Legal Research

The search for authority on which to predict a likely outcome in order to advise a client or to advocate for a client.

Sources of Binding Primary Authority

**Organic Documents**
- Constitutions
- Charters

**Legislature**
- Statutes
- Ordinances

**Judiciary**
- Cases

**Executive**
- Regulations
- Executive Orders

Statutes Are Published in Many Forms

Each form has advantages and disadvantages.

Research Choices Should Be Based On

Your knowledge of both the problem and the sources
Features of the various research tools
- Access points – indexes, tables of contents, searchability
- Completeness – coverage over time and thoroughness
- Cost – out of pocket and cost of labor
- Personal preferences

The First Rule of Legal Research – Do things the easy way!

That’s why most statutory research is done in codes, especially annotated codes.

**Code**: Topical arrangement of permanent, general, laws in force, with amendments incorporated. *Massachusetts General Laws*. Organized by Chapters, e.g. Ch.93A.

**Annotated Code**: Topical arrangement of permanent, general, laws in force, with amendments incorporated, frequently updated, and including research references and case annotations.
Finding Relevant Statutes – Start with What You Know
Getting from here to there depends as much on where here is as where there is.

Ways of Finding Relevant Code Sections
Start with what you know
- Citations
- Secondary Sources
- Print Indexes
- Online indexes
- Full text searches

Citations
If you have them, make use of them, even if they aren’t complete or to the form of the statute you are looking for.
The Massachusetts Code is referenced to by chapter number, but so are the session laws. Compare Chapter 93A (General Laws) to Chapter 766 (Acts of 1972).

Secondary Sources
The less you know, the better it is to start by reading something by someone who knows something about the issue you are researching. If there are relevant statutes, they will be referenced.

M.G.L.A. (Massachusetts General Laws Annotated) Index
“Invasion of Privacy” example
- Layered index
- References to major divisions (Chapters in Massachusetts) and sections
"Privacy” example
- “See, also” and “see” references to other parts of index
--Equitable enforcement of right: Chapter 214 §1B

A.L.M. (Annotated Laws of Massachusetts) Index
“Privacy” see “Invasion of Privacy” example
Different indexers index differently.
-- Remedy to enforce right of privacy, 214:1B

Online Index – Westlaw
MA-ST or MA-ST- ANN database, link to “Statutes Index”
- To simulate paper index, chose “Starts with”
- “Contains” will get any instance of your search word in the top level of the index

Full Text Searchable Massachusetts Code Databases
Westlaw – MA-ST and MA-ST-ANN
Lexis – MA-Annnotated Laws of Massachusetts – short name: MASS;CODE
Loislaw – General Laws of Massachusetts
Social Law Library Online Databases – Massachusetts General Laws
Difference between index and full-text searching
Indexes lead you to something a person thought was about a particular topic. Full text searching leads you to any use of a term.

Code Comparisons
Choose the features that make your work easier.

**Massachusetts General Laws Annotated (West) – Features**
- Text of section
- Source (session law cite)
- Historical Notes
- Code of Massachusetts Regulations References
- Law Review and Journal Commentaries
- Library References
- Notes of Decisions
- Pocket parts and pamphlets updates

**Annotated Laws of Massachusetts (Lexis Legal Publishing) – Features**
- Text of section
- History
- Editorial Notes
- Code of Massachusetts Regulations References
- Research References
- Case Notes
- Forms
- Pocket parts and pamphlets updates

**General Laws of Massachusetts (Official) – Features**
- Arranged by subject with amendments incorporated
- Lines numbered
- No notes, annotations, or other references between sections
- Permanent, general laws currently in force - new edition every two years
- Updated by cumulative pamphlets annually

**Electronic Versions – Features**
Westlaw – MA-ST-ANN is same data as MGLA plus extra references from KeyCite
Lexis – MA-Annotated Laws of Massachusetts (MASS;CODE) is same data as ALM.
State website, Loislaw, Social Law and Casemaker have no annotations.
Ability to cut and paste text into documents
Links to references, both internal and external
Usually fewer visual cues to data, but links to tables of contents and browse ability
Massachusetts Constitution
Print versions found in print codes and stand-alone
  Effects of 120 Amendments – Integrated and Unintegrated Versions
Electronic versions as separate databases
  State Website URL: http://www.state.ma.us/legis/const.htm
  Lexis database MA-Constitution, short name (MASS; MACNST)
  Social Law Library Online Database – The Constitution of Massachusetts
  Casemaker - Constitution
  Electronic versions as part of state code database
  Westlaw and LOIS

