

Bill as  
Introduced

HB 497 - AS INTRODUCED

2013 SESSION

13-0052

08/09

HOUSE BILL **497**

AN ACT relative to negligent treatment of animals.

SPONSORS: Rep. Cebrowski, Hills 7; Rep. Graham, Hills 7; Rep. Villeneuve, Hills 7; Rep. Keith Murphy, Hills 7; Rep. Danielson, Hills 7

COMMITTEE: Environment and Agriculture

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ANALYSIS

This bill:

I. Defines negligence regarding animal treatment.

II. Requires persons convicted of animal cruelty to take an animal cruelty prevention education program.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to negligent treatment of animals.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 New Paragraph; Cruelty to Animals; Negligence. Amend RSA 644:8 by inserting after  
2 paragraph II-a the following new paragraph:

3           II-b. In this section, "negligence" or "negligently" in regard to an animal means a person acts  
4 inattentively or carelessly when he or she fails to become aware of a substantial and unjustifiable  
5 risk that exists or will result for the animal from his or her conduct.

6       2 Cruelty to Animals; Negligence. Amend RSA 644:8, III(e)-(f) to read as follows:

7           (e) Negligently abandons any animal previously in his *or her* possession or custody by  
8 causing such animal to be left without supervision or adequate provision for its care, sustenance, or  
9 shelter; [or]

10          (f) Otherwise negligently permits or causes any animal in his *or her* possession or  
11 custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind[-];*or*

12          (g) *Otherwise negligently permits or causes any animal in his or her possession or*  
13 *custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind,*  
14 *including exhibiting open sores, being underweight, having been living in its feces, or living in*  
15 *a shelter or necessary shelter where the ammonia level is 15 parts per million or more.*

16       3 Cruelty to Animals; Penalties; Negligence. Amend RSA 644:8, V(a) to read as follows:

17           V.(a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any  
18 person charged with cruelty to animals may have his or her animal confiscated by the arresting  
19 officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal  
20 in any manner it decides. Courts shall give cases in which animals have been confiscated by an  
21 arresting officer priority on the court calendar. The costs, if any, incurred in boarding and treating  
22 the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said  
23 person for cruelty to animals, shall be borne by the person so convicted. *In addition, the court*  
24 *shall require the convicted person to attend an Animal Rescue League animal cruelty*  
25 *prevention education program, or a program deemed equivalent by the convicting court,*  
26 *within 90 days of such conviction and provide a certificate of completion of such program*  
27 *to the court. Other sentencing provisions may include a psychological evaluation and*  
28 *treatment of the convicted person where the costs of such evaluation and treatment shall*  
29 *be borne by the convicted person.* In addition, the court may prohibit any person convicted of  
30 animal cruelty from having future ownership or custody of other animals for any period of time the  
31 court deems reasonable or impose any other reasonable restrictions on the person's future ownership  
32 or custody of animals as necessary for the protection of the animals.

33       4 Effective Date. This act shall take effect January 1, 2014.

# Amendments



Rep. Cebrowski, Hills 7  
January 29, 2013  
2013-0107h  
08/04

*Not Adopted*

Amendment to HB 497

1 Amend RSA 644:8, III(g) as inserted by section 2 of the bill by replacing it with the following:

2  
3 *(g) Otherwise negligently permits or causes any animal in his or her possession*  
4 *or custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any*  
5 *kind, including but not limited to exhibiting open sores, being underweight, having been*  
6 *living in its feces, or living in a shelter or necessary shelter where the ammonia level is 15*  
7 *parts per million or more, or any other situation the officer reasonably believes to be cruel*  
8 *and inhumane when taking into consideration the totality of circumstances surrounding*  
9 *the condition of the animal.*

10  
11 Amend RSA 644:8, V(a) as inserted by section 3 of the bill by replacing it with the following:

12  
13 V.(a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any  
14 person charged with cruelty to animals may have his or her animal confiscated by the arresting  
15 officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal  
16 in any manner it decides. Courts shall give cases in which animals have been confiscated by an  
17 arresting officer priority on the court calendar. The costs, if any, incurred in boarding and treating  
18 the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said  
19 person for cruelty to animals, shall be borne by the person so convicted. *In addition, the court*  
20 *shall require the convicted person to attend an animal cruelty prevention education*  
21 *program, deemed appropriate by the sentencing court, within 6 months of such conviction*  
22 *and provide a certificate of completion of such program to the court. Other sentencing*  
23 *provisions may include a psychological evaluation and treatment of the convicted person*  
24 *where the costs of such evaluation and treatment shall be borne by the convicted person.* In  
25 addition, the court may prohibit any person convicted of animal cruelty from having future  
26 ownership or custody of other animals for any period of time the court deems reasonable or impose  
27 any other reasonable restrictions on the person's future ownership or custody of animals as  
28 necessary for the protection of the animals.

29  
30 Amend the bill by inserting after section 3 the following and renumbering the original section 4 to  
31 read as 5:

32

Amendment to HB 497

- Page 2 -



1           4 New Paragraph; Reporting of Negligence. Amend RSA 644:8 by inserting after paragraph V  
2 the following new paragraph:

3           VI. Any person who witnesses what he or she reasonably believes constitutes negligent  
4 treatment of an animal under this section may call local law enforcement authorities to report such  
5 negligence but shall not have a duty to do so.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 497

**BILL TITLE:** relative to negligent treatment of animals.

**DATE:** February 5, 2013

**LOB ROOM:** 303      **Time Public Hearing Called to Order:** 1:00 p.m.

**Time Adjourned:** 2:35 p.m.

(please circle if present)

**Committee Members:** Rep. Sad. Moynihan, Whittemore, Brown, Burns, Turcotte, Bixby, Lauer, Bartlett, Gardner, Miller, Haefner, Comtois, Johnson, Palmer, Parison, Groen, Gordon, Peckham and O'Connor.

**Bill Sponsors:** Rep. Cebrowski, Hills 7; Rep. Graham, Hills 7; Rep. Villeneuve, Hills 7; Rep. Keith Murphy, Hills 7; Rep. Danioelson, Hills 7

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. John Cebrowski** - Prime sponsor of the bill. Introduces the bill. Contacted one year ago by Bedford High School student regarding a senior project. Irina Davis determined that there is in the law currently no clear definition of negligence regarding cruelty to animals, and no psychological help for those convicted. Bill would establish specific instances of negligent cruelty and provide for remedial psychological intervention in the form of an "animal Cruelty Treatment Program". Bill would lower the acceptable levels of ammonia from 25 ppm to 15 ppm.

\* **Irina Davis** - Supports the bill. Bill provides for punishment for negligent acts; more than a slap on the wrist. Also, provides Animal Cruelty Prevention classes; other states that employ these classes are Vermont and Oregon.

Rep. Haefner: Concerned about the incremental cost of such a program: psychological evaluations, cost of prevention classes.

\* **Debbie Cost, DOG Owners of Granite State** - Opposes the bill. Director of Lakes Region Kennel Club, Board Member of Dog Owners of Granite State. Existing language adequately defines cruelty and negligence. No new law is necessary. Designating the Animal Rescue League is an arbitrary choice.

**Jana McMillan, Animal Control** - Supports the bill. Suggested language changes to proposed bill. When there is a question regarding an underweight animal, the courts would have to determine if the charge is legitimate.

**Tom DiMaggio, President, NH Mushers** - Opposes the bill. Dogs for sled racing are athletes, they are lean and hungry. Objects to decrease in acceptable ammonia levels; in a storm, the ammonia level in the kennels does rise as difficult to clean regularly. Foot sores do develop, and I treat them; sometimes wounds take time to heal completely.

**Pamela Morris** - Opposes the bill. Need to broaden language rather than detail specific instances. We currently have good protection in New Hampshire. Obtaining restitution is a low return; in Candia, with approximately \$1500 levied, only approximately 5% was ever paid. Individuals need the money – issue is hoarding, need to fix house, need to obtain counseling. Laws in place are working. Education is the hard part.

**Nancy Holmes** - Opposes the bill. Education component is a positive element. Some cannot comprehend their actions constitute negligence. It is not always necessary mandate punishment or treatment; education can provide the necessary assistance. Current law allows ACO to make determination of abuse category. Bill well-intentioned but not needed. Issues with language, costs of education and specificity of negligence are elements that should be changed.

**Dan Dockham, NH Bear Hunter Association** - Opposes the bill. Membership opposes the bill. New Hampshire Beagle Club voted unanimously to oppose the bill (65 – 75 members).

**Kathy Farley** - Opposes the bill.

**Rick Olson, NH Wildlife Federation** - Opposes the bill.

**Robert Johnson, II, NH Farm Bureau** - Opposes the bill.

**Gail Guertin, NH Mushers Association** - Opposes the bill.

\* **Joyce Arivella, Dog Owners of the Granite State** - Opposes the bill.

