

PA 11-182

HB5008

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And in your statement, you -- lauded the Town of Westport for banning the bags. There are people in this room today who are going to be urging us not to charge a five cent fee at all but to ban plastic bags in Connecticut.

Why isn't that your position in light of what you said about the success in Westport?

SENATOR BOUCHER: No, I haven't stated that I'm against a total ban.

SENATOR MEYER: Oh. Okay.

SENATOR BOUCHER: I think if that's the will of this -- of this Assembly, then I probably would lean in favor of it.

SENATOR MEYER: Good. Thank you.

SENATOR BOUCHER: Thank you. Anybody -- any questions?

REP. ROY: Thank you, Senator. Appreciate it.

SENATOR BOUCHER: Thank you. Appreciate it.

REP. ROY: Our next witness is Brian Sigman, Sigman or Sigman?

BRIAN SIGMAN: Sigman.

REP. ROY: Sigman.

SENATOR MEYER: Morning.

BRIAN SIGMAN: Good morning, Senator Meyer, Representative Chapin, distinguished members of the Environment Committee.

HB5008

I'm -- my name is Brian Sigman. I'm the executive director at the Board of Education Services for the Blind, BESB, as we're more commonly known, and I'm here in support of House Bill 5008, AN ACT CONCERNING THE QUARANTINE OF BITING GUIDE DOGS.

I'd like to thank Representative Aresimowicz for raising this bill. We feel it's a very important bill. Later on today, you'll be hearing from Beth Rival. She's the president of National Federation of the Blind of Connecticut, and she'll also be talking in regards to this bill.

I first just want to start by saying that the current statute, which is Connecticut General Statute 22-358, refers to biting guide dogs.

I've been with the agency for over two decades, and it should probably be referred to as biting guide "dog," because in the two decades or so I've been there, I've never even heard of a case of a guide dog that has bitten.

And, in fact, in the case that brought this to light, it's even questionable as to whether or not the dog actually bit or whether dog and human went for the same Frisbee at the same time.

But the net effect of the current statute is the only option is the dog had to be quarantined for two weeks. So a service animal that's trained to help keep a blind person safe when traveling in the community, that dog could not leave the house for two weeks, effectively quarantining the person with the dog.

Now, the current statute allows for an exemption for police dogs, because police dogs are on occasion known to bite, and the exemption for police dogs is as long as they've had their rabies vaccine and they've been under the control of their handler and that they're under routine veterinary care, they go for their annual checkup, that that dog doesn't need to be quarantined.

All we're asking in this bill is that for guide dogs, the same exemption should apply for them. Obviously no one would ever advocate that -- if we can't produce proof that the dog had its rabies vaccine, no one would advocate that that dog shouldn't be quarantined.

But in cases where a guide dog meets the same litmus test as a police dog, we would ask that the Committee favorably pass this bill, recognizing that these are service animals that need to be with their owners out in the community doing their job, keeping blind people safe.

And it just doesn't seem fair to force guide dogs to be quarantined when they can demonstrate the same veterinary care as the police dogs.

And I'd be happy to answer any questions.

SENATOR MEYER: Okay. Very well said.

Are there any questions or comments by members of the Committee?

Thank you.

BRIAN SIGMAN: Thank you so much.

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11:00 A.M.

REP. ROY: Elizabeth Rival, followed By Grant Westerson.

ELIZABETH RIVAL: Good afternoon.

REP. ROY: Good afternoon, Elizabeth.

ELIZABETH RIVAL: Mr. Chairman and Committee, I'm Beth Rival. My dog is Barkley. I'm here to talk about the House Bill 5008. I just want to put one sentence -- add on an amendment to the dog ordinance -- the state dog ordinance.

Last summer, myself, my daughter and my husband were in the house with air conditioning, and without our approval, an oil man came into the backyard and through my chain link fence and played Frisbee with my dog.

Doing -- doing so, he scratched the top of his finger about a quarter of an inch, according to my husband, and my husband put a Band-Aid on it.

They're not supposed to come without calling the day before, so we put the dog in the house. But they did, and he admitted he was playing with the dog, and it was a scratch, not a bite.

A half hour later, the canine department police officer came and quarantined me and the dog to the house for two weeks. I don't want this to happen to other people.

I'm the president of the National Federation of the Blind in Connecticut. I'm responsible for the dog organization in Connecticut. A lot of people are more

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vulnerable than I might be, and it would crush them to have that happen.

I had to retrain the dog for a couple of weeks as far as association. He barked in the yard for hours on end, just totally bored.

These dogs are very well trained. He's from The Seeing Eye, Morristown, New Jersey. He trained for two years. I lived with him for four weeks in New Jersey and New York, and then I bring him home and teach him my town.

It's a bond between two people that you don't just cut off.

My town canine officer and town manager said I could muzzle the dog. I'm not about to muzzle the dog, so I put up with the quarantine.

And I'm asking for an amendment on this dog ordinance to give him the same protection as you give the state police dogs, but -- he deserves it. He's very well trained. And that's all I'm asking for, and I thank you for your time.

Do you have any questions?

REP. ROY: Thank you. Senator Meyer.

SENATOR MEYER: Ms. Rival, thank you for your testimony.

I gather that we're not -- this bill would not be a danger to the public --

ELIZABETH RIVAL: No.

SENATOR MEYER: -- because -- because people who

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use dogs for this purpose, those dogs you're going to give rabies shots to, because rabies is what we're talking about, aren't we? That that's the danger. We quarantine because of rabies.

ELIZABETH RIVAL: Yes.

SENATOR MEYER: So the presumption behind this bill, that you don't need to quarantine a dog of a blind person because that dog is so important --

ELIZABETH RIVAL: Right.