Slip Laws
Individual copy of an individual law

Session Laws
All the laws enacted in a legislative session are compiled in enactment order in the
Massachusetts session laws, Acts and Resolves.
Acts and Resolves are separately numbered by chapters, e.g. Ch. 766, Acts of 1972.
  “Although this legislation is found in Chapter 71B of the Massachusetts General Laws, it was
  Chapter 766 of the statutes enacted in 1972, and is therefore often referred to as Chapter 766.”
General Court website URL: http://www.state.ma.us/legis/laws/seslaw05/index.htm

Updating
Session laws update codes, whether using a book or an electronic form.
Acts can add a new section, amend a current section, repeal an existing section, or
have no effect on the code. Resolves never have an effect on the code.
Most laws go into effect 90 days after approval, so you usually have a 90-day window
Because of different publication schedules the publications see-saw as to which is
more up-to-date. Electronic is more up-to-date than print, but even electronic
codes need to be updated.

Unincorporated Laws
Available in Acts and Resolves.

Shepard’s for Statutes
Print Shepard’s – includes unincorporated Acts and Resolves not available online
Electronic on Lexis – includes more “unreported” cases; customized display options

KeyCite for Statutes
Ability to customize annotation displays

Uniform Laws
Uniform Laws Annotated includes case annotations from all adopting states
Uniform Commercial Code is Mass. Gen. L. ch. 106
Remember that legal research is:

- the search for authority:
  - to predict a likely outcome
  - to advise a client
  - or
  - to advocate for a client
Primary Sources

- Organic Documents
  - Constitutions
  - Charters

- Legislature
  - Statutes
  - Ordinances

- Judiciary
  - Cases

- Executive
  - Regulations
  - Executive Orders

Forms of Statutory Publication

- Slip Laws
- Online Services
- Session Laws
- Codes
- Annotated Codes
Research Choices Based On

Your knowledge
Features
  Access points
  Completeness
Cost
Personal preferences

Ways To Find Relevant Code Sections

Start with what you know
  Citations
  Secondary Sources
  Print Indexes
  Online indexes
  Full text searches
Citations

Code Sections Referred to by Chapter Number
Chapter 93A (2000).

Some Popular Names are also Chapter Numbers -- of Session Laws

Finding by Citation on Westlaw
Finding by Citation on Lexis

Click the Citation Formats link to locate the correct citation format for any retrievable publication, even if you know only part of its name.

Citation Format Assistant

Option 1: Find a Citation Format

Option 2: Explore Publications: Alphabetically

# Lexis Citation Format for Massachusetts Constitution

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Secondary Sources

Invalid Tricycles
Motor vehicle certificate of title, exemption. 90D § 2

Invasion of Privacy
Consumer reporting agency. 93 § 57
Patient eligible for public health care benefits, disclosures by medical providers or physicians. 112 § 12G

Invasions
Calling militia, power of Congress. U.S.Const. Art. I, § 8, cl. 15
Dwellings, crimes and offenses. MA ST 265 §
DNA database, persons convicted, samples. MA ST 22E § 3
Habeas corpus, suspension of writ. U.S.Const. Art. I, § 9, cl. 2
Military Forces, this index
Protection of states by United States. U.S.Const. Art. IV, § 4
Right of state to engage in war affected by. U.S.Const. Art. I, § 10, cl. 3
State, borrowing money to repel. Const. Amend. Art. 62

Print Index to M.G.L.A.

“Invasion of Privacy”
References to Chapters and sections
Not what I’m looking for
M.G.L.A. Index

PRIVACY
See, also, Confidential or Privileged Information, generally, this index

See, also, Confidential or Privileged Information, generally, this index

Assisted living residences, patients rights, 19D § 9
Civil service, municipal personnel systems, 31A § 1
Consumers, commercial transactions, 93 §§ 104, 105
Electronic branches and electronic fund transfers, social security numbers, central information file numbers, 167B § 14
Entertainment contracts for children, licensing

Equitable enforcement of right, 214 § 1B

Health care facilities, patients rights, 111 § 70E
Insurance information and privacy protection, 1751 § 1 et seq.
Libraries, records, 78 § 7
Mentally Ill Persons, this index
Patients rights, 111 § 70E
Video rentals, records, crimes and offenses, 93 § 106

“Privacy”

“See, also” and “see” references to other parts of index

Relevant reference: Chapter 214 § 1B

A.L.M. Print Index

PRIVACY (PENSION RESERVES INVESTMENT TRUST) FUND, 32:1, 32:22, 32:32B, 40:5D.