**Rhonda Hendry O'Hearn** - Opposes the bill.

Respectfully submitted,



Rep. Lisa I. Whittemore  
Acting Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 497

BILL TITLE: relative to negligent treatment of animals.

DATE: 2/5/13

LOB ROOM: 303

Time Public Hearing Called to Order: 1:00 p.m.

Time Adjourned:

(please circle if present)

**Committee Members:** Reps. Sad, Moynihan, Whitemore, Brown, Burns, Turcotte, Bixby, Lauer, Bartlett, Gardner, Miller, Haefner, Comtois, Johnson, Palmer, Parison, Groen, Gordon, Peckham and O'Connor.

**Bill Sponsors:** Rep. Cebrowski, Hills 7; Rep. Graham, Hills 7; Rep. Villeneuve, Hills 7; Rep. Keith Murphy, Hills 7; Rep. Danielson, Hills 7

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

*See attached*

HB 497

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Bill would establish specific instances of negligent cruelty and provide for remedial psychological intervention in the form of an 'Animal Cruelty Treatment Program.'

Bill would lower the acceptable levels of ammonia from 25 ppm to 15 ppm.

\*Irina Davis: Supports - Bill provides for punishment for negligent acts; more than a slap on the wrist. Also, provides Animal Cruelty Prevention classes; other states that employ these classes are VT and OR.

Rep Haefner: Concerned about the incremental cost of such a program: psychological evaluations, cost of prevention classes.

\*Debbie Cost: Opposes bill - Director of Lakes Region Kennel Club, board member of Dog Owners of Granite State. Existing language adequately defines cruelty and negligence. No new law is necessary. Designating the Animal Rescue League is an arbitrary choice.

Jana McMillan: Supports bill – Animal Control Officer (ACO), Hudson – suggested language changes to proposed bill. When there is a question regarding an underweight animal, the courts would have to determine if the charge is legitimate.

Tom DiMaggio: Opposes bill – President of NH Mushers. Dogs for sled racing are athletes, they are lean and hungry. Objects to decrease in acceptable ammonia levels; in a storm, the ammonia level in the kennels does rise as difficult to clean regularly. Foot sores do develop, and I treat them; sometimes wounds take time to heal completely.

Pamela Morris: Opposes bill – Need to broaden language rather than detail specific instances. We currently have good protection in NH. Obtaining restitution is a low return; in Candia, with approx \$1500 levied, only approx 5% was ever paid. Individuals need the money – issue is hoarding, need to fix house, need to obtain counseling. Laws in place are working. Education is the hard part.

Rep Haefner: Governor's Commission on Humane Treatment of Animals has many resources online.

Nancy Holmes: Opposes bill – Education component is a positive element. Some cannot comprehend their actions constitute negligence. It is not always necessary mandate punishment or treatment; education can provide the necessary assistance. Current law allows ACO to make determination of abuse category. Bill well-intentioned but not needed. Issues with language, costs of education and specificity of negligence are elements that should be changed.

E&A – HB 497 cont'd

Dan Dockham: NH Bear Hunters Assoc – Opposes bill. Membership opposes bill. NH Beagle Club voted unanimously to oppose the bill (65-75 members).

Kathy Farley: Opposes bill

Rick Olson: NH Wildlife Federation - Opposes bill –

Robert Johnson: Opposes bill –

Gail Guertin: NH MA Musers Association – Opposes bill and supports laws already in place.

Joyce Arivella: Dog Owners of the Granite State – Opposes bill

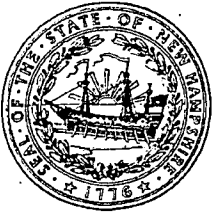
Rhonda Hendry O'Hearn – Opposes bill

Respectfully submitted,

Lisa Whittemore

Acting Clerk

# Testimony



# State of New Hampshire

## HOUSE OF REPRESENTATIVES

33 North State Street  
Legislative Office Building, Room 303  
Concord, NH 03301-6334

TEL: (603) 271-3403

TDD Access: Relay NH 1-800-735-2964

Tara A. Sad  
Chairman  
Wayne T. Moynihan  
Vice Chairman

### COMMITTEE ON ENVIRONMENT AND AGRICULTURE

February 18, 2013

Ms. Irina Davis  
9 Veronica Drive  
Bedford, NH 03110-6305

Dear Ms. Davis:

We on the Environment and Agriculture Committee want to congratulate you on your excellent presentation and research on HB 497 - relative to negligent treatment of animals.

You were eloquent, well prepared and very knowledgeable. You obviously care very deeply about animals and their care. Even though we were not able to vote your bill Ought to Pass, we applaud your commitment and passion.

We hope you will continue researching ways to prevent animal cruelty and negligence, and invite you to come back to the Environment and Agriculture Committee at any time. You will always be welcomed.

Good luck to you in your future endeavors. We are sure you will go far.

Sincerely,

Rep. Tara A. Sad, Chair

Rep. Wayne T. Moynihan, Vice Chair

Rep. Christy D. Bartlett

Rep. Peter W. Bixby

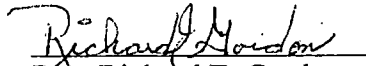
Rep. Rebecca A. Brown

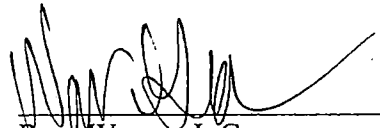
Rep. Scott A. Burns

Rep. Guy Comtois

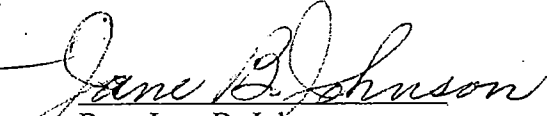
Rep. Janice S. Gardner

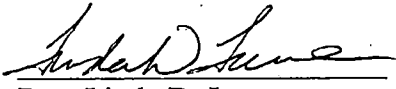


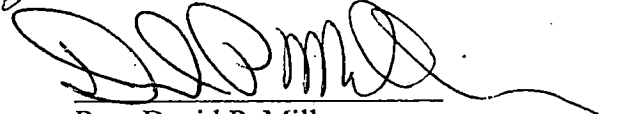
  
Rep. Richard E. Gordon


  
Rep. Warren J. Groen

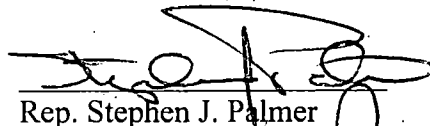
  
Rep. Robert H. Haefner

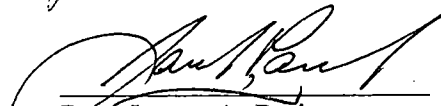
  
Rep. Jane B. Johnson

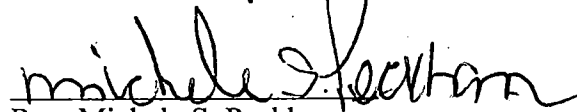
  
Rep. Linda D. Lauer

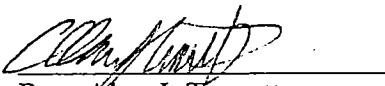
  
Rep. David P. Miller

  
Rep. John T. O'Connor

  
Rep. Stephen J. Palmer

  
Rep. James A. Parison

  
Rep. Michele S. Peckham

  
Rep. Alan J. Turcotte

  
Rep. Lisa I. Whittemore

Debbie Cost  
45 Woodvale Dr  
Laconia NH 03246

Public Hearing Testimony on HB497  
February 5, 2013

Dear Representative,

My Name is Debbie Cost I am a dog owner, I am a director of Lakes Region Kennel Club as well as a Board Member of Dog Owners of the Granite State.

I am opposing this bill for a few reasons.

1. The existing language of RSA 644:8 adequately defines cruelty and negligence to animals. The new paragraph (g) merely repeats the language of existing paragraph (f).
2. State of New Hampshire Animal Laws. After doing some extensive research of other states, I have learned that our NH Animal Laws are among the toughest in the country, Why do we need any more laws that will simply confuse law enforcement and the courts.
3. The Animal Rescue League is a private entity with no affiliation or association with the State of New Hampshire. In order for the Animal Rescue League to participate in an "animal cruelty prevention program" as with any other entity or association providing such prevention programs as directed by the courts, proof of legitimacy through outlines, guidelines, criteria, and/or structured lesson plans through the review and approval of the State Veterinarian. And who will do the necessary licensing procedures to make sure their programs are adequate? Who will pay for the cost for setting up this entirely new program. Why Them? And Why Now?

With the language of HB 497, I urge the Committee to vote HB497 Inexpedient to Legislate.

Thank You for your consideration in this matter.