SENATOR MEYER: -- to the person that it's going to have had its rabies shots and is going to be a safe dog from the standpoint of the public.

ELIZABETH RIVAL: Correct. I just came back from Washington last week working on blind issues with our congressmen and two senators, and they have to be up to date all the time with the rabies.

I gave the canine officer his rabies papers right away, and she said "I'm sorry." I asked for an investigation. She said, "No."

SENATOR MEYER: Good. Thanks.

REP. ROY: Thank you. Representative Miner.

REP. MINER: Thank you. Thank you, Mr. Chairman.

Is there a time when the dog is outside of the home without being in your control, physical control?

ELIZABETH RIVAL: No. He was fenced in in my fenced-in yard. We never let these dogs

loose. They're either on leash walking on the street or in plans or trans or whatever or they're in a fenced-in yard.

They're not allowed to be loose. No dog is.

REP. MINER: Okay. And I -- I mean, I understand -- I understand the distinction that you're making in terms of these dogs being considered like police dogs, and I think when Senator Meyer was talking about whether or not the dog had the proper shots or not, my recollection of the animal control issue isn't so much whether the dog will contract rabies, it's whether the dog could transmit the rabies to another individual or animal if it came in contact with it without your knowledge.

So theoretically, if you let the dog loose in the backyard to do its business and somehow the dog came in contact with a rabid animal, you let it back in not knowing it had come in contact, then it scratched the oil man, the question is whether your dog would show signs of having contracted the rabies, and I think that's the issue.

So I'm not -- I'm not --

ELIZABETH RIVAL: I don't --

REP. MINER: -- suggesting that we shouldn't go along with what the proposal is, but it's not whether -- you know, the dog can still transmit the virus without actually contracting it itself, I believe.

ELIZABETH RIVAL: I don't think that's the issue at all. The issue is that he's confined to his backyard, and I -- I never just leave him out there. You're always aware. You let

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him out, he does his business, he comes in.

A lot of dog guide owners, they take the dog out on long leash and park them, and we actually do pick up after our dog business.

REP. MINER: Thank you. Thank you, Mr. Chair.

REP. ROY: Thank you. Senator Meyer for a second time.

SENATOR MEYER: Ms. Rival, I think what Representative Miner is saying is is that your dog is out in the backyard doing his business, and the dog encounters a rabid -- a rabid raccoon --

ELIZABETH RIVAL: Uh-huh.

SENATOR MEYER: -- and -- and your dog then acquires that -- that condition, rabid condition. And not necessarily the dog itself does it, but the dog is now a carrier of that, and then the dog nips somebody.

This bill would assume that that kind of situation doesn't happen if we're going to protect the public.

ELIZABETH RIVAL: And how do you excuse that from a police dog who is an aggressive dog?

SENATOR MEYER: I'm not sure you do. But --

ELIZABETH RIVAL: Well, I'm just asking for the same -- the same guarantee as you would give a police dog.

SENATOR MEYER: Okay. Thank you.

REP. ROY: Thank you. Representative Miner for a second time.

REP. MINER: Thank you, Mr. Chairman.

And I -- and I think the request is a legitimate request. And this is all about public safety and risk, and I think probably that there's no less likelihood that a small number of these dogs would have any greater or less risk coming in contact with something that carries rabies than a state police or a police dog.

ELIZABETH RIVAL: Right.

REP. MINER: So if they're not entitled to it, maybe the others aren't entitled to it might be the position that I take, so I actually agree with the request.

ELIZABETH RIVAL: Okay. Thank you.

REP. ROY: It's a dog eat dog world.

Any other questions or comments? Thank you, Elizabeth.

ELIZABETH RIVAL: Thank you.

REP. ROY: Grant Westerson, will who will bring us up to Item Number 11 on our agenda for the day. And he will be followed by Greg Sharpe.

GRANT WESTERSON: Mr. Chairman, members of the Committee, good afternoon.

My name is Grant Westerson. I'm with the Connecticut Marine Trades Association, and I'm here to speak in favor and encourage your support of 835, AN ACT CONCERNING THE STRUCTURES AND DREDGING PERMIT PROCESS.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 4
1015 – 1370**

2011



STATE OF CONNECTICUT

Board of EDUCATION AND SERVICES FOR THE BLIND

February 9, 2011

Testimony of:

**Brian S. Sigman
Executive Director
State of Connecticut
Board of Education and Services for the Blind**

RE: HB 5008 –AN ACT CONCERNING THE QUARANTINE OF BITING GUIDE DOGS

Good morning, Chairman Meyer, Chairman Roy, Senator Roraback, Representative Chapin and distinguished members of the Environment Committee. My name is Brian Sigman and I am the Executive Director of BESB, the Board of Education and Services for the Blind. I am here today to testify in favor of House Bill 5008, An Act Concerning the Quarantine of Biting Guide Dogs.

I wish to begin by emphasizing that the occurrence of guide dogs biting is so very rare that in my two decades of working at BESB, other than this one recent incident which has illustrated the need for such legislation, I do not recall even one situation that suggested any aggression on the part of such well-trained and essential travel companions for people who are blind.

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184 Windsor Avenue, Windsor, Connecticut 06095

Indeed, even in this isolated example, it is questionable as to whether the guide dog actually bit a person or whether the person and the dog were both reaching for a Frisbee at the same time, resulting in an unfortunate, but likely non-violent, puncture of the skin. However, since current law requires that any dog that bites must be quarantined, with the exception of police dogs, there was no option for any action other than removing the guide dog from the public for two weeks, effectively quarantining the blind person as well.

