 2018 at the Courtyard Marriott- 75 Felton Street, Marlborough, MA**

**\$49.00 per person-PRE-Registration is required as seating is limited-RSVP by October 5th**

**8:00-9:00 AM Registration and Executive Continental Breakfast**

**8:45 AM Welcome**

**9:00-Noon: "Processing a Cruelty/ Hoarding Case" (Initial response, legal entry, report writing, evidence collecting, and photos) Presented by Kyle Held-ASPCA Regional Director-Field investigations & Response ASPCA Animal Cruelty:**

Kyle Held currently serves as a regional director of ASPCA Field Investigations and Response. In his current role, Held investigates and responds to situations involving animal victims of natural disasters and animal cruelty cases within the U.S. He works with law enforcement and local animal welfare agencies to rescue animals from life-threatening situations and provide them with the essential care they need. Held has investigated various animal cruelty cases involving companion and farm animals. Held frequently provides training for law enforcement and animal control officers on topics including animal fighting investigations, animal cruelty, animal handling and disaster response. He has completed over 500 hours of specialized animal cruelty trainings—ranging in topic from ritualistic killings to crime scene processing—and is a nationally certified equine cruelty investigator.

**12:00 – 1:00 pm- lunch, on your own.**

**1:00 pm-4 pm: "Court and court cases"-(Magistrate Hearings, De Novo hearings,**

**Mock trial) Presented by Tracey Cusick- Norfolk County ADA:** Tracey Cusick has been an assistant district attorney at the Norfolk District Attorney's Office since 1999. Assigned primarily to the Appeals Unit, Tracey had written more than 100 briefs and argued more than 60 times before the Massachusetts Appeals and Supreme Judicial Courts. Tracey was the author of an amicus brief filed on behalf of nine district attorneys and the Attorney General in *Commonwealth v. Duncan*, 467 Mass. 746 (2014) in which the Supreme Judicial Court held that the emergency exception includes rendering emergency aid to animals. Tracey also handles G.L. c. 211, § 3 petitions before the Single Justice of the Supreme Judicial Court. In addition to her appellate caseload, Tracey is also assigned to trial court prosecutions from arraignment to disposition, and also serves as second seat in serious felony trials, including first-degree murders, sexual assaults, and cases where defendants claim lack of criminal responsibility. Tracey also handles sexually dangerous person cases, mental health commitments, narcotics asset forfeiture proceedings, and assists with search warrant issues. Since 2001, Tracey has prosecuted more than 60 animal cruelty cases to disposition, including more than a dozen she presented to grand juries and prosecuted in Superior Court. Among other issues, she has researched and litigated DNA in animal cruelty cases. An appointee to the Massachusetts Animal Cruelty and Protection Task Force (2016), Tracey has compiled and updated a handbook of Massachusetts cases and statutes pertaining to animals, and participates in training police, animal control officers, veterinary students and other members of law enforcement in the logistics of animal cruelty cases.

## Training Continued:

### Registration for Animal Control Officer Core Competencies Training

Any animal control officer who has not completed the training in 2016, 2017 or who has recently been hired in 2018 as an animal control officer is required to take this course. There is no fee for your to attend this state mandated training. It is encouraged that you sign up early to secure a seat in your preferred session.

For more information regarding the Massachusetts Animal Fund Training Institute please visit:

<http://massanimalfund.com/core/> or by emailing Sheri Gustafson at: [sheri.gustafson@state.ma.us](mailto:sheri.gustafson@state.ma.us)

Session I: Location—Chelmsford: Chelmsford Police Department

September 11 & 12th, 2018

8:00AM—4:00PM

[LINK TO REGISTRATION](#)

Session II: Location—Westborough: MA Wildlife Building

September 25 & 26th, 2018

8:00AM—4:00PM

[LINK TO REGISTRATION](#)

Session III: Location Northampton—Northampton Police Department

October 9—10th, 2018

8:00AM—4:00PM

[LINK TO REGISTRATION](#)

Session IV: Location Middleborough—Middleborough Town Hall

October 23 & 24, 2018

8:00AM—4:00PM

[LINK TO REGISTRATION](#)



## Grants and Funding for Animal Control Officers to help offset financial impacts associated with injured/stray animals and spay/neuter.

### Massachusetts Veterinary Medical Association Charities

The Stray Animal Fund, a program offered by the MVMA Charities, provides financial assistance for urgent and emergent care of unowned, unwanted and unclaimed stray animals. By creating partnerships between local animal control officers and veterinarians, the MVMA Charities plays an important role in getting the animals the medical care they require.

Funds are made available to every city and town in Massachusetts. Currently, 138 communities across Massachusetts have registered for the Stray Animal Program and are receiving as much as \$3000 per year to offset the medical and surgical care of their stray animals. The MVMA Charities goal is to have every town registered in their program to help animal control communities with their stray/injured animals.

If you are not registered, would like to check eligibility, or request funds please visit the following links:

[REGISTER YOUR MUNICIPALITY](#)

[GUIDELINES FOR STRAY ANIMAL FUNDING](#)

[FUNDING PER MUNICIPALITY](#)

[REQUEST FUNDS](#)

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### Grants for Spay/Neuter Services

#### Massachusetts Animal Coalition

Municipalities and non-profit 501(c)3 organizations may apply for spay/neuter funding. The grant program operates on an annual cycle. You may apply for funding by visiting

[MAC PROGRAMS](#)

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### Massachusetts Animal Fund

[SPAY/NEUTER ASSISTANCE](#)

In the event of an emergency situation, or to inquire about wait times through MA Animal Fund please email Sheri Gustafson at [sheri.gustafson@state.ma.us](mailto:sheri.gustafson@state.ma.us) or by calling: (617) 626 1740.