Sincerely  
Debbie Cost

## **HB497 Relative to negligent treatment of animals**

**House Environment & Agriculture Committee Public Hearing, February 5, 2013**

**Submitted by: Joyce Arivella, President, Dog Owners of the Granite State**

My name is Joyce Arivella and I live in New Boston, NH. I am here on behalf of Dog Owners of the Granite State for which I serve as President. Dog Owners of the Granite State (DOGS) is an American Kennel Club affiliated non-profit organization founded in 1991. Our members represent all aspects of pet ownership including kennel clubs, sporting clubs, mushers, hunters, groomers, breeders, trainers, medical professionals and small businesses that offer specialty pet products. I am a Director on the board of the Newfoundland Club of New England, as well as a member in good standing of Souhegan Kennel Club, Tracking Club of MA and Newfoundland Club of America. Although I don't speak for them, I am also a member of the NH Governor's Commission for the Humane Treatment of Animals.

DOGS is opposed to HB497 for several reasons. Let me start with 2(g). There are many reasons an animal may have open sores even if it is under the supervision of a vet. I have dogs that swim and sometimes get hot spots. These sores need air to heal so we shave the fur around them, keep them clean and apply an anti-itch salve if needed. Hot spots look ugly being raw, red and weeping and can show up in several places on the body. They itch and dogs will bite or scratch them. Anyone unfamiliar with them might think these dogs have a serious problem that needs medical attention but if I hadn't shaved that spot no one would ever know there were sores. This is just one example of sores that don't need a veterinarian unless they get infected and need antibiotics. An owner who deals with this all the time knows how to treat it without vet intervention and at what point the animal will need to see a vet. However, similar to poison ivy for a person the dog will still be uncomfortable until it goes away. There are many examples of dogs with sores that are under a vet's care and may look neglected. Anyone unfamiliar with an animal's situation may easily jump to the wrong conclusion.

As for being underweight, I have dog now that might be considered underweight if she didn't have long fur to hide it. In fact, she is 20 – 30 lbs underweight according to our breed standard but she is relatively healthy and there is nothing physically wrong with her. She is a working dog who does a lot of swimming. My dogs stay in pretty good shape for their size and they can't even compete with some of the dog athlete's in this state and our country. Sled dogs run miles, some even pull bikes when there is no snow. Sight hounds such as Scottish Deerhound, Saluki, Pharaoh, Whippet, and the popular Greyhound breeds are natural runners. For them to be overweight would be unnatural, you can always see their ribs because they naturally get lots of exercise. You may have heard the expression muscular? Where there is muscle, there is little room for fat.

Lastly, the question of ammonia ppm in the animal's shelter is interesting. Would owners be expected to have an ammonia meter that reads the ppm in the air? How would anyone know that unless they were carrying that meter with them? I have done a little research on this and these meters are sold mostly for fish tanks, little is mentioned regarding other animals. Lastly, what is a "necessary shelter"?

DOGS is also concerned with part 3 of this bill whereas anyone convicted would be mandated to attend an Animal Rescue League educational program that I am unaware exists. We would also question that the Animal Rescue League is the single voice of authority on animal issues. I would also point out that there is nothing in this section about the cost of any such future program and who would benefit from that revenue.

In many legitimate neglect cases the person breaking the law is either uneducated in the care of animals and/or does not have the funds to care for the animal properly especially in this economy. Mandating that the convicted person undergo expensive psychological evaluation and treatment at their own cost sounds like a nice idea but would be difficult for many people and may be what put them in this position in the first place. Who will keep track of those that follow this law and what will the penalties be when they already cannot afford this treatment?

"The current NH statutes and regulations provide local law enforcement the ability to detect, investigate and prosecute negligence to animals without including a laundry list of conditions. We ask that you vote HB 497 "Inexpedient to Legislate." Thank you for your attention to our concerns.

Along with my testimony I am submitting letters written by other people in opposition to this bill.

DOGS PO Box 174 New Boston, NH 03070 603-497-4001

To: The Chairlady and Members of the House Environment and Agriculture Committee

From: Nancy Holmes, New Boston, NH

Date: 2/5/2013

Re: Intended changes to the cruelty laws as outlined in published text of HB497

I am in opposition to these changes.

The first proposed change is as follows

**II-b. In this section, "negligence" or "negligently" in regard to an animal means a person acts inattentively or carelessly when he or she fails to become aware of a substantial and unjustifiable risk that exists or will result for the animal from his or her conduct.**

This appears to now require any animal owner to not only be omniscient but also have the ability to see into the future and know what will happen. It appears the expectation is the owner will focus on the animal only above any other thing that may be happening at that moment or in their life. Just before the Super Bowl I read about how a bomb sniffing dog fell off the top of a parking garage while executing a search. Given the handler knew how the dog normally behaved, is that an unjustifiable risk? Who is to say what is justified or simply not seen as a risk?

I understand the intent of this addition; my difficulty is in the varied perceptions of the people who would be making such charges plus the fact that this is already covered in this section of our current law

**644:8 Cruelty to Animals. –**

I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter.

**Next proposed change**

**(e) Negligently abandons any animal previously in his or her possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance, or shelter; [ø]**

**(f) Otherwise negligently permits or causes any animal in his or her possession or custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind[.]**

I believe adding 'or her' as changes to the law as written is totally unnecessary as this is covered in NH law definitions

## **625:11 General Definitions**

Last revised 1971

The following definitions apply to this code. ...

II. "Person", "he", and "actor" include any natural person and, a corporation or an unincorporated association.

**This next section has several issues**

*or*

*(g) Otherwise negligently permits or causes any animal in his or her possession or custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind, including exhibiting open sores, being underweight, having been living in its feces, or living in a shelter or necessary shelter where the ammonia level is 15 parts per million or more.*

**Currently the law states**

**644:8 Cruelty to Animals. –**

I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter.

II. In this section, "animal" means a domestic animal, a household pet or a wild animal in captivity.

II-a. In this section, "shelter" or "necessary shelter" for dogs shall mean any natural or artificial area which provides protection from the direct sunlight and adequate air circulation when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from the weather shall allow the dog to remain clean and dry. Shelter shall be structurally sound and have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.

**This already covers the information added in part (g) except for making overly specific definitions of condition and specific levels of un-cleanliness.**

**There are reasons why you don't want to get too specific in terms of what is cruelty. In part that is because you do not want people to get away with cruelty by claiming it's not specifically listed in the law as cruelty or neglect and therefore it is not and in part because generalities exist in our laws to allow for leeway and good judgment. For example, prove the meter measuring ammonia is not off and the measurement is not 14.9 parts per million or prove the measurement was not deliberately taken in an area such as a diaper pail or cat box to increase the count.**

**Not every dog with sores is neglected. Lick sores (acral lick granuloma), sebaceous adenitis (an inherited skin issue), demodectic mange (an inherited autoimmune issue) and other non curable skin disorders can result in hair loss and sores that may have more to do with genetics than neglect.**

**Not every thin dog is suffering from neglect. Illness such as cancer, hyperthyroidism, kidney or liver diseases and the aging process can make a dog or cat**

quite thin without any neglect being involved. Some breeds are naturally thinner than others.

Adding this information to the law may leave excellent pet owners liable to charges of animal cruelty.

I'm not quite sure what 'having been living in its feces' means. Does it mean the owner works and the dog pen was not cleaned the moment the dog relieved itself? Does it mean that the pups that greet a new visitor with instant potty actions and mess their papers in excitement are 'living' in feces? Does it mean that those who have dogs that use a yard and do a major clean up in the spring once winter snow and ice has melted would be violating the law before then? Does it mean an un-emptied cat box is animal cruelty? Does it mean the owner cleans once a week due to his or her work schedule? Does it mean the animal was living in a feces contaminated situation and is now living in a clean one?

Does this sort of detailed addition to the law take into account that for some animals having feces available is a positive? For example, species such as rabbits which eat their cecotropes (a specific type of feces), foals consume manure to gain needed gut bacteria vital for digestion, and dogs being fed a poor diet often re-consume their droppings to regain lost nutrition with a second digestive process, and chinchillas normally eat their own feces. Just because we find it disgusting that animals may choose to ingest feces doesn't mean animals should never have access to them.

In some cases the presence of feces can be used to presume care is being given as the animal is provided with enough food to create them.

You do not need to spell out in the law with specifics of how an animal is not being cared for properly as the law as it stands covers it and also allows leeway for normal standard of care.

Now let's consider ammonia. Exactly where is that measurement to be taken? Does the test equipment differentiate between ammonia based cleaners, diaper pails, cat boxes and the general air quality? Exactly how is the owner supposed to know how many parts per million exist in any particular area? Should the owner be excused if the measurement doesn't meet the law? Again putting a specific in print allows ways to 'beat' the system on technicalities that a more general law does not.