No one would argue against the quarantining of any animal that is vicious or in situations where the degree of prior veterinary care and rabies vaccination is unknown. However, for those instances where it is clearly known that a guide dog for a blind person is up-to-date on its rabies vaccine and where veterinary care has been maintained, I am here today to ask that the Legislature please extend the same protection to guide dogs that currently exists in the law for police dogs.

Everyday, because of these loyal, well-trained and talented helpers, people who are blind are able to travel safely in their communities to go to work, buy groceries and participate in community activities. For those who rely upon these service animals to provide cues for when it is safe to cross the street or to alert the traveler of an imminent danger, such as an oncoming obstruction on the side walk, the absence of the dog creates a significant safety concern. Quarantining of the guide dog leaves the traveler with two unfortunate choices: risk traveling to work and other daily activities without the safety of their trained guide or sitting out the two-week period along side their service animal at home. Neither of these options is desirable, and in the very real recent example, the inflexibility of the current law resulted in the isolation of the person along with their dog.

Rigorously applying the law is quite understandable when our government is justifiably concerned with fighting the spread of serious disease. However, that inflexibility is, in itself, a cause for concern when the result is not merely that an animal is made to stay at home, but, in the case of a guide dog, the owner becomes relegated to the four walls of the home as well.

The change being proposed in Raised Bill 5008 still affords adequate protections for all of us who are concerned about the safety of others. Specifically, please note that three conditions must be met for the guide dog and its owner to avoid quarantine – 1) the dog must remain “under the direct supervision, care and control” of its owner, 2) the dog must have been “vaccinated annually” and 3) the dog must be “subject to routine veterinary care.” With all three of these precautions in place, the concerns of the general public are addressed and, on balance, the interests of the person who is blind can also be accommodated.

Please recognize the challenges that people who are blind confront every day and the added burden created by the current law. Please use your authority to remedy the situation by expressing your support for this proposed bill. I thank the Committee for your time and attention and I am happy to answer any questions that you may have.

860 292 8240 sct?
 Protectors of animals 860 569 0722
 Spca 203 445 9978
 860 713 2506

Town council members.

Private property ,

Add language , to the dog ordinance , that addresses an "accidental" bite. It's not unusual for any dog who is playing a game of fetch, Frisbee or ball to accidentally bite a human's hand when they are trying to get the object. If a person intentionally engages in a game that, by its very nature, places the person's hand in contact with the dog's mouth, it hardly seems fair to treat the dog as a danger to the general public should the dog accidently bite , or nip or scratch the person.

No questions or investigation was asked of the owners of the dog at home at the time or the 3rd adult also home at the time. The owner of the dog was not given an opportunity to make a statement. I was not allowed to appeal the decision the canine officer made with the town manager. Denise McNair's option to me was to muzzle the dog if I had to. When the dog guide is in the direct custody of the blind person , such as his home or fenced in yard.

No muzzle may be used on a dog guide that has not previously been trained with a muzzle.

My freedom of independence act, was abruptly and unfairly taken away from me for 2 weeks.

I would like to ask you all how to make a formal complaint against Janis Lund and Denise McNair.

My amendment to the dog ordinance is below. Last sentence including dog guides within protection of police dogs.

Sec. 22-358. Killing of dogs doing damage. Quarantine of biting dogs, cats or other animals. Notice. Seizure. Euthanasia and examination of potentially rabid animals. Complaints by persons sustaining damage by dog to poultry, ratite, domestic rabbit, companion animal or livestock. Orders. Appeals. (a) Any owner or the agent of any owner of any domestic animal or poultry, or the Chief Animal Control Officer or any animal control officer or any municipal animal control officer, regional animal control officer or any police officer or state policeman, may kill any dog which he observes pursuing or worrying any such domestic animal or poultry.

(b) Any person who is bitten, or who shows visible evidence of attack by a dog, cat or other animal when such person is not upon the premises of the owner or keeper of such dog, cat or other animal may kill such dog, cat or other animal during such attack. Such person shall make complaint concerning the circumstances of the attack to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town wherein such dog, cat or other animal is owned or kept. Any such officer to whom such complaint is made shall immediately make an investigation of such complaint.

Mayor Adam Salina called the Town Council Meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Those in attendance were:	Councilor Robert Dacey Councilor Karen Drost Councilor David Evans Councilor Stephen Morelli Mayor Adam Salina
Absent:	Councilor William Rasmussen, Jr. Councilor Rachel Rochette
Also in attendance:	Town Manager Denise McNair Corporation Counsel Robert Weber

PRESENTATION OF PROCLAMATION

AUDIENCE OF CITIZENS

Beth Rival of 33 Parish Drive stated that an oil deliveryman came onto her property through her chain linked fence and starting playing Frisbee with her seeing-eye dog and he was scratched by the dog. The Dog Control Officer came to her house with a form for her to sign with no explanation other than there was a dog bite attack. Her dog and herself were both quarantined at her home for two weeks. She has a full-time job as President of the National Federation of the Blind and also has a part-time job. She feels that this was not right and this kind of thing never happens with guide dogs. She presented an amendment to the Council requesting that guide dogs be put under the same safety net as Police dogs. The guide dogs have all their vaccinations and are better trained than any other dog. She wants to bring awareness to the Town of Berlin that guide dogs do exist and that we currently have three of them in town.

Mayor Salina stated that it will be added to the next agenda to refer this item to the Ordinance Committee.

SPECIAL COMMITTEE REPORTS:

1. Ordinance Committee – Councilor Morelli stated that with input from the Town staff and Corporation Counsel he feels they can address the amendment to the Ordinance regarding the guide dogs without having to have an Ordinance Committee meeting held on it.