PRIVACY.
Fair information practices, 66A:1 to 66A:3.

Invasion.
See INVASION OF PRIVACY.

PRIVATE BUSINESS SCHOOLS, 75D:1 to 73D:14.
Accounting, schools teaching included in definition, 75D:1.
Accrediting agencies, 73D:9.

“Privacy”

Different indexers index differently
Full-text Searching
Unannotated Statutes

Annotated Statutes
Full Text Searchable Massachusetts Codes

Westlaw - MA-ST and MA-ST-ANN
Lexis - MA-Annotated Laws of Massachusetts
  short name: MASS;CODE
Loislaw - General Laws of Massachusetts
Social Law Library - Massachusetts General Laws
State Website - General Laws of Massachusetts,
  not official MGL
  http://www.state.ma.us/legis/laws/mgl/index.htm
Casemaker from the Massachusetts Bar Association
  - Massachusetts Statutes

Indexes Compared to Full-text

Indexes lead you to something a person thought was about a particular topic.

Full text searching leads you to any use of a term.
EQUITY JURISDICTION

§ 1B. Right of privacy
A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.
Added by St.1974, c. 193, § 1.

Historical and Statutory Notes
St.1974, c. 193, § 1, was approved May 8, 1974, and by § 2 made effective July 1, 1974.
Prior Laws: G.L. c. 214, § 1B, as added by St.1973, c. 941.

Law Review and Journal Commentaries
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\end{itemize}

settled Balancing Test
Based on Religion
hitions—Threats, Intimidation or Coerce
Application to the Employer’s Consent
Jurisdiction—Arising Under.
Massachusetts right-of-privacy statute protects people from disclosure of facts that are highly personal or intimate in nature when there exists no legitimate, compelling public interest. Davis v. Anderson, C.A.1 (Mass.) 2002, 304 F.3d 148.

Massachusetts does not recognize a cause of action for false light invasion of privacy; rather, the Massachusetts right-of-privacy statute is typically invoked to remedy the gathering and dissemination of information which the plaintiff contended was private. Davis v. Anderson, C.A.1 (Mass.) 2002, 304 F.3d 148. Torts 8.53.1

3. Official conduct

State officials from Attorney General's office, who conducted electronic surveillance of law enforcement officer, were not liable to officer for intentional or reckless invasion of privacy, or violation of state wiretap and privacy statutes (124, § 1B and c.272, § 99), though there was dispute as to whether officer had in fact made suspicious statements to informants. It was undisputed that informants told officials of conversations and that officials, in turn, reasonably suspected officer of wrongdoing. MacLean v. Delinsky (1990) 556 N.E.2d ed. 407 Mass. 809. Attorney General 8

City manager and city fire department chief were immune, as common law, for their alleged violation of rights of former fire fighter under this section, arising from fire fighter's termination after testing positive for cocaine is a

199. 368 Mass. 33, certiorari denied 96 S.Ct. 773, 423 U.S. 1048, 40 L.Ed.2d 616. Constitutional Law 82(11)

4. Elements of offense

Under the law of Massachusetts, in order for a plaintiff to succeed on an invasion of privacy claim, he must prove not only that the defendant unreasonably, substantially and seriously interfered with his privacy by disclosing facts of highly personal or intimate nature, but also that it had no legitimate reason for doing so. Martinez v. New England Medical Center Hospitals, Inc., D. Mass. 2004, 130 F. Supp. 2d 237. Torts 8.53.1


To fall under protection of the Massachusetts privacy statute, disclosed facts must be of highly personal or intimate nature. Bennett v. City of Holyoke, D. Mass. 2002, 230 F. Supp. 2d 287, affirmed 362 F.3d 1. Torts 8.53.1

§ 1B. Right of privacy

Research References

ALR Library
31 ALR 5th 229, Search Conducted by School Official or Teacher as Violation of Fourth Amendment or Equivalent State Constitutional Provision.
48 ALR 5th 668, Physician's Tort Liability for Unauthorized Disclosure of Confidential Information About Patient.
77 ALR 8th 504c, Estoppel Against Defense of Limitation in Tort Actions.