The cleanliness of a shelter or necessary shelter is already defined in the law as it stands. Why duplicate this?

In the next section the change

*V.(a)...In addition, the court shall require the convicted person to attend an Animal Rescue League animal cruelty prevention education program, or a program deemed equivalent by the convicting court, within 90 days of such conviction and provide a certificate of completion of such program to the court. Other sentencing provisions may include a psychological evaluation and treatment of the convicted person where the costs of such evaluation and treatment shall be borne by the convicted person.*

This is one of those paragraphs that to my mind sounds good but raises all kinds of issues. The education concept has appeal but I don't believe it has been well thought out.

To begin with 'Animal Rescue League' is not an organization in NH. To my knowledge there are two animal shelters in the state Bedford Animal Rescue League and Salem Animal Rescue League, which are not part of the same organization, which do have a similar name to the one listed. Will either or both of these organizations or any other group in the state, guarantee *in perpetuity* to provide classes to offenders? Who will devise the curriculum? What will be considered acceptable? Who will assume the costs of providing the program, the space, access to the program? Who will monitor content and make sure all programs are the same for every offender?

What will happen if the person is incapable of completing the program? Inability to complete could be due to anything including no transportation, not speaking English, not having the mental acuity or reading skills needed, handicap issues, ill health or even the program not being available at the needed time.

As for psychological evaluation and treatment I searched hard but I cannot find anywhere in medical references where the negligent treatment of animals or even outright animal cruelty is considered an actual mental illness on its own, though it may be one of many signals that there is a mental health issue. If there is no specific illness I'm not sure there can be any specific diagnosis or course of treatment given. Then too, one must ask who assumes the costs if the convicted person cannot pay for such care?

While I'm almost always in favor of education, I do believe the means and methods need to be carefully considered, and practicality carefully evaluated. The proposal in this area sounds like unfunded mandates, which may be impossible to accomplish, leaving us with unenforceable laws on the books.

I believe this bill should be voted inexpedient to legislate.

## **Acral Lick Granuloma: A Dermatology Nightmare**

By T. J. Dunn, Jr., DVM

Everyone who has had a dog with a lick granuloma will tell the same story. The skin lesion started as a tiny sore spot on the skin and the dog kept licking at it. Applying medications didn't seem to help much and the darn thing kept spreading outward while thickening. It often would be wet and oozing from the dog licking and chewing incessantly at it. Finally a trip to the veterinarian revealed a name for this patch of thickened, scarred and irritated skin: ACRAL LICK GRANULOMA! "Well, OK", the owner would say, "so what do we do about it?"

The problem is that we veterinarians cannot give the owner a specific recipe for a cure for acral lick granuloma. The skin is so deeply affected that even down to the base layer of the skin there can be found under the microscope little pockets of bacteria, broken hair follicles, plugged and scarred oil glands and dilated and inflamed capillaries. And if these skin lesions are removed surgically, the dog simply licks at the sutures or incision line after the surgery heals, thus creating a brand new granuloma right where the original one was!

more at

**Source URL:** [http://www.petmd.com/dog/general-health/evr\\_dg\\_acral\\_lick\\_granuloma\\_a\\_dermatology\\_nightmare](http://www.petmd.com/dog/general-health/evr_dg_acral_lick_granuloma_a_dermatology_nightmare)  
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**Demodectic Mange reference**

[http://www.marvistavet.com/html/demodectic\\_mange.html](http://www.marvistavet.com/html/demodectic_mange.html)

**Sebaceous adenitis reference**

[http://www.marvistavet.com/html/body\\_sebaceous\\_adenitis.html](http://www.marvistavet.com/html/body_sebaceous_adenitis.html)

**Hyperthyroidism reference**

<http://www.marvistavet.com/html/thyroid.html>

**A quick reference to a list of mental disorders**

[http://en.wikipedia.org/wiki/List\\_of\\_mental\\_disorders](http://en.wikipedia.org/wiki/List_of_mental_disorders)



Saluki at normal weight



**George W. Cook IV**  
**241 Ingerson Road**  
**Jefferson, NH 03583**

January 29, 2013

«AddressBlock»

Re: HB 497

Dear Representative «Last\_Name»,

I regret that I will be unable to attend the public hearing on HB 497 relative to the definition of negligent treatment of animals; however I hereby provide my comments in opposition to this bill.

My qualifications to speak to the issues raised in this bill are diverse. I have owned a successful sled dog and show dog kennel for 30+ years, and have been an active participant in many legislative hearings. I have a 20+ year work experience as an environmental geologist, and have designed, conducted, and defended dozens of environmental sampling plans for industrial and Superfund cleanup sites in New Hampshire, including being the Project Manager in charge of the environmental investigation and cleanup of Pease AFB in Portsmouth. In addition, though I speak as a private citizen in this instance, I have served for 5 years on the Governor's Commission on the Humane Treatment of Animals, and have been deeply involved with the research and writing of each of the reports that the Commission has produced (see [www.nh.gov/humane](http://www.nh.gov/humane))

The existing language of RSA 644:8 adequately defines cruelty to animals and negligence, and the proposed new language actually reduces the effectiveness of the existing statute. New paragraph (g) merely repeats the language of existing paragraph (f), and then erroneously adds a list of potentially observable conditions which may have nothing to do with negligent treatment. In the interest of brevity, I will provide only one example per topic of how the proposed language is erroneous and does not serve its purpose:

“exhibiting open sores”- there are many dermatologic conditions that might give this appearance which are caused by humid weather for example, and the animal may be under veterinary care for this condition. This is not negligence

“being underweight”- this is a completely subjective premise by which an untrained eye could make a very inaccurate judgment. Active working and sporting dogs, for example sled dogs, field trial hounds, lure coursing hounds, foxhounds, retrievers, setters, and even beagles are carefully trained and maintained in the peak of fitness, and are necessarily lean and healthy. This is not negligence.

“having been living in its feces”— this again is a subjective premise by which a casual observation could be grossly misinterpreted. A perfectly well maintained dog in an outdoor kennel run will, by the end of day, have feces present in the run for its owner to clean up. This is not negligence.

“living in a shelter or necessary shelter where the ammonia level is 15 parts per million or more”— first of all, the introduction of the terms “shelter” and “necessary shelter” is confusing and open to interpretation, where adequate shelter is defined in the NH Statutes. The attempt to introduce a scientific measurement of ammonia concentration is fraught with many problems. A regulation would need to be implemented specifying the sampling protocol (how the air sample is to be collected), analytical protocol (how the air sample is to be analyzed), qualifications for the individual collecting and analyzing the sample, and other quality assurance and quality control measures to substantiate the accuracy of the results. I am also unaware of documented evidence that 15 ppm is an appropriate threshold for any and all animals in any and all conditions. A quick reference check of the CDC and USEPA toxicological databases shows that the no-observed-adverse-effect level (NOAEL) for exposure to ammonia in many animals can range from 100-5000 ppm. This does not constitute a measure of negligence.

Regarding the proposed revisions to 644:8, V(a), there are again many problems with the suggested measures. First of all, this language designates a single, non-governmental, not-profit agency as the sole provider of cruelty prevention education. Please go to the Animal Rescue League website and see that the only educational program that this organization currently provides is geared to elementary school students. There is no “curriculum” for animal cruelty prevention, and requiring the completion of such a course, where none exists, is meaningless and will complicate sentencing options for the judge. I suggest that you refer to the most recent (2012) publication of the Governor’s Commission, “Animal Cruelty Investigation and Prosecution: A User Manual for New Hampshire Law Enforcement” (see above referenced website link) as this topic is thoroughly discussed therein, and has been reviewed and approved by the NH Attorney General’s Office.

Due to the erroneous assumptions and resulting complications contained within the language of HB 497, I urge the Committee to vote HB497 Inexpedient To Legislate.

Very truly yours,

George W. Cook IV

February 1, 2013

Dear House Environment & Agriculture Committee members:

I am writing to voice my opposition to HB 497. While animal cruelty laws are extremely important, our current laws are more than adequate. The addition of the definitions (labeled as (f)) to RSA 644:8 make these proposed acts of "negligence" too open to interpretation. Any dog with open sores or who is underweight may very well be under a veterinarian's care. By just adding this proposed language, responsible pet owners and breeders may be put under undue scrutiny and distress. While we all like to think everything still revolves around the premise of "innocent until proven guilty", that unfortunately does not hold true with most animal laws.