COUNCILORS' COMMUNICATION:

S Vet 828 1770

860 292 8240 sct?
 Protectors of animals 860 569 0722
 Spca 203 445 9978
 860 713 2506

Town council members.

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(b) Any person who is bitten, or who shows visible evidence of attack by a dog, cat or other animal when such person is not upon the premises of the owner or keeper of such dog, cat or other animal may kill such dog, cat or other animal during such attack. Such person shall make complaint concerning the circumstances of the attack to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town wherein such dog, cat or other animal is owned or kept. Any such officer to whom such complaint is made shall immediately make an investigation of such complaint.

(c) If such officer finds that the complainant has been bitten or attacked by such dog, cat or other animal when the complainant was not upon the premises of the owner or keeper of such dog, cat or other animal the officer shall quarantine such dog, cat or other animal in a public pound or order the owner or keeper to quarantine it in a veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose. When any dog, cat or other animal has bitten a person on the premises of the owner or keeper of such dog, cat or other animal, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or regional animal control officer may quarantine such dog, cat or other animal on the premises of the owner or keeper of such dog, cat or other animal. The commissioner, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may make any order concerning the restraint or disposal of any biting dog, cat or other animal as the commissioner or such officer deems necessary. Notice of any such order shall be given to the person bitten by such dog, cat or other animal within twenty-four hours. The owner of such animal shall pay all fees as set forth in section 22-333. On the fourteenth day of such quarantine the dog, cat or other animal shall be examined by the commissioner or someone designated by the commissioner to determine whether such quarantine shall be continued or removed. Whenever any quarantine is ordered under the provisions of this section, notice thereof shall be given to the commissioner and to the person bitten or attacked by such dog, cat or other animal within twenty-four hours. Any owner or keeper of such dog, cat or other animal who fails to comply with such order shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days or both. If an owner or keeper fails to comply with a quarantine or restraining order made pursuant to this subsection, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or regional animal control officer may seize the dog, cat or other animal to insure such compliance and the owner or keeper shall be responsible for any expenses resulting from such seizure. Any person aggrieved by an order of any municipal animal control officer, the Chief Animal Control Officer, any animal control officer or any regional animal control officer may request a hearing before the commissioner within fourteen days of the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. Any dog owned by a police agency of the state or any of its political subdivisions *or any guide dog for a person who is blind* is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer *or person who is blind*, has been vaccinated annually and is subject to routine veterinary care.

(d) Any dog, while actually worrying or pursuing deer, may be killed by the Chief Animal Control Officer or an animal control officer or by a conservation officer or special conservation officer appointed by the Commissioner of Environmental Protection, or by any police officer or state policeman. The owner or keeper of any dog found worrying or pursuing a deer shall be fined not less than twenty-five dollars or more than two hundred dollars or be imprisoned not more than sixty days, or both....

(e) Any person who kills any dog, cat or other animal in accordance with the provisions of this section shall not be held criminally or civilly liable therefor.

(f) The owner of any dog, cat or other animal which has bitten or attacked a person and has been quarantined pursuant to subsection (c) of this section may authorize the humane euthanization of such dog, cat or other animal by a licensed veterinarian at any time before the end of the fourteenth day of such quarantine. Any such dog, cat or other animal so euthanized before the end of the fourteenth day of quarantine shall be examined for rabies by the Connecticut Department of Public Health virology laboratory or any other laboratory authorized by the Department of Public Health to perform rabies examinations. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered by him or his designated agent within forty-eight hours to an appropriate laboratory designated by said department for rabies examination.

(g) Repealed by P.A. 05-175, S. 24.

(h) A person who sustains damage by a dog to such person's poultry, ratite, domestic rabbit, companion animal or livestock as defined in section 22-278 shall make complaint concerning circumstances of the attack by such dog on any such animal or livestock to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town in which such dog is owned or kept. An officer to whom such complaint is made shall immediately investigate such complaint. If such officer finds that the complainant's animal has been bitten or attacked by a dog when the attacked animal was not on the premises of the owner or keeper of the attacking dog and provided the complainant's animal was under the control of the complainant or on the complainant's property, such officer, the commissioner, the Chief Animal Control Officer or any animal control officer may make any order concerning the restraint or disposal of such attacking dog as the commissioner or such officer deems necessary. An owner or keeper of such dog who fails to comply with such order shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days, or both. If the owner or keeper of such dog fails to comply with an order made pursuant to this subsection, the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer may seize the dog to ensure such compliance, and the owner or keeper of such dog shall be responsible for any expenses resulting from such seizure. A person aggrieved by an order of the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer made pursuant to this subsection may request a hearing before the commissioner not later than fourteen days after the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. A dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this section when such dog is under the direct supervision, care and control of an assigned police officer, has been vaccinated annually and is subject to routine veterinary care.
guide dog or assistance dog owned or kept by a blind or disabled person; (see Conn. Gen. Stat. Sec 54-201)

Dear Chairperson and committee members

My name is Elizabeth Rival. I am totally blind and have been using guide dogs for about 8 years now. Prior to that I used a white cane for mobility. I am a mother and grandmother and married to my husband for 37 years. I have lived in Kensington for 26 years.

On July 9, 2010, we were receiving an oil delivery from our supplier, Valley Oil. My current guide dog, "Barkley" was out in our back yard playing with my retired guide dog, "Sierra". We have a totally fenced in yard. Barkley is a black lab and Sierra is a yellow lab.

We did not know the oil truck was out in front due to the air conditioners being on at the time. We heard our door bell ring and my husband, Charlie answered the door. It was the oil delivery driver who advised my husband that he had just been "nipped" by our dog.

