

Legislative History for Connecticut Act

HB 845	PA 279	1933
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1933

I feel that it is a matter that is in a stage where we have got to go a little slow. We don't want to impose any obligations for dogs that the public doesn't want. But the responsibility rests with the sanitary officials and the health officials of this state to control this disease and are naturally seeking for the best means to do it. I think our expenses last year for Pasteur treatments were about eight thousand dollars. The dog license money is for the purpose of paying dog damage. I think that is all I have to say.

Dr. Atwood: He said it cost eight thousand dollars for Pasteur treatment for the State of Connecticut. If no harm has come from that vaccination where does the opposition previously recorded here go to? Isn't it time that the state took up what chemistry has given us?

When you inject a vaccine into a person my age or older you want to test it the protein reaction of that thing and the same with a dog.

Mr. Soule, Hartford: I have been listening with much interest to the evidence regarding this bill. It does seem to me that it comes with very poor grace -- there is nothing personal in this, Doctor, but it seems to come with poor grace that a veterinary, one of those who stand to profit most by the passage of this bill, should appear as practically the only sponsor of it.

Dr. Atwood: If that bill isn't drafted right re-draft it. A substitute bill might be something that would work in better. An inspection of a dog is not just looking at it. I would look to see whether he had any circulatory disturbances, I might give you three calls for three dollars. That inspection is worth something to you and as far as my making any money out of rabies we don't want the business, all we want to do is stamp the disease out and help to stamp it out.

I feel this bill might well have a substitute bill. I expected the bill would have to be re-drafted.

Mr. Curtiss, House Chairman: If it seems advisable to the committee this bill might be withdrawn and a substitute offered. The hearing is closed.

✓ H. B. 845 (Mr. Platt) RECODIFICATION OF THE DOG LAWS.

Commr. Johnson: One of the functions of the department of Domestic Animals is to enforce the law relating to dogs. We find that there are certain changes that must be made, certain details that are not covered and certain changes must be made in order to make the law applicable to all conditions. The dog as you know has a social standing. On account of his association with man he has acquired and is accorded certain privileges that other domestic animals are not

allowed. These conditions are taken into consideration in drafting the laws and enforcing them.

The first section defines certain terms that are used in this act so that they can be readily understood and there is only one change in Section 1. "kennel" shall mean one pack or collection of dogs kept under one ownership on a single premises; "commercial kennel" shall mean a kennel maintained as a business for boarding, training, or selling dogs;" The law as it now stands reads that kennels shall be in a general locality, and we found that this wording led to a lot of confusion. Two or three kennels might be run under one license.

Section 2, "to kill any dog infected with rabies, and" taken out. We don't advocate killing a dog that is infected with rabies, we want the dog to die with the disease, then we can determine accurately from the laboratory. As this practice is not consistent with our policy it is better out of the law. That is the only change in Section 2.

Sections 3 and 4, no change.

Section 5, entire new section, which reads as follows: "The commissioner or his special deputy or any dog warden may lawfully interfere to prevent the perpetration of any act of cruelty upon any dog or other animal, and any person who shall interfere with or obstruct or resist any such officer or agent in the discharge of his duty, shall be fined not more than fifty dollars, or imprisoned not more than thirty days." The reason for that is obvious, I believe.

There is a change in section six which has to do with dog wardens. It is "The chief of police in each city and the selectmen of towns, in their respective jurisdictions, shall, annually, appoint some person to be dog warden for the term of one year from the first day of April, and shall report such appointment to the Commissioner by the twentieth day of March." It reads at this time that a dog warden shall be appointed by April first and if no dog warden is appointed by April 10 the Commissioner makes the appointment. That might leave the town without a dog warden from April first to April 10. This change gives us time to have a warden on the job. According to law each town shall have a warden who shall reside in his respective town.

Section 7, provides for sale of impounded dogs by warden for not less than three dollars. The old law was not less than five dollars. His chances of selling him at three dollars are greater than of selling him at five dollars, making it easier to dispose of dogs that should not be killed.

Section 8, add words "and presentation of license and tag for such dog."

Section 9 and 10, no change.

Going back to Section 7, it might be well to put in another change to the effect that dogs shall not be sold for 120 hours or five days after impoundment.

Section 11, change, "or shall have abused or cruelly treated a dog"; "may" inserted instead of "shall", so that it is not compulsory but allows for discretion; there might be circumstances involved to be taken into consideration.