I currently have a Chihuahua who is underweight. She has been seen by my vet and I am working with my vet on this problem. I am not being negligent or abusing my animal, but if this clause is added I could be charged with negligence/cruelty. All that would have to happen is for someone to see me walking down the street and, if they decide she looks underweight, no questions have to be asked - that person could just report me. Current laws don't provide for "facing your accuser" when it comes to animal cruelty - an anonymous call is made and a search warrant can be issued. In actuality, there have been seizures without a warrant issued. And yes, I would have my "chance in court" to prove that my dog is fine and under a vet's care, but in the time from the report of negligence/cruelty to my time to appear, I will have been ostracized by certain groups who publish names of those accused (not found guilty but just accused), I will have lost all of my dogs as they would have been taken from my home after the charge and, I would be not only under emotional stress, but financial as well from trying to get my animals back. Never mind the emotional stress put on my animals from being put into a shelter. While you may think this is unfeasible, it is not. Even if a call was not made to the local ACO or police authority, there are other groups who encourage people to call in anonymous tips and these groups have been known to act on their own in their investigations.

This is just one example of how this proposed amendment to RSA 644:8 could cause problems. There would be other examples, I'm sure, of dogs who are under a vet's care but have open sores. And the phrase "having been living in its feces" could be open to interpretation. Anyone who owns dogs knows how much they just love to roll in the yuckiest stuff they can find - especially after a bath :) Someone seeing a dog after their "roll" could report an owner/breeder for negligence/cruelty also.

The last part of the proposed amendment deals with anyone being found guilty having "to attend an Animal Rescue League animal cruelty prevention education program, or a program deemed equivalent by the convicting court," which is a good idea, but I don't understand why Animal Rescue League (ARL) is listed. ARL is a private, non-profit that as a shelter is licensed by the state, but its programs are its own and are not sanctioned or endorsed by the State. As such, I don't believe their program should be listed.

So, in closing, I would just like to reiterate my feeling that RSA 644:8 sets forth comprehensive definitions for negligence and cruelty as it is written now and should not need the proposed addition. I would ask that you vote HB 0497 ITL

Thank you

Suzanne Lavalla  
20 Wheaton Drive  
Nashua, NH 03063  
(603) 880-0677

**Subject:** HB 497: Negligent treatment of animals

**From:** "Jan Beardsley-Blanco" <tlluu@tds.net>

**Date:** 1/30/2013 4:32 PM

**To:** "mailto:christydbartlett@gmail.com",

"mailto:scottburnsstaterepresentative@gmail.com",

"mailto:david.miller@leg.state.nh.us", "mailto:bobhaefnerjp@comcast.net",

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"mailto:james.parison@leg.state.nh.us", "mailto:tara.eric@gmail.com",

"mailto:wayne.moynihan@leg.state.nh.us", "mailto:janejohnson7@yahoo.com"

**CC:** "Yvonne Nanasi" <yn@comcast.net>

*To members of the House Environment and Agricultural Committee:*

*Re: HB 497 - Negligent Treatment of Animals*

*My name is Jan Beardsley-Blanco and for over 40 years I was a hobby breeder of Oriental Shorthair cats, many of which I showed to National honors. This breed is often referred to as "the twiggy of the cat breeds" - referencing the super thin model from many years ago, Twiggy. While showing I had many a spectator comment on how thin they appeared.....I explained that this was how they were bred, that they were very muscular in spite of their thin elongated bodies, and would they like to hold said cat. The response was always "I had no idea - my GOSH they are heavy and dense".*

*In the context of this bill, as I interpret it, I would be guilty of neglect.*

*Not all animals are short and stocky - some are indeed thin and rangy.*

*In my years as a hobby breeder, I have had more than one old timer develop kidney disease. Under the caring guidance of my veterinarian I have provided the utmost in care and diligence in providing these kitties with quality of life right up til the end. End stage kidney failure is not pretty.....the cat can look really diseased and stressed, exhibiting a dull and sraggly coat. However - if the cat is still eating and apparently enjoying it's days my veterinarian and I will continue treatment. When WE decide that it's time, the deed is done. It's a matter of quality of life - are my interventions for me? Or for the cat? When it's clear they (the medical interventions) are no longer working, we euthanize the cat. A stranger, looking in my window at one of these blessed kitties, might thing OH HOW CRUEL, she's not taking care of these cats.....when in fact I am continually working with my veterinarian to provide the utmost*

*best in care til the end of days.*

*In the context of this bill I could be cited for negligence*

*Just last summer, two friends of mine were running errands locally. Another driver ran a stop sign, hitting my friends' car. They were both in intensive care for many days with life threatening injuries. It was hours before family could be notified, and then friends were called to step in and go feed and walk their dog.*

*Under the [provision of this bill, these good people would be deemed negligent.....*

*Are our animal laws, among the best in the country, not sufficient to guard and protect our pets? Why do we need additional laws? Who will administer them? Who will pay for the additional staffing? And lastly, why only one specific "approved" agency to provide counseling? ARL is NOT approved by the state veterinarian.....what makes them the expert?*

*PLEASE please vote this bill inexpedient to legislate!*

*Thank you for your consideration in this matter.*

*Sincerely,*

*Jan Beardsley-Blanco  
New London, NH 03257-0574*

*"beware of entrenched ignorance masquerading as tradition"*

*Jan from NH, Keeping it simple one day at a time*

*"beware of entrenched ignorance masquerading as tradition"*

*Jan from NH, Keeping it simple one day at a time*

**Subject:** HB 497

**From:** "kraatzrussell" <kraatzrussell@peoplepc.com>

**Date:** 2/2/2013 11:35 AM

**To:** <HouseEnvironmentandAgricultureCommittee@leg.state.nh.us>

Dear Members of the House Environment and Agriculture Committee -

I oppose HB 497 as written - particularly the term "underweight." This is subjective; a well kept hunting fit hound might appear "underweight" during the hunt season. A well cared for older retired horse might appear "underweight."

Adding sentencing provisions relative to education, psychological evaluation and treatment is a good idea, but should be left to the discretion of the judge. I object to specifically naming The Animal Rescue League as a suggested program provider. This looks like an endorsement.

Thank you for your consideration.

Susan Kraatz

Canaan 523-4289

Member: D.O.G.S, NH Farm Bureau, Masters of Foxhounds Association of America

For Use With  
HB 497

# TITLE LXII CRIMINAL CODE

## CHAPTER 644

### BREACHES OF THE PEACE AND RELATED OFFENSES

#### 644:8 Cruelty to Animals. -

I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter.

II. In this section, "animal" means a domestic animal, a household pet or a wild animal in captivity.

II-a. In this section, "shelter" or "necessary shelter" for dogs shall mean any natural or artificial area which provides protection from the direct sunlight and adequate air circulation when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from the weather shall allow the dog to remain clean and dry. Shelter shall be structurally sound and have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.

III. A person is guilty of a misdemeanor for a first offense, and of a class B felony for a second or subsequent offense, who:

(a) Without lawful authority negligently deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;

(b) Negligently beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

(c) Negligently overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;

(d) Negligently transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;

(e) Negligently abandons any animal previously in his possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance or shelter; or

(f) Otherwise negligently permits or causes any animal in his possession or custody to be subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.

III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated.

IV. (a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his or her animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar. The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted. In addition, the court may prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals.

(b) If a person convicted of cruelty to animals appeals the conviction and any confiscated animal remains in the custody of the arresting officer or the officer's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial court may require



the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal shall be paid to the custodian from the posted security and the balance, if any, returned to the person who posted it.

IV-a. (a) Except as provided in subparagraphs (b) and (c) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been or is being abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week's extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of the officer's department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner. If after 14 days the officer or the officer's department determines that charges should be filed under this section, the officer shall petition the court.

(b) For purposes of subparagraph (a) the investigating officer for livestock, as defined in RSA 427:38, III, shall be accompanied by a veterinarian licensed under RSA 332-B or the state veterinarian who shall set the probable cause criteria for taking the animal or animals.

(c)(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or harness horseracing or live dog racing pursuant to RSA 284, the appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society shall:

(A) Notify the director of the pari-mutuel commission of the circumstances arising under subparagraph (a);

(B) Enter the grounds of the facility with the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission;

(C) Take such horses or dogs into temporary protective custody as determined by the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission; and

(D) Comply with subparagraph (a) after taking a horse or dog from a facility licensed pursuant to RSA 284 into temporary protective custody.

(2) This paragraph shall not preempt existing or enforcement authority of the pari-mutuel commission, pursuant to RSA 284 or rules and regulations adopted pursuant to such authority.

V. A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered under the provisions of this section or RSA 435:11-16. Such a veterinarian is, therefore, under this paragraph, protected from a lawsuit for his part in an investigation of cruelty to animals.