Charlie looked at his finger and took him into our house and washed it off and applied a small band aid to the finger. The slight cut was on the top of the middle finger where the nail meets the skin. The driver told us he bleeds easily because he's on blood thinner. My husband and the driver then walked out the front and into the back yard through the side gate the driver was using. They were greeted by "Barkley" who had his normal Frisbee in his mouth.

My husband asked the driver what happened. He explained to the driver that "Barkley" is a Guide Dog for the blind from the Seeing Eye in Morristown NJ and that he never bites anyone and is very highly trained. He does, however, love to play Frisbee when he's not working. My husband asked the driver if he was holding on to the Frisbee and he said, yes. His thumb was on top and fingers below.....the typical way one would hold a Frisbee. Barkley sometimes like to play, " tug-o-war" with the Frisbee and sometimes he repositions his mouth on the toy. It was at this time, that Barkley came in contact with the tip side of the driver's middle finger. There was no bite mark on the bottom pad of the finger because, of course, that part of the finger was up against the Frisbee.

The driver called in the incident to his dispatch center and told them that it was nothing. I assured the driver that "Barkley" has had all the proper vaccinations. I know this incident was unfortunate for the driver. It was, however, an inadvertent incident. The dog did not "attack" the driver. Barkley is just incapable of doing that through his years of training. He is the most lovable and loyal companion you could ask for and is in fact, my eyes.

I walk all over Kensington and Berlin during the day and am known to many shops and vendors, as well as local restaurants.

Shortly after the driver left, I received a call from the Animal Control Officer, Janice Lund that she would be coming over my house to issue papers to me that would quarantine Barkley for two weeks. I explained that there was no attack and that the driver

was "playing" with my dog. She stated that there are no exceptions or something to that effect and came to my house and gave me paperwork. Since I'm totally blind, I have no idea what was on these papers and my husband was out back talking to the oil company telling them the real story. I ended up signing something that the Animal Control Officer told me I had to sign. What that was.....I don't know. You would think that under ADA I should be given something in an accessible format, perhaps Braille?

Anyway, I have been pleading with everyone I can think of in Town Management to overrule this grievous mistake. From the Town Manager, State Veterinarian, anyone I can think of. Because "Barkley" is quarantined, I am quarantined. I have essentially been locked in my house for 2 weeks!

My point here is that there is no apparent investigation into the incident. The dispatcher from the oil company calls the Animal Control Officer, files a complaint. Without any investigation or due process, my loving guide dog is quarantined. The animal control dept says that I now can take Barkley out of the house if he wears a muzzle that they have to approve. Well.....guide dogs for the blind don't wear muzzles. I will not put a muzzle on the most well behaved dog on the planet. What a great picture that is for blind advocacy.....a guide dog with a muzzle!

After talking to my guide dog school, The Seeing Eye, they told me there would probably be a training curve with Barkley if he's made to wear a muzzle. That training curve could get me killed if he's not working right. As it is, if a guide dog does not work for a 2 week time period, the school tells me I would need to go through a re-train class in Morristown, NJ. This would be at my expense.

Where is the due process here? Animal Control tells us that they never questioned the driver? They don't initiate any investigative process? Is it possible that a guide dog for the blind DID NOT attack the oil delivery driver? The driver told and showed my husband what he was doing.....sounds pretty simple to me. Now my husband is a retired Police Officer so he knows more about these things than I do and he calls the process prejudicial, unprofessional and totally devoid of anything close to due process.

Apparently, the town management is not supportive of people with disabilities by the fact they support this type of "blind" enforcement. The only reply from the Town Manager was to put a muzzle on the dog for the two weeks.

I am devastated by these events. It is one thing to be totally blind and live my life in total darkness, but when my only "light" is taken away for no reason.....it's just plain wrong.

Elizabeth Rival
33 Parish Dr.
Kensington, CT
860-828-8378

Mayor Adam Salina called the Town Council Meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Those in attendance were: Councilor Robert Dacey
 Councilor Karen Drost
 Councilor David Evans
 Councilor Stephen Morelli
 Mayor Adam Salina

Absent: Councilor William Rasmussen, Jr.
 Councilor Rachel Rochette

Also in attendance: Town Manager Denise McNair
 Corporation Counsel Robert Weber

PRESENTATION OF PROCLAMATION

AUDIENCE OF CITIZENS

Beth Rival of 33 Parish Drive stated that an oil deliveryman came onto her property through her chain linked fence and starting playing Frisbee with her seeing-eye dog and he was scratched by the dog. The Dog Control Officer came to her house with a form for her to sign with no explanation other than there was a dog bite attack. Her dog and herself were both quarantined at her home for two weeks. She has a full-time job as President of the National Federation of the Blind and also has a part-time job. She feels that this was not right and this kind of thing never happens with guide dogs. She presented an amendment to the Council requesting that guide dogs be put under the same safety net as Police dogs. The guide dogs have all their vaccinations and are better trained than any other dog. She wants to bring awareness to the Town of Berlin that guide dogs do exist and that we currently have three of them in town.

Mayor Salina stated that it will be added to the next agenda to refer this item to the Ordinance Committee.

SPECIAL COMMITTEE REPORTS:

1. Ordinance Committee – Councilor Morelli stated that with input from the Town staff and Corporation Counsel he feels they can address the amendment to the Ordinance regarding the guide dogs without having to have an Ordinance Committee meeting held on it.

