

Beacon Hill Byline by Mary Rogeness

May 10, 2004

### **From Dollars to Dogs**

Late last month the house of representatives passed a budget for the state's fiscal year that begins in July. Newspapers wrote about the programs that are saved, enhanced or reduced. Television and radio talked about the money that was spent. But there were other non-fiscal aspects of the budget that you may not hear about from the general media, the aspects that show up in outside sections.

A close look at the final budget shows some surprising provisions or mandates that seem to have no reason to appear in a spending plan. It is a Massachusetts tradition to include "outside sections" in the budget, sections that can actually be new laws imbedded in the massive document. One such item from this year's budget debate addresses the breeding of purebred animals. This is what it does and here is an explanation of the reason it is in the budget.

A bill, filed separately, seeks to limit the home or hobby breeding of small animals. The bill has not passed, and with the legislative session soon drawing to a close, its sponsor sought to include it in the budget to assure its enactment.

Both the bill and the budget amendment address the perceived problem of "hobby" breeders, individuals who sell puppies or kittens of their purebred dogs or cats. I can honestly tell you that the public policy question had not occurred to me. My pet scottish terrier came from a hobby breeder who was visibly attached to her dogs and provided a good home for the puppies she sold. She did not manage a commercial breeding facility.

The section answers the question, when does a hobby become a business deserving of regulation by the state? Is it after one animal is sold, or is it after three to five litters are born?

The amendment answered the "how many" question with the number three. If an owner has more than three litters and sells a single puppy or kitten, that owner would be subject to all the regulations of a pet shop or commercial breeder. That includes daily sterilization of all surfaces touched by the animals – including the family room rug if the puppies are in that room.

Three litters sounded like a reasonable limit to me, but then I heard from some breeders. Dogs are normally bred twice a year, so anyone who has two breeding females could be classified as a pet shop.

If the dogs were large and delivered litters of eight or more puppies, that designation might be reasonable. I can't imagine living with 30 puppies in my kitchen, even if they came in shifts. Small dogs, however, have small litters. The constituent who contacted me plans to breed her papillion, the small butterfly dog that may have only one or two pups. Limits that might make sense for golden retrievers are onerous for her.

After all was said and done, house members settled the issue with a compromise. A hobby breeder can have five litters a year. More makes her a business. In other words, 40 golden retriever puppies or 10 papillions can pass through her home in 12 months.

Including this section seems frivolous, considering the important public policy issues that face the state, but it is now part of the bill we sent to the senate. The senate will decide their priorities for funding the obligations of the state. They can also decide whether they consider the regulation of hobby breeders to be so important that it should be enacted as part of the Massachusetts budget for 2005.