**Source.** 1971, 518:1. 1975, 460:1. 1979, 23:1. 1981, 575:2. 1982, 8:4. 1983, 231:2. 1985, 72:3. 1989, 57:1. 1994, 234:1-3. 1998, 283:1. 1999, 152:1; 308:1. 2000, 4:1, eff. Feb. 4, 2000. 2008, 240:1, eff. Jan. 1, 2009; 288:1, 2, eff. July 1, 2008.

**NH Mushers Association**



# **MUSHING NEW HAMPSHIRE**

**A Financial Impact Study**

**2011**

*presented by*

*The New Hampshire Mushers Association*

*and*

*The Institute of New Hampshire Studies*

*at Plymouth State University*

## **Acknowledgements**

NHMA wishes to thank the Institute for New Hampshire Studies, specifically Dr. Mark Okrant and Dr. Laurence E. Goss, for their outstanding work on this report and their willingness to work with the Mushing community.

The co-authors are:

**Dr. Mark Okrant:** professor of Tourism Management and Policy at Plymouth State University; he is also director of the Institute for New Hampshire Studies.

**Dr. Laurence Goss:** professor emeritus at Salem State University and has been affiliated with the Institute for New Hampshire Studies for over twenty years.

**Tom DiMaggio:** President and Founder of New Hampshire Musers Association and has owned and raced Sled Dogs for over 40 years.

**Bob Heckman:** Treasurer and Charter member of the New Hampshire Musers Association and has owned and raced Sled Dogs for over 44 years.

NHMA would also like to thank their members Tom and Sandy DiMaggio, Leif Erickson, Gail Guertin, Martha and Bob Heckman and Jim Lalla for their time interviewing spectators at the various mushing events. We are also very grateful to the numerous mushers and spectators who willingly shared their experiences and opinions with the research team.

**For more information about this report contact:**  
**Tom DiMaggio:** [anuskaknls@yahoo.com](mailto:anuskaknls@yahoo.com)

This report was funded by the **New Hampshire Musers Association**.  
<http://www.nhmusersassoc.org/>

A special thanks to the New England Sled Dog Club and the Lakes Region Sled Dog Club for their financial support of this project.

The cover design by Lauren Foy

The cover picture is of Jaye Foucher, courtesy of Jaye Foucher.

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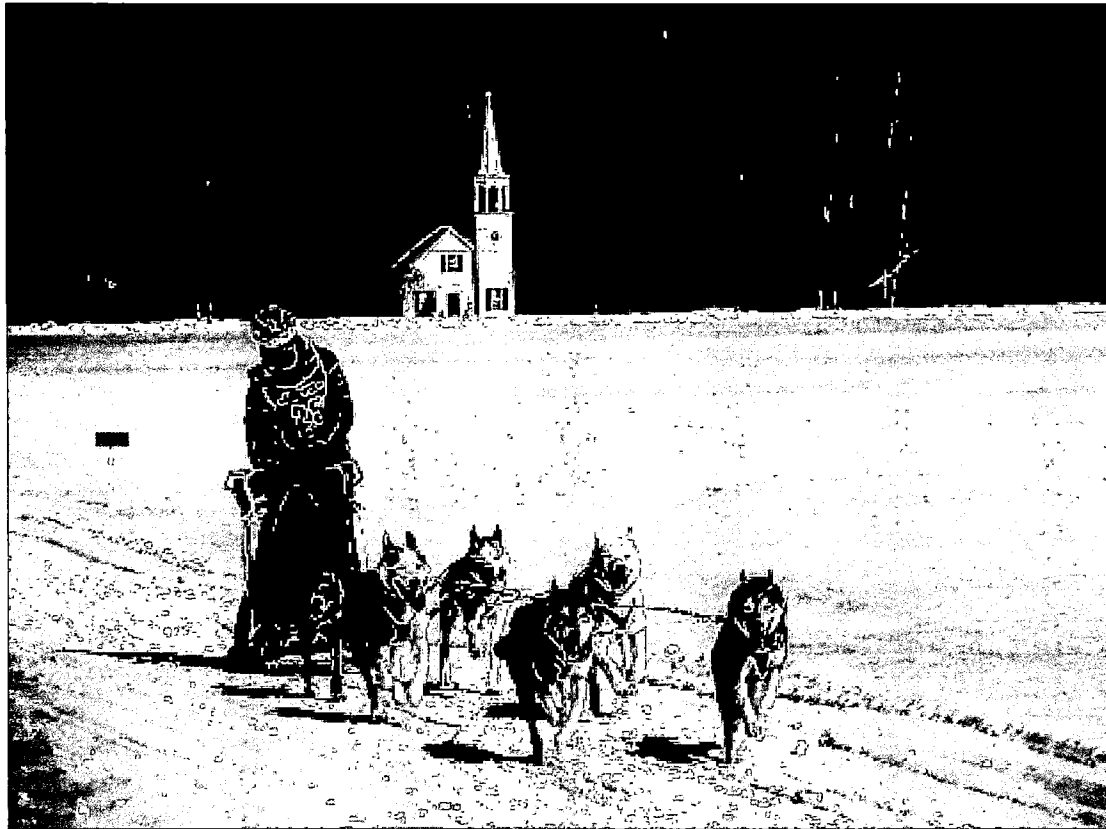


Photo courtesy of Peter Franke

## **Introduction**

Since the founding of the New Hampshire Mushers Association (NHMA) in 2003, the organization has sought to ascertain the amount of money the mushing community and their spectators spend in New Hampshire. To accomplish this task, NHMA contracted the Institute for New Hampshire Studies, INHS, at Plymouth State University to formulate this financial survey.

NHMA and INHS collaborated on the survey documentation. NHMA administered the surveys at 3 mushing events during the winter of 2011. NHMA also mailed surveys to all known Mushers in New England, current members and non-members alike.

The completed surveys were submitted to the Institute for compilation.

This report is the result of these surveys.



**Photo courtesy of Jaye Foucher**

## **Executive Summary**

- The Institute for New Hampshire Studies at Plymouth State University developed the New Hampshire RIMS II economic model. This model indicates how money flows after it is initially spent. As an example, when spectators spend money at hotels or motels, that money then flows to its employees who then spend it on food and gas. Musers do more direct spending like buying dog food or gas. That money then goes out of state to other suppliers. Using this model suggests that the multiplier for all spectator spending is 2.77. The multiplier for all musher spending is 2.45. The difference being that mushers do more direct spending than spectators thus a lower number.
- The term "Musher" for the purposes of this report means the individual or individuals who own a kennel of sled dogs and are responsible for spending. They may actually race 1 or more teams at each race event.
- Surveys were completed at 3 New Hampshire Sled Dog / Musher racing events during the 2011 winter season attended by 3,750 spectators.
- **Spectator Spending**
  - The number of spectators is a very conservative estimate based on spectator attendance at the start / finish line at all three events. NHMA was not able to neither collect survey data nor estimate spectators on the trails.
  - 3,750 spectators equates to 1,339 traveling parties. Average spending per spectator travel party per race was \$183.43.
  - Total estimated direct spending by the 1,339 travel parties at these three races was estimated at \$245,610.
  - When multiplied by 2.77 per the model, spending by the spectators at the 3 events is now was estimated at \$679,237.
  - Eighty-one percent of the spectator travel parties were residents of New Hampshire.
- **Musher Spending**
  - Mushers and their families spent an average of \$388.86 while attending each race.
  - Seventy-three percent of the participating mushers lived in New Hampshire.

- Total estimated direct spending by the mushers and their families for the 3 races was estimated at \$39,664.
- When multiplied by 2.45 per the model the spending by the mushers and their families for the 3 events is now estimated at \$97,182.
- **Combined Spectator and Mushers Event Spending**
  - Total estimated direct spending in New Hampshire by spectators and mushers at the 3 events was estimated at \$285,274.
  - When multiplied by the respective multipliers the total spending by the spectators and mushers at the 3 events is now estimated at \$776,419.
- **Annual Musher Spending**
  - Total annual spending minus the 3 racing event expenses by the 34 participating mushers was estimated at \$319,142.
  - When multiplied by 2.45 per the model the spending by the 34 participating mushers at the 3 events is now estimated at \$783,142.
  - The total annual musher spending per kennel in New Hampshire averaged \$10,568.
  - NHMA estimates that there are an additional 75 kennels in New Hampshire that did not participate in the survey.
  - The 75 non-participating mushers represent an estimated total of \$792,600 in annual spending.
  - When multiplied by 2.45, per the model the spending by the 75 non-participating mushers is now estimated at \$1,941,870.
- **Total financial impact spending**
  - Total financial impact spending for the 2011 Mushing year is estimated at **\$3,501,430**.
  - The total state government taxes and fees collected due to estimated direct spending by the spectators and mushers were estimated as \$138,353.