Encyclopedias

M.G.L.A. Pocket Part

Notes of Decisions

Elements of offense, personal or intimate information 7.1
Elements of offense 7.1
False light 7.5
Smoking bans 38.5

3. In general
Massachusetts statute providing a cause of action for invasion of privacy did not apply to claim of defendant's making of a false statement, not the revelation of private information. Altright v. Morton, D.Mass. 2004, 323 F.Supp.2d 130, affirmed 419 F.3d 69; Torts ¶ 330

Under Massachusetts law, no invasion of privacy exists where the facts, though highly personal, are already in the public domain. Taylor v. Swearer, D.Mass. 2006, 440 F.Supp.2d 95; Torts ¶ 335

Under Massachusetts law, public disclosure of private information must be unreasonable to com-
§ 1B. Right of Privacy; Remedy to Enforce.

A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enquire such right and in connection therewith to award damages.

History—

Editorial Note—
This section, which was inserted by Ch. 941, Acts of 1973, is not a part of GL c. 214 inserted by section 52 of Ch. 1114, Acts of 1973. However, in order to prevent an inadvertent repeal of the law establishing the right of privacy and remedy to enforce such right, Ch. 199, Acts of 1974, which re-enacted § 1B, was declared to be an emergency measure.

Code of Massachusetts Regulations—
Privacy and confidentiality, 801 CMR 3.01 et seq.

Research References—
62A Am Jur 2d, Privacy §§ 5–7, 20, 38 et seq., 241 et seq.
CASE NOTES

1. In general
2. Particular disclosures as invasion of privacy
3. Particular disclosures as proper
4. —Drug test results
5. —Employment information

1. In general


There is a distinction between standard of 'invasion of personal privacy' as used in ALM GL c 214 § 7. Twenty-fourth, subclaus (c) and that used in ALM GL c 214 § 15 which refers to 'unreasonable substantial or serious interference' with privacy. Attorney Gen, v School Committee of Northampton (1978) 373 Mass 127, 375 NE.2d 1188.

Interpretation of ALM GL c 214 § 3A is not aided by extensive case law concerning New York Civil Rights Law §§ 50-511, which contains language identical to essential language of § 3A. Since Massachusetts statute is different and broad interpretation by New York courts, if followed, would cause overlapping and redundancy with Massachusetts right of privacy statute (ALM GL c 214 § 1B). Tropero v Atlantic Monthly Co. (1989) 379 Mass. 409, 409 NE.2d 847, 5 Meda L R 226.


Court did not decide whether right of privacy statute reaches attempted interference with person's privacy. Bally v Northeastern University (1989) 403 Mass. 715, 532 NE.2d 49.

Although words 'unreasonable, substantial or serious' are phrased disjunctively,

FORMS

(These forms are meant to be a guide to the user. Subsequent statutory changes as well as court decisions may affect the validity of these forms. The user is advised to verify the continued validity of any form in light of any changes in the law since publication of these forms.)

Form 1—Complaint for Invasion of Privacy Based on Unauthorized Use of Photograph for Advertisement

Form 2—Allegation in Complaint for Invasion of Privacy—Unauthorized Use of Dissatisfied Customer's Name to Promote Product

Form 3—Allegation in Complaint for Invasion of Privacy—Unauthorized Use of Photograph on Product Offered for Sale

Form 4—Allegation in Complaint for Invasion of Privacy—Unauthorized Use of Professional Person's Name for Advertising

Form 5—Allegation in Complaint for Invasion of Privacy—Unauthorized Use of Name or Likeness Beyond Period of Consent

Form 1

Complaint for Invasion of Privacy Based on Unauthorized Use of Photograph for Advertisement

[Title of Court and Cause]

Plaintiff alleges as follows:

1. Plaintiff is a resident of the City of County of Commonwealth of Massachusetts.
A.L.M. Pocket Part

Updates topically arranged materials
Fits in pockets in back of book
Replaced annually

§ 1B. Right of Privacy; Remedy to Enforce.

Annotations—
Employee's expectation of privacy in workplace. 18 ALR6th 1.
Award of damages under Privacy Act. 5 USCA § 552. 189 ALR Fed 455.

Tentative References—
Boguslow, Massachusetts Tort Damages, 2d Ed. (Michie) §§ 10-11, 10-13.

Law Reviews—
Ehrlich & Kobayashi, State Regulation of Electronic Commerce. 51 Emory L.J. 1 (Winter, 2002).
Privacy vs. Privacy. 9 Int'l J. Comm. & Pol'y 7 (Winter, 2004/2005).