Section 12, "and Care" inserted. "Neglect on the part of any town or city to provide suitable pound or failure to comply with the Commissioner's orders to provide suitable quarters, shall cause the treasurer, upon request of the Commissioner, to withhold all refunds to such town or city until proper quarters have been provided and approved by the Commissioner or his special deputies." In determining what are suitable quarters of course, we use discretion.

Section 13, no change.

Section 14, "and the town clerk shall record the veterinarian's name on the license form," added last sentence. A female that has been spayed takes the same license fee as a male dog. It has been brought to our attention that there is some possibility of misrepresentation, so we have written this sentence in the bill.

Section 15, first sentence, word, "unlicensed" inserted. "Any person becoming the new owner of a registered dog shall present license and tag to the town clerk of the town in which he resides and for a fee of thirty-five cents such town clerk shall issue in lieu thereof a new license and tag which shall be recorded in the name of the new owner." This keeps the registry up to date.

Section 16, no change.

Section 17, second sentence, "and credited to the dog fund." Old law read "and thereupon added to the regular appropriation for the expenses of the Commissioner. That is the money that is remitted by the town for the dog taks. As it is it never gets to the Commissioner to the dog fund. This money that has been paid in by the towns comes to us and we give it to the treasurer.

Section 18, "not to be less than the number of dogs kept in such kennel" inserted. Last sentence added new: "If any established kennel shall fail to obtain the kennel license on or before May first, the applicant shall pay one dollar for each dog kept therein, additional to the regular kennel fee. The purpose of that is that the owner shall by as many taks as he has dogs in his kennel.

Section 19. New section. "Any owner of a kennel license may operate a boarding kennel. Owner's certificate of registration of individual dogs kept therein must be on file at the kennel available to inspection by the commissioner or

his special deputy." It will help in the inspection where they operate a kennel and the owner takes in dogs for boarding. The purpose of this is that the owner of the kennel shall have on file the certificate of registry of all the dogs that are boarded in that particular kennel.

Question: Wouldn't the tag be sufficient? (Mr. Hickmott)

Commissioner Johnson: We probably wouldn't expect you to have it for a weekend or a couple of days, but where you keep him for six months or so.

Mr. Williams, Avon: Supposing I board a dog and over the weekend you send the dog out and your wife may have the certificate. The next day someone comes in. I am speaking of boarding a dog without a certificate for a few days. One dog was left with me for a few days and has been there for five weeks. If you get an inspector who was going to follow the letter of the law you might have some trouble.

Mr. Hickmott: Wouldn't the tags be sufficient on the dogs being boarded? I haven't had any trouble yet but we want to be careful.

Mrs. Williams, Avon: Hardly any kennels would have the certificates. People come in from some other place to board their dog and they don't have the certificate and they are not going back for it.

Commissioner Johnson: We don't want to work any hardship on the public, and if we can revise that section to provide some proper identification of ownership we will be glad to.

Section 20, no change.

Section 21, "All dogs are hereby declared to be personal property and subject to larceny" added. If anyone steals a dog he can be prosecuted and can be fined to the extent of one hundred dollars.

Section 22, no change.

Section 23. The present law provides that the first of June the town treasurer shall remit 75% of the dog funds to the State treasurer and withhold 25%. At the end of the year the state treasurer remits back to the towns the balance that is left over after all dog damages and expenses of the department have been deducted. This change requires that the towns remit only 50% on June first. It is always a great deal more than is needed and there is no reason why the treasurer should have such a large amount in the fund when it really belongs to the towns and eventually will go back and many of them need the money. No balances are carried from year to year as in the present law.

Sections 24, 25, 26, 27, 28, 29, no change.

Section 30. a. "provided such animals or poultry are kept in a proper enclosure sufficient to restrain animals or poultry from roaming and provided such domestic rabbits shall be kept in an enclosure that will provide reasonable protection against dogs" inserted first sentence.

The reason for this is that it places a certain responsibility on the owners of these animals to give them reasonable protection. In many instances where poultry and sheep have been killed they have been away from their own premises roaming. The purpose of this is to see that the owner does his part to protect his own property.

b. "and the damage shall not be paid by the owner of such dog, the selectman may order that such dog shall be killed." inserted. We have changed it so that it is not compulsory by inserting the word "may" for the word "shall"

c. "The owner of any animal or poultry destroyed by dogs may be indemnified in cash from the dog fund or the destroyed animal or poultry may be replaced if so determined by the selectmen or the Commissioner." This gives us a little latitude in the manner of indemnity.

Section 31, no change.

Section 32 "if any such animal --" "such" inserted, to make the reference plain.

Section 33 "or was teasing, tormenting or abusing such dog" added. This comes under damage to persons or property. The owner of the dog should not be responsible in such a case, for the party was responsible himself.