# **Summary Report**

## **General**

Sled dog racing or mushing has been an active sport in New Hampshire since 1924 and the state has a long history in training sled dogs for expeditions in the Arctic region. The New Hampshire Musher's Association, NHMA, has been in existence since 2003. Their main focus is trail availability for mushers. As part of that charter NHMA petitioned the state to make them an official trail user. The State of New Hampshire granted that request in 2007.

Since its inception, NHMA attempted to quantify the financial impact the sport of mushing has on the State of New Hampshire. Thanks to our joining forces with the Institute for New Hampshire Studies at Plymouth State University, our goal is now fulfilled.

This report covers the twelve month period that includes the 2011 winter racing season.

NHMA collected 241 spectator surveys (18%) at 3 Sled Dog racing events, a local sprint race, a championship sprint race and a local distance race.

NHMA mailed 144 surveys to known mushers in the New England area. Of the 144 surveys mailed out 27 (18.5%) were returned. Of these, 19 were from NH (70%) and 8 (30%) were from out of state. These mushers are or had been members of NHMA or had raced with the New England Sled Dog Club and were part of our mailing list.

While 73% of the musher teams were from New Hampshire, there were also musher teams from Massachusetts, Vermont and Connecticut. Mushers from Maine, New York, Connecticut and Canada have participated in mushing events in the past.

The information obtained from the survey forms completed by 27 musher families provided the detailed spending information. Of the 27 surveys, the 19 that were from NH were used to develop spending totals that were then applied to the participating and non-participating mushers.

Both the Spectator and the Musher's surveys were used to develop this report.



## **Spectators**

The number of spectators is a very conservative estimate based on spectator attendance at the start / finish line at all three events. NHMA was not able to neither collect survey data nor estimate spectators on the trails.

81 % of the spectators at the 3 events were New Hampshire residents who were on day trips or were staying at home while visiting a racing event. Non-residents were more likely to stay at a second home or with friends and relatives than the typical out-of-state winter visitor to the state.

Spectator spending by the 3,750 spectators or 1,339 traveling parties averaged \$183.43 per party. The survey estimated that each party had 2.8 individuals. 3,750 spectators represent 1,339 traveling parties

The total estimated direct spectator travel party spending was \$245,610, with 80% of that spending at the Laconia World Championship race

When multiplied by 2.77, per the model, the estimated direct spending is increased to \$679,237.

NHMA noticed that the spectator attendance appeared to be less than it was in 2009 when there was another survey taken. There was an estimated 3000 spectators at the Laconia Race in 2011. This is 1000 spectators lower than the 2009 Laconia Race.

The state of the economy does appear to have an effect on mushing events. To further that thought, NHMA team members were surprised that there were so few drivers from out of state, another effect of a slumping economy.



Photo courtesy of Bob Heckman

# The Racing Events

## The Tamworth Sled Dog Race

The Tamworth Sled Dog Race is held on Lake Chocorua next to Route 16 in Tamworth NH. It is the oldest sprint sled dog race in the United States, with the first race held in 1924. It is usually the first race of the season and draws many mushers eager to see how their teams do in their first competition. This sprint race offers 5, 8 and 11 mile trails. It is a two day event held at an excellent location for spectators. Many of the spectators are skiers coming and going from North Conway who see the race and decide to stop.

The 700 spectators attending the 2011 race spent an estimated \$45,847 in the area. When multiplied by 2.77, per the model, the estimated direct spending is increased to \$126,790

The 37 mushers and their families spent an estimated \$14,388. When multiplied by 2.45, per the model, the estimated direct spending is increased to \$47,503

The total financial impact for this event is estimated to be \$174,293

Date: January 29-30, 2011

Teams Entered:	37
Estimated Spectators:	700
Surveys Completed:	63
Prize Money Paid:	\$ 3,000
Entry Fees paid in:	\$ 1,085
Estimated Direct Spectator Spending:	\$ 45,847
Estimated Direct Musher Spending:	\$ 14,388
Spectator Financial Impact	\$126,790
Musher Financial Impact	\$ 47,503
<b>Total Financial Impact:</b>	<b>\$174,293</b>

## The Laconia World Championship Sled Dog Race

This is the largest and best known New Hampshire sled dog race. It draws many mushers from NH as well as around the USA and even from Europe. It is sprint sled dog racing at its finest. The race is a 3 day event which starts on Parade Road on the out skirts of Laconia then crosses a variety of roads and landscapes making it a spectator friendly event. The amount of local hotels, motels and restaurants also make this an attractive event for spectators.

The 3000 spectators that attended the 2011 race spent an estimated \$196,488 in the area. When multiplied by 2.77, per the model, the estimate is increased to \$543,390.

The 31 mushers and their families spent an estimated \$12,055. When multiplied by 2.45, per the model, the estimated direct spending is increased \$29,536.

The total financial impact for this event is estimated to be \$572,926

Date: February 11-13, 2011

Teams Entered:	31
Estimated Spectators:	3,000
Surveys Completed:	159
Prize Money Paid:	\$ 14,010
Entry Fees paid in:	\$ 2,420
Estimated Direct Spectator Spending:	\$196,488
Estimated Direct Musher Spending:	\$ 12,055
Spectator Financial Impact	\$543,390
Musher Financial Impact	\$ 29,536
<b>Total Financial Impact:</b>	<b>\$572,926</b>

## The Sandwich Notch Sled Dog Race

This race is a distance race offering trails of 20 and 45 miles in length. It was a one day event. The course covers the Sandwich and North Sandwich scenic White Mountain National Forest, historic Wonalancet and Tamworth trails that include winding tight trails, narrow bridges over brooks, steep hills and open fields.

NHMA estimated the spectators at 50. There might have been many more spectators spread along the lengthy trails in the beautiful countryside.

The 50 spectators attending the 2011 race spent an estimated \$3,275 in the area. When multiplied by 2.77, per the model, the estimate is increased to 9,057

The 34 mushers and their families spent an estimated \$13,221. When multiplied by 2.45, per the model, the estimate is increased to \$32,393.

The total financial impact for this event is \$ 41,450

Date: February 19, 2011

Teams Entered:	34
Estimated Spectators:	50
Surveys Completed:	19
Prize Money Paid:	\$ 2,000
Entry Fees paid in:	\$ 1,470
Estimated Direct Spectator Spending:	\$ 3,275
Estimated Direct Musher Spending:	\$ 13,221
Spectator Financial Impact	\$ 9,057
Musher Financial Impact	\$ 32,393
<b>Total Financial Impact:</b>	<b>\$ 41,450</b>

**The total financial impact for the 3 surveyed events was \$ 776,419**

**Summary Chart for the 3 events**

<b>2011 Events</b>	<b>Tamworth</b>	<b>Laconia</b>	<b>Sandwich Notch</b>	<b>Total</b>
Number of Musers	37	31	34	102
Number of Spectators	700	3,000	50	3,750
Estimated Direct Musher Spending	\$14,388	\$12,055	\$13,221	\$39,664
Estimated Direct Spectator Spending	\$45,847	\$196,488	\$3,275	\$245,610
Estimated Direct Total Spending	\$60,235	\$208,543	\$16,496	\$285,274
Musher Financial Impacts	\$47,503	\$29,536	\$32,393	\$97,182
Spectator Financial Impacts	\$126,790	\$543,390	\$9,057	\$679,237
Total Financial Impacts	\$174,293	\$572,926	\$41,450	\$776,419
Prize Money Paid	\$3,000	\$14,010	\$2,000	\$19,010
Entry Fees Paid	\$1,085	\$2,420	\$1,470	\$4,975
Spectator Surveys Completed	63	159	19	241



Photo courtesy of Jaye Foucher

# Annual Musher Spending

## Participating Mushers

There was an average of 34 mushers attending the 3 races. These mushers and their families spent a total of \$1167 at the 3 events. The surveys estimated that each mushing family annually spends \$10,568 including going to race events. When race event spending is subtracted from the annual spending number, the resultant is \$9401. This is the amount each musher spends to maintain the dogs / kennel for items such as food, bedding, kennel upkeep, training and care for the dog and for related equipment and clothing.

The \$9401 for each of the 34 mushers totals to \$319,634 in direct spending. When multiplied by 2.45, per the model, the total participating musher's annual direct spending increases to \$783,142,

## Non-participating Mushers

NHMA calculated that there were 94 NH mushers on their mailing list at the time of the survey. 19 out of the 27 people that returned the surveys were from NH. This leaves 75 mushers who did not respond to the survey, but who each spend annually an estimated \$10,568 each to care for their dogs such as feeding, training, vet care and for related equipment and clothing.