For the latest statutes and case citations, call 1-800-446-3413 or e-mail ALM@LexisNexis.com.
2111B. Right of privacy.

Section 1B. A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.

2141C. Right to freedom from sexual harassment.

Section 1C. A person shall have the right to be free from sexual harassment, as defined in chapter one hundred and fifty-one B and one hundred and fifty-one C, The superior court shall have the jurisdiction in equity to enforce this right and to award damages.

21142. Statutory jurisdiction.

Section 2. The supreme judicial court shall have original and exclusive jurisdiction of all civil actions in which equitable relief is sought, cognizable under any statute and not within the jurisdiction conferred by section one, unless a different provision is made; and the superior court shall have like original and exclusive, or like original and concurrent, jurisdiction only if the statute so provides.
A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.

HISTORICAL AND STATUTORY NOTES

2005: Main Volume
22. Store searches

Store's employee's check of exiting shopper's receipt and bag, which was limited to what could be observed in the shopping cart and bag of merchandise which had just been purchased by shopper, did not violate Massachusetts Privacy Act; all of the items had just seconds before been on full display at the checkout counter. Soll v. Wal-Mart, Inc., 5 Mass. App. Ct. 455, review denied, 389 N.E.2d 1334, 434 Mass. 1107, Limitation of Actions 0:12

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END OF DOCUMENT
8.1B. Right of privacy

8.1C. Right to freedom from sexual harassment

8.2. Statutory definition

8.3. Special subdivision

8.4A. Unauthorized use of name, portrait or picture of a person in

8.4B. Fair information practices of public holders; violations of ch.

8.4C. Process; issuance

8.5. Value

8.6. Labor disputes, injunctions, issuances; conditions precedent to

8.6A. Jurisdictional labor disputes; temporary injunctive relief; art.

8.7. Construction of order; notice

8.7A. Damage to the environment; temporary restraining order or

8.7B. Noise pollution; shooting range; exclusion from liability; h

8.8. Determination by state justice

8.9. Acts and proceedings other than trials under the merits

8.10. Cases pending in another court; hearing

8.16A. There is no 8.16A.
S. ----- Privacy, elements of offense

Videotape allegedly depicting state trooper smoking marijuana with others did not involve facts of highly personal or intimate nature, and thus was not "private," as required for videotape to be protected by Massachusetts Right-of-Privacy Act, inasmuch as it involved activity in presence of others who owed no duty of confidentiality. Davey v. Anderson, C.A.1 (Mass.) 2002, 384 F.3d 139, torts @ 381.

Activity in the presence of others who owe no duty of confidentiality is not "private" so as to be protected by the Massachusetts right-of-privacy statute. Davey v. Anderson, C.A.1 (Mass.) 2002, 384 F.3d 139.

Neither police officer's descriptions nor his perception of vocational counselor's conduct before his arrest in a public place was "private information" protected from disclosure under Massachusetts law. Endo v. City of Revere, C.A. 1 (Mass.) 1998, 156 F.3d 87, torts @ 381.

Website creator's publication of description of real estate developer's business activity, description of posting made on public message board, and distribution of publicly available portrait photograph of developer was not invasion of developer's statutory right to privacy under Massachusetts law; such activities all resembled publishing appearances made in public place. McKern v. Dow, D.Mass 2000, 406 F Supp 2d 239, torts @ 381.

§ 10. Right of Privacy; Remedy to Enforce.

A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.

* GO TO MASSACHUSETTS CODE ARCHIVE DIRECTORY

ALM St. ch. 214, § 10 (2007)
This section, which was inserted by Ch 941, Acts of 1972, is not a part of GL c 214 inserted by section 62 of Ch 1114, Acts of 1973. However, in order to prevent an inadvertent repeal of the law establishing the right of privacy and remedy to enforce such right, Ch 193, Acts of 1974, which re-enacted § 18, was declared to be an emergency measure.

**Code of Massachusetts Regulations**

Privacy and confidentiality: 801 CMR 3.001 et seq.