To ensure you keep getting AC Alerts and ACOAM NEWS please make sure your membership is kept current.

# INVOICE



### APPLICATION FOR MEMBERSHIP

Please fill out completely and sent this along with your payment

     \$ 25.00 **Supporting Membership**- (this is for a non-ACOs, people in the animal field but not currently employed as an ACO-no voting privileges but will receive newsletter and email AC Alerts.)

     \$ 40.00 **Full Individual Membership** (currently employed ACOs-- ACOAM voting privileges- will receive newsletters, email AC alerts and will be an Associate Member of NACA \*

     \$ 80.00 **Full Organization Membership** (currently employed ACOs,-- ACOAM voting privileges- will receive newsletters, email AC alerts and will be an Associate member of NACA. **\*\*\*see below \***

**Our membership year runs from July 1<sup>st</sup> through June 30<sup>th</sup>.**

Individual/Organizational Name: \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

**(All mailings will be sent to the above address. This information may be published or shared with other related agencies.)**

Work phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**\*\*\*Please list all persons included in the Organizational membership:** \_\_\_\_\_

I/ we also cover the following towns (please list all towns you cover include full and part time):

\_\_\_\_\_  
\_\_\_\_\_

I want to receive my information via email     I want to receive my information via snail mail

**Make dues payable to "ACOAM"**

Mail to:

**Animal Control Officers Association of Massachusetts**

**(ACOAM)**

**P O Box 455**

**Framingham, MA 01704**

ACOAM Membership Secretary, Brenda Hamelin, can be reached at (508) 533-3251 or [bhamelin@townofmedway.org](mailto:bhamelin@townofmedway.org)

Please keep a copy of the completed form for your receipt---- **Tax ID: 042881827    EXP: 5/31/2019**

**\* Please see next page for new NACA information regarding membership**

### \*ACOAM & NACA Registration Changes\*

To our ACOs: National Animal Control Association (NACA) has restructured their dues and fees schedule which in turn has reduced your annual dues fees through ACOAM for both the Full Individual Membership and The Full Organizational Membership.

ACOAM now sends in a yearly membership fee to NACA (a set price) and that will include everyone who is a Full Individual Membership or Full Organizational Membership through ACOAM. Once a year NACA sends ACOAM a code that we share with our current members. You will be able to access NACA's website resources, seminars/classes, however, you will no longer be receiving the NACA magazine or have voting privileges with NACA. If you wish to receive the magazine and have voting privileges you will have to join NACA as an individual member (usually \$50.00 but with the code you will receive a discount).

If you have any questions regarding these changes please contact Brenda Hamelin at [bhamelin@townofmedway.org](mailto:bhamelin@townofmedway.org)

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#### EMPLOYMENT OPPORTUNITIES:

North Attleborough is hiring one (1) Part Time Animal Control Assistant. This position is a week-end position where the ACO is expected to provide care of the shelter animals, including feeding and cleaning; waiting on customers and on call after hours for emergencies. Previous experience is a plus. Should be 18 years or older and have a current driver's license. The deadline to apply states September 6th 2018, but that has been extended.

To see full details please click [HERE](#)



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Fax: +1 781 300 7330  
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## ACOAM

P.O. Box 455  
Framingham  
Massachusetts  
01704

[www.acoam.org](http://www.acoam.org)

## Board Members 2017 Elected

President: Joseph Chague [jchague@pittsfieldpd.org](mailto:jchague@pittsfieldpd.org)

Eastern Vice President: Hilary Cohen [norfolk9@aol.com](mailto:norfolk9@aol.com)

Western Vice President:: Wendy LeSage [acolesage@gmail.com](mailto:acolesage@gmail.com)

Treasurer: Brenda Hamelin [bhamelin@townofmedway.org](mailto:bhamelin@townofmedway.org)

Membership Secretary: Brenda Hamelin [bhamelin@townofmedway.org](mailto:bhamelin@townofmedway.org)

Secretary: Kelly Flynn [Tallpinefarm@aol.com](mailto:Tallpinefarm@aol.com)

Sergeant of Arms: Manny Maciel [Emanuel.Maciel@newbedfordpd.com](mailto:Emanuel.Maciel@newbedfordpd.com)

Do you have news stories, events, or announcements that you'd like to share in ACOAM NEWS? Please send submissions to Hilary Cohen at [Norfolk9@aol.com](mailto:Norfolk9@aol.com)

Interested in helping make ACOAM the best it can be?

ACOAM is currently re-structuring our by-laws to include more participants on our Board of Directors and we will also have vacancies on our board in the upcoming election. We want YOU to come help ACOAM thrive in the future.

## Eligibility:

1. You must be an currently employed animal control officer in the Commonwealth.
2. You must be an ACOAM Member.
3. You need to be available for monthly board meetings via in person at centrally located location and/or via phone conferences.
4. Have availability to communicate via email.