COUNCILORS' COMMUNICATION:

S Vet 828 1770

(c) If such officer finds that the complainant has been bitten or attacked by such dog, cat or other animal when the complainant was not upon the premises of the owner or keeper of such dog, cat or other animal the officer shall quarantine such dog, cat or other animal in a public pound or order the owner or keeper to quarantine it in a veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose. When any dog, cat or other animal has bitten a person on the premises of the owner or keeper of such dog, cat or other animal, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or regional animal control officer may quarantine such dog, cat or other animal on the premises of the owner or keeper of such dog, cat or other animal. The commissioner, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may make any order concerning the restraint or disposal of any biting dog, cat or other animal as the commissioner or such officer deems necessary. Notice of any such order shall be given to the person bitten by such dog, cat or other animal within twenty-four hours. The owner of such animal shall pay all fees as set forth in section 22-333. On the fourteenth day of such quarantine the dog, cat or other animal shall be examined by the commissioner or someone designated by the commissioner to determine whether such quarantine shall be continued or removed. Whenever any quarantine is ordered under the provisions of this section, notice thereof shall be given to the commissioner and to the person bitten or attacked by such dog, cat or other animal within twenty-four hours. Any owner or keeper of such dog, cat or other animal who fails to comply with such order shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days or both. If an owner or keeper fails to comply with a quarantine or restraining order made pursuant to this subsection, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or regional animal control officer may seize the dog, cat or other animal to insure such compliance and the owner or keeper shall be responsible for any expenses resulting from such seizure. Any person aggrieved by an order of any municipal animal control officer, the Chief Animal Control Officer, any animal control officer or any regional animal control officer may request a hearing before the commissioner within fourteen days of the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. Any dog owned by a police agency of the state or any of its political subdivisions *or any guide dog for a person who is blind* is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer *or person who is blind*, has been vaccinated annually and is subject to routine veterinary care.

(d) Any dog, while actually worrying or pursuing deer, may be killed by the Chief Animal Control Officer or an animal control officer or by a conservation officer or special conservation officer appointed by the Commissioner of Environmental Protection, or by any police officer or state policeman. The owner or keeper of any dog found worrying or pursuing a deer shall be fined not less than twenty-five dollars or more than two hundred dollars or be imprisoned not more than sixty days, or both....

(e) Any person who kills any dog, cat or other animal in accordance with the provisions of this section shall not be held criminally or civilly liable therefor.

(f) The owner of any dog, cat or other animal which has bitten or attacked a person and has been quarantined pursuant to subsection (c) of this section may authorize the humane euthanization of such dog, cat or other animal by a licensed veterinarian at any time before the end of the fourteenth day of such quarantine. Any such dog, cat or other animal so euthanized before the end of the fourteenth day of quarantine shall be examined for rabies by the Connecticut Department of Public Health virology laboratory or any other laboratory authorized by the Department of Public Health to perform rabies examinations. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered by him or his designated agent within forty-eight hours to an appropriate laboratory designated by said department for rabies examination.

(g) Repealed by P.A. 05-175, S. 24.

(h) A person who sustains damage by a dog to such person's poultry, ratite, domestic rabbit, companion animal or livestock as defined in section 22-278 shall make complaint concerning circumstances of the attack by such dog on any such animal or livestock to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town in which such dog is owned or kept. An officer to whom such complaint is made shall immediately investigate such complaint. If such officer finds that the complainant's animal has been bitten or attacked by a dog when the attacked animal was not on the premises of the owner or keeper of the attacking dog and provided the complainant's animal was under the control of the complainant or on the complainant's property, such officer, the commissioner, the Chief Animal Control Officer or any animal control officer may make any order concerning the restraint or disposal of such attacking dog as the commissioner or such officer deems necessary. An owner or keeper of such dog who fails to comply with such order shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days, or both. If the owner or keeper of such dog fails to comply with an order made pursuant to this subsection, the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer may seize the dog to ensure such compliance, and the owner or keeper of such dog shall be responsible for any expenses resulting from such seizure. A person aggrieved by an order of the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer made pursuant to this subsection may request a hearing before the commissioner not later than fourteen days after the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. A dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this section when such dog is under the direct supervision, care and control of an assigned police officer, has been vaccinated annually and is subject to routine veterinary care.
guide dog or assistance dog owned or kept by a blind or disabled person; (see Conn. Gen. Stat. Sec 54-201)

Guide Dog placement, it is the Client-Handler's responsibility to maintain all vaccinations as required by law.

Fidelco provides 24/7 resources to assist with daily problem solving when requested by our Client-Handlers. Fidelco also recently implemented annual in-community follow-up visits to insure the safety, health and wellbeing of the Guide Dog/Client-Handler teams.

Fidelco is not in the business of advocacy or policy-making. Fidelco also is not in the position to provide expert commentary on matters of public health policy, including dog bite incidents.

Fidelco is, however, uniquely positioned to provide expertise regarding the specialized nature of Guide Dogs, their training, function and role as a partner to a blind person. Given our extensive experience and expertise with Guide Dogs, we offer the following for the Committee's consideration and further discussion:

Mandatory quarantine: Should this course of action be determined by the Legislature to be in the public's best interest, and if the Guide Dog is determined to have all appropriate vaccinations required by law, we would recommend that this quarantine be implemented in the home of the owner/keeper and NOT in a public pound or kennel facility, regardless of where the bite incident occurred. The specifics of quarantine period, and the concomitant requirements regarding the prevention of further incidents during the quarantine period, would be a matter of public health and safety policy.

Mandatory notification: Regardless of whether mandatory quarantine is determined to be an appropriate or inappropriate course of action as the outcome of the legislative process, the Fidelco Guide Dog Foundation respectfully suggests that language requiring mandatory notification of all Guide Dog bite incidents to the providing Guide Dog organization become part of any outcome of this review process.