Section 34. "any special deputy or any dog warden" inserted first sentence. "or shall show visible evidence of attack" inserted in place of "attack". "may" instead of "shall."

Section 35. "The commissioner or his special deputy may quarantine in close confinement any dog or other animal that is rabid or suspected of being rabid, or any dog or other animal that has been bitten or in contact with a rabid animal." Last sentence added. This simply validates the practice we have been carrying on the past.

Going back to Section 35, I want to insert there after "the health officer or board of health of any town or any veterinarian" a good many times veterinarians come in contact with these cases and we don't know anything about it. If they "shall report" it puts it on record. Very frequently the veterinarian knows when the board of health doesn't know anything about it.

Section 36. This has to do with the Pasteur treatment. The present law is not quite clear but this makes it plain that the town pays for it and then the town is reimbursed by the state out of the dog fund for such expenses.

Section 37. No change.

Section 38 "as may be directed by such selectmen, warden or chief." added.

Section 39. This part was already included in Section 35 so we have got it out of Section 39. "nor fail to confine or control such dog in accordance with the provisions of any rule, order or regulation made by the commissioner or by any official in accordance with the provisions of this chapter" taken out.

Section 40. New section. "When any dog alive or dead shall be examined for the presence of rabies under order of the Commissioner, board of health or any other authority, the owner of such dog, or some person selected by him as his representative, shall be entitled to be present at the examination if so desired." That permits anyone who has had a dog killed and sent to the laboratory to be present in person or by proxy if they want to.

Section 29. This is a new section. "Any person who shall steal, confine or secrete any registered dog or any dog under the age of six months or who shall maliciously remove the collar or tag from any registered dog, shall be liable to the owner in a civil action or the Commissioner on Domestic Animals or his deputies may bring criminal action, and be fined not more than two hundred dollars, or imprisoned not more than six months, or both."

Mr. Hitchcock, Conn. Humane Society: I object to Section 19 for this reason. Two years ago we obtained the present section 43. It costs one dollar to obtain a license to board dogs. The only way you can take a kennel license away is to have a selectmen's hearing and prove it to be a public nuisance. This one dollar license may be suspended and rejected by the commissioner and this gives us a good deal of control. We go to a man who isn't handling it properly and tell him we will appeal before the commissioner and so he is likely to check up and usually we don't have to. The commissioner would like to have a record of all the dogs. I don't see why that same sentence couldn't be transferred to Section 43 (last sentence of Section 19) and reword it to say "that any person boarding a dog in a kennel must require that the registration shall be on file in the kennel." and it still requires a man who is boarding a dog for hire would have to take out that second license. We have had no complaints on the operation of the law. If a man advertises to board dogs and you want to take a dog to be boarded you would like to know that it is a well maintained and decent kennel. You want to know that it is a kennel that is inspected by the state and is properly prepared to board and care for dogs. Anybody can take out a kennel license without any inspection whatsoever, but everyone who has a commercial license has been inspected. We know it is a suitable place to board dogs. I am asking not to have Section 43 weakened by passage of Section 19.

Mr. Williams: Why wouldn't it have the same effect that the owner of the kennel should be prepared to give accurate information regarding the owner of the dog? It is almost a physical impossibility where you have a number of dogs if you give them any human treatment and take them out for exercise you cannot keep the collar on the dog when he

is playing around. It would relieve the kennel man of the responsibility of getting those certificates or if the license tag happened to be lost he hasn't anything to show for it. "The kennel owner should have information on file concerning the owner's name and the dog's license number.

Commr. Johnson: Would you insist upon the dog having a tag before you took him?

Mr. Williams: It would depend. A woman had a Russian wolfhound. She brought it to a neighbor to board. He put it in the kitchen. Well the dog went through the window and disappeared. It was caught and brought to us without collar or tag. If we were inspected the next day or the next hour we wouldn't have a thing to show for it, and yet I knew perfectly well that the dog was all right. I could say I have a dog and it belongs to so and so and here's the address, but I couldn't show the tag or the certificate. As long as I can give satisfactory evidence that this person owns the dog I should think it would be all right.

Commr. Johnson: We don't want to impose a hardship on anybody, only just to keep things checked up as they should be. We might say, "kennel owners shall be required at any time to give the name and address of the owner of any dog that they have in their kennel."

Question: How about providing for a dog that wears a harness instead of a collar?

Commr. Johnson: We can insert in Section 16 "or harness".

Mr. Wm. Curtiss, House Chm.: The hearing is closed.