When multiplying the 75 mushers times the annual spending estimate of \$10,568 the resultant is \$792,600. When multiplied by 2.45, per the model, the total direct spending estimate increases to \$ 1,941,870,

### Summary chart for musher annual spending

Participating Mushers	34
Annual Spending per musher as defined by the survey minus the racing event dollars spent	\$9,401
Estimated Direct Participating Musher Annual Spending	\$319,634
Participating Musher Financial Impact	\$783,142
Identified Non-Participating Mushers	75
Annual Spending per musher as defined by the survey	\$10,568
Estimated Direct Non-Participating Musher Annual Spending	\$792,600
Non-Participating Musher Financial Impact	\$1,941,870

## **Taxes and Fees**

New Hampshire state government tax and fee revenues come from the direct spending of both spectators and mushers for rooms, meals, gasoline, and state liquor store sales.

Also included in that number are property taxes and fees paid by businesses where the spectators and mushers spent money while visiting the races or racing / training dog teams.

The estimated direct spending by the spectators and mushers was estimated at \$1,397,502. The tax revenue from this spending equates to \$138,353 or 9.9% of all estimated direct spending. This rate of 9.9 % is comparable to the rate for all visitors in New Hampshire.

### **Summary Chart for taxes and Fees**

Total Estimated Direct Spending	\$1,397,502
Total Estimated taxes and fees	\$138,353

## Conclusions

Spectators are the key to financial impact of these mushing events. Advertising is the primary key to spectator attendance. Weather is second, no snow means no race.

The opportunity exists to greatly increase the economic impact of mushing events on the state's economy if there are more races and more out-of-state spectators attend these races.

Almost one-fourth of the teams that participated in the three NHMA races during 2011 were from other states.

Stronger promotional programs for mushing events at the state and local level should bring more spectators to these events. This would also generate more financial impact to local areas and the state.

It was clear from the surveys that out-of-state spectators spend more money than in-state spectators. Attracting these spectators increases the economic impact.

There were fewer out-of-state and non-United States teams participating this year compared with most previous years. The presence of such out-of-state teams also increases the economic impact of mushing events on the state's economy.

The majority of NHMA members are distance mushers. These mushers may not draw as many spectators as other events but they do use the trails in NH more than other mushers. This means increased travel to training sites and more spending on items such as gas, food and lodging.

The majority of NHMA members live within the state. Many non-residents are included in the membership and actively participate in the races and training in the state.

Currently, annual musher spending is the greatest financial impact on the State of New Hampshire. New Hampshire is a musher friendly state thanks to trail access, both private and state owned. Trail access is critical to training or conditioning of sled dogs, promoting sled dog events and maintaining mushers in residence in the state.

Adding all the financial impact estimates together shows \$3,501,430 estimated to be spent in the State of New Hampshire.

### Summary Chart for total Financial Impact

Total Financial Impact from the 3 events						\$776,419
Total Financial Impact from Participating Mushers						\$783,142
Total Financial Impact from Non-Participating Mushers						\$1,941,870
<b>Total Financial impact</b>						<b>\$3,501,430</b>



## **Recommendation**

Race promoters need to increase their advertising for their events at both the state and local level.

The attraction of more out-of-state residents to races has the potential to significantly increase both spectator spending and state tax revenues.

Increased publicity of these races should generate more spectator attendance and spending in New Hampshire. Increased publicity may also attract more mushers from out-of-state or Canada.

Race promoters need to provide spectator spending venues such as having vendors at the race sites, and making local merchant advertising available to spectators.

NHMA will continue to strive for open trails in NH.



Photo courtesy of Jaye Foucher

# **NH Mushers Association**

# Voting Sheets

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 497

**BILL TITLE:** relative to negligent treatment of animals.

**DATE:** February 7, 2013

**LOB ROOM:** 303

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Bartlett

Seconded by Rep. Haefner

Vote: 16-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Jane B. Johnson, Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 497

BILL TITLE: relative to negligent treatment of animals.

DATE: 2/7/13

LOB ROOM: 303

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. BARTLETT

Seconded by Rep. HAEFNER

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

16-0

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jane B. Johnson, Clerk





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 9:26:43 AM  
Roll Call Committee Registers  
Report

2013 SESSION

ENVIRONMENT AND AGRICULTURE

Bill #: HB497 Title: RELATIVE TO NEGLECTFUL TREAT. OF ANIMALS

PH Date: 1 / 1 Exec Session Date: 2 / 7 / 2013

Motion: FTL Amendment #: \_\_\_\_\_

MEMBER

YEAS

NAYS

MEMBER	YEAS	NAYS
Sad, Tara A, Chairman	✓	
Moynihan, Wayne T, V. Chairman	✓	
Bartlett, Christy D	✓	
Bixby, Peter W	✓	
Brown, Rebecca A		
Burns, Scott A	✓	
Gardner, Janice S		
Lauer, Linda D	✓	
Miller, David P	✓	
Turcotte, Alan J	✓	
Whittemore, Lisa I.	✓	
Haefner, Robert H	✓	
Groen, Warren J	✓	
Palmer, Stephen J	✓	
Comtois, Guy	✓	
O'Connor, John T	✓	
Johnson, Jane B, Clerk		
Parison, James A	✓	
Peckham, Michele S		
Gordon, Richard E	✓	
<b>TOTAL VOTE:</b>	<b>16</b>	<b>0</b>

# Committee Report

**CONSENT CALENDAR**

**February 12, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on ENVIRONMENT AND  
AGRICULTURE to which was referred HB497,**

**AN ACT relative to negligent treatment of animals.**

**Having considered the same, report the same with the  
following Resolution: RESOLVED, That it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Christy D Bartlett**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	<b>ENVIRONMENT AND AGRICULTURE</b>
Bill Number:	<b>HB497</b>
Title:	<b>relative to negligent treatment of animals.</b>
Date:	<b>February 12, 2013</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill would have added specific acts of negligence to the animal abuse statute – including underweight animals, ammonia levels, and open sores. While the intent is well-meaning, the testimony overwhelmingly pointed out that not all thin dogs are being starved, and not all open sores are due to mistreatment or neglect. The committee determined that our existing animal cruelty statutes are sufficient to deal with real animal abuse.

Vote 16-0.

Rep. Christy D Bartlett  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

### **ENVIRONMENT AND AGRICULTURE**

**HB497**, relative to negligent treatment of animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy D Bartlett for ENVIRONMENT AND AGRICULTURE. This bill would have added specific acts of negligence to the animal abuse statute – including underweight animals, ammonia levels, and open sores. While the intent is well-meaning, the testimony overwhelmingly pointed out that not all thin dogs are being starved; and not all open sores are due to mistreatment or neglect. The committee determined that our existing animal cruelty statutes are sufficient to deal with real animal abuse. **Vote 16-0.**

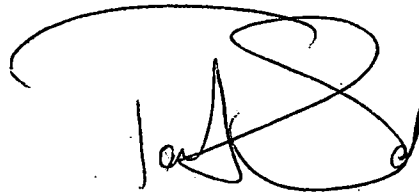
Original: House Clerk  
Cc: Committee Bill File

HB497 Blurb

Majority - ITL

This bill would have added specific acts of negligence to the animal abuse statute – including underweight animals, ammonia levels, open sores. While the intent is well-meaning, the testimony overwhelmingly pointed out that not all thin dogs are being starved, and not all open sores are due to mistreatment or neglect. The committee determined that our existing animal cruelty statutes are sufficient to deal with real animal abuse.

Christy J. Bartlett

A large, stylized handwritten signature in black ink, appearing to be 'Christy J. Bartlett', located to the right of the typed name.

COMMITTEE REPORT

COMMITTEE: Environment + Agriculture

BILL NUMBER: HB 497

TITLE: relative to negligent treatment of animals

DATE: 2/7/13 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

See attached

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

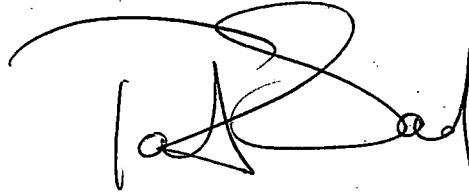
Rep. Christy D. Barber  
For the Committee

HB 497

ITL

This bill would have added specific acts of negligence to the animal abuse statute – including underweight animals, ammonia levels, and open sores. While the intent is well-meaning, the testimony overwhelmingly pointed out that not all thin dogs are being starved, and not all open sores are due to mistreatment or neglect. The committee determined that our existing animal cruelty statutes are sufficient to deal with real animal abuse.

Christy Bartlett

A handwritten signature in black ink, appearing to read 'Christy Bartlett', with a large, stylized flourish at the end.

HB 497

ITL

This bill would have added specific acts of negligence to the animal abuse statute — including underweight animals, ammonia levels, and open sores. While the intent is well-meaning, the testimony overwhelmingly pointed out that not all thin dogs are being starved, and not all open sores are due to mistreatment or neglect. The committee determined that our existing animal cruelty statutes are sufficient to deal with real animal abuse.

Christy Bartlett