Our experience suggests that all dogs, including Guide Dogs, would benefit from some sort of "cooling off" period following any bite incident (dog to dog or dog to person). Mandatory notification would help Fidelco and other Guide Dog organizations become informed in a timely manner so that we could provide necessary follow-up evaluation of the Guide Dog/Client-Handler Team in order to properly assess their continued safety.

Respectfully submitted,



Eliot D. Russman
CEO and Executive Director

Share the Vision



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 Fax 860-769-0567
 103 Old Iron Ore Road, Bloomfield, CT 06002
 www.fidelco.org

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 Chief Executive Officer
 Executive Director

Board of Directors

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 Eliot D. Russman, CEO, *ex officio*
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 W. Keith Wuerthner,
 New England Lions Representative

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 The Arthur L. "Bud" Johnson Foundation
 In memory of Elaine V. Johnson
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 The E. Matilda Ziegler
 Foundation for the Blind, Inc

Co-founders

Charles H. Kaman 1919-2011
 Roberta C. Kaman 1935-2010



February 9, 2011

The Honorable Members of the Connecticut General Assembly
 Environment Committee
 Legislative Office Building
 Room 3200
 Hartford, CT 06106

Re: written testimony – H.B. 5008 – An Act Concerning the Quarantine of Biting Guide Dogs

Dear Members:

The Mission of the Fidelco Guide Dog Foundation is single-mindedly focused on "...promoting increased independence to men and women who are blind by providing them with the highest quality Guide Dogs."

Fidelco's highest priority, at all times, is the safety of our Guide Dog/Client-Handler teams. With over 1,300 Guide Dog placements in 35 states and four Canadian provinces, including over 250 Guide Dog placements in Connecticut, there has never been a fatality associated with our Guide Dogs' work.

All Fidelco Guide Dogs that are approved for placement with a legally blind client must pass an extensive six-month training program. This includes three different "blindfold walks" with Certified Trainer/Instructors who are not involved with the particular Guide Dog's training. During these blindfold walks, Fidelco staff place their own lives in the abilities of the Guide Dog In-Training to perform its job in a real world environment of traffic, construction, noise and other distractions. This is the same world that our blind Client-Handlers navigate every day.

All Fidelco Guide Dogs that are delivered to our Client-Handlers comply with state and federal requirements regarding vaccinations. Upon completion of the



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE JOE ARESIMOWICZ
 DEPUTY SPEAKER
 30TH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
 ROOM 4110
 HARTFORD, CT 06106-1591

HOME: 860-371-8887
 CAPITOL: 860-240-8500
 TOLL FREE: 800-842-1902
 FAX: 860-240-0208

MEMBER
 FINANCE, REVENUE AND BONDING COMMITTEE
 HOUSING COMMITTEE
 INSURANCE AND REAL ESTATE COMMITTEE
 SELECT COMMITTEE ON VETERANS' AFFAIRS

February 9, 2011

Senator Edward Meyer
 Representative Richard Roy
 Members of the Environment Committee

RE: HB 5008 AN ACT CONCERNING THE QUARANTINE OF BITING GUIDE DOGS

I am writing in strong support of House Bill 5008 which deals with guide dogs. Last summer I received a letter from one of my constituents whose guide dog "Barkley" was out in her backyard playing, an oil truck delivery was being made. Barkley loves to play and he especially loves to play with his Frisbee. The driver had picked up the Frisbee and Barkley thought it was time to play "tug-of-war". The driver suffered a slight cut on his middle finger.

Due to that incident the dog was placed on two-week quarantine. Even though it was explained that there was NO attack and that the driver was "playing" with the dog, she was told there were no exceptions to this rule.

My constituent is totally blind. The quarantine of her dog in effect quarantined her. The dog was up to date on all his shots and was not a threat to others. What this bill is asking us to do is to treat a guide dog in the same manner as police dogs. I would ask you to move this bill forward through our legislative process with a joint favorable vote.

Sincerely,

Joseph Aresimowicz
 Deputy Speaker

H – 1111

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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Necessary for Passage	71
Those Voting Yea	141
Those Voting Nay	0
Absent Not Voting	10

DEPUTY SPEAKER ORANGE:

The bill as amended passes.

Representative Melissa Olson of the 46th.

REP. OLSON (46th):

Thank you, Madam Speaker. Good afternoon.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. OLSON (46th):

Madam Speaker, I move for the immediate transmittal to the Senate of all bills acted upon today requiring further action in the Senate.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

The motion is for immediate transmittal of all items needing further action in the Senate.

Is there objection? Is there objection? Hearing none, all items needing further action in the Senate are transmitted.

Will the Clerk please call Calendar No. 222.

THE CLERK:

On page 8, Calendar 222, Substitute for House

Bill Number 5008, An Act Concerning the Quarantine of Building Guide Dogs, favorable report of the Committee on Environment.

DEPUTY SPEAKER ORANGE:

Representative Richard Roy, good evening, you have the floor, sir.

REP. ROY (119th):

Thank you, Madam Speaker. Madam Speaker, I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

The question is on acceptance and passage of the bill.

REP. ROY (119th):

Thank you. Madam Speaker, in most towns, the animal control officer may quarantine or otherwise retain or dispose of an animal that bite someone, and this goes for guide dogs as well.

However, they can also exempt these dogs from being quarantined or otherwise restrained.

What we have done here is essentially just changed one word. Instead of saying that the animal has to be "annually" vaccinated, we're now saying it has to be "currently" vaccinated.

I move passage.

DEPUTY SPEAKER ORANGE:

Questions on -- the question is on package.

Will you remark, Representative Roy?

Representative Chapin, would you care to remark,
sir?

