



**To: Joint Committee on the Judiciary**  
24 Beacon Street  
State House Room A-1  
Boston, MA 02133

**Re: SB 989 – An Act Enhancing the Issuance of Citations for Cruel Conditions for Animals**

**Position: Oppose**

**Date: October 22, 2019**

---

Honorable Members of the Joint Committee on the Judiciary:

My name is Joseph Mullin and I am the New England States Coordinator for the Congressional Sportsmen's Foundation (CSF). As a Massachusetts resident, I am writing on behalf of myself, CSF, and in the interest of Massachusetts' 538,000 sportsmen and women. In this regard, I respectfully urge you to oppose Senate Bill 989 (SB 989) – legislation that restricts a dog owner's ability to utilize a fenced-in yard or kennel.

Since 1989, CSF has dedicated itself to the mission of working with Congress, governors, and state legislatures to protect and advance hunting, angling, recreational shooting and trapping. The unique and collective force of the Congressional Sportsmen's Caucus, the Governors Sportsmen's Caucus, and the National Assembly of Sportsmen's Caucuses, working closely with CSF, and with the support of major hunting, recreational fishing and shooting, and trapping organizations, serves as an unprecedented network of pro-sportsmen elected officials that advance the conservation interests of America's hunters and anglers.

Across the nation, the special roles that dogs play in the hunting community primarily consist of tracking game, pointing and flushing upland birds, and retrieving downed waterfowl. In all respects, dogs serve as a valuable asset to sportsmen and are treated as such. Working with dogs is a cherished part of the hunting tradition for many. Sportsmen and women have a strong attachment to, and affinity for, their four-legged hunting partners and recognize that maintaining good care and conditions in their home-kennels is key to the well-being of their dogs and the success of their sport. Unfortunately, the relatively few owners who maintain substandard home-kennel conditions create a blight that hurts the vast majority of responsible owners. In Massachusetts, while dogs cannot be used for game-tracking purposes, their services in the field and on the water are a regular part of the Massachusetts hunting culture.

Massachusetts has already implemented some of the most stringent and restrictive regulations in regards to the chaining, tethering, and confinement of dogs. Chapter 140, Section 174E of the Massachusetts General Laws provides strict, specific guidelines related to one's ability to keep a dog tethered or chained. Though the text in SB 989 states, "No person owning or keeping a dog shall chain, confine, or tether a dog outside and unattended

(1) for longer than 5 hours or (2) outside from 10:00 p.m. to 6:00 a.m.,” it further includes “a dog in a securely fenced-in yard, a dog in a kennel” within its definition of “outside and unattended.” Essentially, though the dog may be covered within its kennel, it would be considered “outside and unattended” under this statutory language.

Countless sportsmen and women in the Commonwealth keep their dogs in outdoor kennels through the night; in fact, this practice is quite commonplace, weather permitted. It’s unduly burdensome to require that sportsmen keep their dogs indoors. SB 989 makes no attempt to consider and recognize the varying capabilities of different dog breeds to sustain themselves and thrive in adverse weather conditions. Rather, this bill places a blanket constraint on one’s ability to chain, confine, or tether a dog outside and unattended for a set amount of time, regardless of the breed or weather conditions and in consideration of no special circumstances.

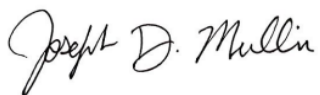
Of special concern are the definitions that SB 989 outlines within the term “cruel conditions.” This includes “exposure to . . . dangerous objects or other animals that could injure or kill an animal upon contact, other circumstances that could cause harm to the health or safety of the animal based on species, age or physical condition.” It may be argued that the primary purpose of a kennel or fenced in yard, which is barred from use longer than 5 hours or outside from 10:00 p.m. to 6:00 a.m., is to protect the animal from the circumstances identified the definitions of SB 989. This ironic language lays the foundation for what are to be considered “cruel conditions” and then removes the methods for effectively protecting the animal.

Another such definition of “cruel conditions” includes “lack of protection when wind or environmental or weather conditions pose an adverse risk to the health or safety of the animal based on the animal’s species, age, or physical condition.” It can be reasonably substantiated that a kennel would protect an animal from harsh wind or environmental/weather conditions, yet this bill overreaches and prohibits the use of kennels for longer than 5 hours or anytime from 10:00 p.m. to 6:00 a.m. This creates another rather blatant hypocrisy; SB 989 intends to keep animals out of harsh weather but refuses to recognize the efficacy and abilities of a kennel to do just that.

CSF fully supports the fair treatment and protection of dogs. I own a hunting dog myself, and would like to see that the Commonwealth does all within its power to align itself with the proper means of protecting him, but SB 989 takes this mission too far without any clear and necessary purpose.

Respectfully, I urge the members of the Joint Committee on the Judiciary to oppose SB 989. Thank you for the opportunity to provide comments on this issue. Should you require any additional information on this, or any other sportsmen-related topic, please feel free to contact me at any time.

Sincerely,



Joseph Mullin  
New England States Coordinator | Congressional Sportsmen’s Foundation  
110 North Carolina Ave., SE | Washington, DC 20003  
[Jmullin@congressionalsportsmen.org](mailto:Jmullin@congressionalsportsmen.org) | 202-253-6883