REP. CHAPIN (67th):

Thank you, Madam Speaker. Madam Speaker, I rise
in support of the bill before us.

Existing law already required or already allowed
for an exception from the quarantine statutes relative
to police dogs, and we did have a hearing on this bill
and testimony from a visually impaired woman, if I'm
remembering correctly, who had a similar incident with
her own guide dog.

And it seemed to make sense to include those in
the exception from the quarantining requirements under
law. Certainly somebody who is in the care and
control of a guide dog I'm sure is very conscientious
to make sure that that dog is well cared for and
healthy.

And I think it's a common sense proposal before
us, and I urge adoption.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further

on the bill before us? Will you care to remark further on the bill before us?

If not, staff and guests, please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?

If all the members have voted, please check the board to determine if your vote has been properly cast.

If so, the machine will be the locked, and the Clerk will please take a tally. And will the clerk please announce the tally.

THE CLERK:

House Bill 5008.	
Total Number Voting	137
Necessary for Passage	69
Those Voting Yea	137
Those Voting Nay	0
Absent not Voting	14

DEPUTY SPEAKER ORANGE:

The bill passes.

Will the Clerk please call Calendar No. 148.

THE CLERK:

On page 36, Calendar 148, House Bill No. 5567, An Acted Requiring Minors to Wear Helmets in Commercial Baseball Batting Cages, favorable report of the Committee on Judiciary.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Madam Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark, Representative Taborsak?

REP. TABORSAK (109th):

Thank you, Madam Speaker.

Madam Speaker, the Clerk is in possession of an amendment, LCO No. 7148. I ask that the Clerk call the amendment and I be granted leave of the chamber to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO No. 7148, which

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**CONNECTICUT
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House Bill 5068. Madam President, move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also Calendar page 18, Calendar 628, House Bill 5008; Madam President, move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also Calendar page 18, Calendar 633, House Bill 6489; Madam President, move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, Calendar page 19, Calendar 640, House Bill 6559; Madam President, move to place the item on the Consent Calendar.

THE CHAIR:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the items placed on the first Consent Calendar begin on Calendar page 10, Calendar Number 478, House Bill 6488; Calendar 480, House Bill 5256.

Calendar page 11, Calendar 513, substitute for House Bill 6557.

Calendar page 12, Calendar Number 535, substitute for House Bill 6226; Calendar 555, House Bill 6259.

Calendar page 13, Calendar 560, substitute for House Bill 5368; Calendar 567, substitute for House Bill 6157.

Calendar page 14, Calendar 574, substitute for House Bill 6410; Calendar 578, House Bill 6156.

Calendar page 15, Calendar 591, House Bill 6263; Calendar 594, substitute for House Bill 5508; Calendar 595, substitute for House Bill 62 -- 5263.

Calendar page 16, Calendar Number 606, substitute for House Bill 6581; Calendar 609, substitute for House Bill 6501.

Calendar page 17, Calendar 610, substitute for House Bill 6224; Calendar 613, substitute for House Bill 6453.

Calendar page 18, Calendar 614, substitute for House Bill 5068; Calendar 628, substitute for House Bill 5008; Calendars 633, House Bill 6489.

Calendar page 19, Calendar 635, substitute for House Bill 6351; Calendar 640, House Bills, 6559.

Calendar page 20, Calendar 642; House Bill 6595.

Calendar page 21, Calendar 645, substitute for House Bill 6267; Calendar 648, substitute for House Bill 5326; Calendar 650, substitute for House Bill 6344.

Calendar page 22, Calendar 651, substitute for House Bill 6540.

Calendar page 23, Calendar Number 655, substitute for House Bill 6497; Calendar 657, substitute for House Bill 6262; Calendar 658, House Bill 6364; Calendar 659, House Bill 5489.

Calendar page 24, Calendar 660, substitute for House Bill 6449.

Calendar page 36 -- correction -- Calendar page 33, Calendar Number 390, substitute for Senate Bill 1181.

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Calendar page 36, Calendar Number 481, House Bill
5472.

Calendar page 37, Calendar Number 584, substitute
for House Joint Resolution Number 34; Calendar 585,
substitute for House Joint Resolution Number 54;
Calendar 586, House Joint Resolution Number 65,
Calendar 587, House Joint Resolution Number 66.

Calendar page 38, Calendar 588, House Joint
Resolution Number 80; Calendar 589, House Joint
Resolution Number 63; Calendar 590, House Joint
Resolution Number 35; Calendar 620, substitute for
House Joint Resolution Number 45.

Calendar page 39, Calendar Number 621, substitute
for House Joint Resolution Number 47; Calendar 622,
House Joint Resolution Number 68; Calendar 623,
substitute for House Joint Resolution Number 69;
Calendar 624, substitute for House Joint Resolution
Number 73.

Calendar page 40, Calendar 625, substitute for
House Joint Resolution Number 81; Calendar 626, House
Joint Resolution Number 84.

Madam President, I believe that completes the
items placed on Consent Calendar Number 1.

THE CHAIR:

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Thank you.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk, please call for a roll call vote, and the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Senator Gomes?

If all members have voted; all members have voted? The machine shall be locked.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 1.

Total number voting	36
Those voting Yea	36
Those voting Nay	0

Those absent and not voting 0

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease for a moment.

(Chamber at ease.)

SENATOR LOONEY:

Madam President?

THE CHAIR:

Yes, Senator.

The Senate will come to order.

SENATOR LOONEY:

Yes. Madam President, the Clerk is in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agenda Number 5, dated Wednesday, June 8, 2011.

Copies have been made available.

THE CHAIR:

Senator Looney.