**Jurisprudence**

524 Am Jur 2d. Privacy §§ 3-7, 20, 25 et seq., 244 et seq.

20 Am Jur 2d. Public Records §§ 1 et seq., 31 et seq., 41 et seq., 61 et seq., 91 et seq.


**Case Notes**

1. In general

2. Particular disclosures as invasion of privacy

3. Particular disclosures as proper

4. Drug test results

5. Employment information

6. Claims against government entities

7. Plagiarizing practice

**Note**


There is a distinction between standard of 'invasion of personal privacy' as used in *ALM GL c 457, Twenty-Sixth, subclause (c)*, and that used in *ALM GL c 214 § 18* which refers to 'unreasonable substantial or serious interference with privacy. *Attorney Gen. v School Committee of Northampton* (1978) 375 Mass 102, 311 N.E.2d 1188.
G.L.c. 214, §1B. Right of privacy. Section 1B. A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enjoin such right and in connection therewith to award damages.
THE GENERAL LAWS OF MASSACHUSETTS

Text of the General Laws are periodically updated to reflect any changes made to them. This page includes all amendments to the General Laws passed through March 31, 2007. For laws enacted since that time, see the General Laws.

To bring up a list of Chapters contained within a part, click on the description of that part.

THE GENERAL COURT
OF THE
COMMONWEALTH OF MASSACHUSETTS

Search the Massachusetts General Laws

Enter a phrase. Results will provide a link to General Laws found containing your phrase.

Search
PART III. COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES

TITLE I. COURTS AND JUDICIAL OFFICERS

CHAPTER 214: EQUITY JURISDICTION

Chapter 214: Section 1B: Right of privacy

Section 1B: A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.
Massachusetts Constitution
Official - Integrated

CHAPTER II.
EXECUTIVE POWER.

SECTION I.

GOVERNOR

ARTICLE I. Supreme executive magistrate; title.

There shall be a supreme executive magistrate, who shall be styled, The Governor of the Commonwealth of Massachusetts and whose title shall be — His Excellence.

ART. II. Term; eligibility.

The governor shall be chosen [annually] and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall declare himself to be of the Christian religion.]

For change to quadrennial elections, see Amendments, Art. LXIX.
Provision as to property qualifications annulled by Amendments, Art. XXXIV.
Provision as to declaration of religion superseded, see Amendments, Art. VII.

Massachusetts Constitution
Official - Unintegrated

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Provision as to property qualifications annulled by Amendments, Art. XXXIV.
Provision as to declaration of religion superseded, see Amendments, Art. VII.
Art. II. 

Term: eligibility

The governor shall be chosen annually and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall declare himself to be of the Christian religion.

Articles of Amendment

The manner of a declaration of religious faith is now covered by the Seventh Article of Amendment, adopted in 1831, which provides that, except for the oath prescribed by the preceding article for Quakers and the oath of office, no oath, declaration, or subscription shall be required of the governor, to qualify him to perform the duties of his office.

M.G.L.A. Constitution - Notes

Pt. 2, C. 2, §1, Art. 2

CONSTITUTION OF MASSACHUSETTS

Historical Notes

A provision originally appearing in this article reading, "and unless he shall at the same time, be sworn to his own oath, or a truth within the commonwealth of the value of one thousand pounds," was amended by the Thirty-fourth Article of Amendment in 1852.

Cross References

Inhabitants, defined, see Const. Pt. 2, c. 1, § 2, Art. 2.
Oath of office, see Const. Pt. 2, c. 4, Art. 1.

Library References

States 1044, 47, WESTLAW Topic No. 365, C.J.S. States §§ 41, 10, 83, 84, 102.

Notes of Decisions

In general 1

1. In general

"Inhabitants" as regards right to vote or hold office, may be citizens. In re Opinion of Justices (1922) 133 N.E. 173, 240 Mass. 601.

Art. III. Election of governor

The governor, who shall be qualified to vote for secretary and
[§ 58] Art. II: When Chosen; Qualifications.

The governor shall be chosen annually; and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall at the same time, be seized in his own right, of a freehold within the Commonwealth of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion.

Editorial Note—

By virtue of section 1 of Art. LXIV [§ 201] of the Amendments, as amended by Art. LXXXII [§ 220] of the Amendments, the Governor is now elected quadrennially.

Section 1 of Art. LXIV [§ 201] of the Amendments, as originally enacted and as amended by Art. LXXXII [§ 220] of the Amendments, provided that the Governor should be elected biennially.

The property qualification was annulled by Art. LXXXI [§ 120] of the Amendments.

The provision concerning the requirement as to the declaration as to religion was abolished by Art. XVII [§ 100] of the Amendments.

Cross References—

As to term of electing Governor, see section 2 of Art. LXIV [§ 202] of the Amendments, as amended.

Total Client Service Library® References—

JE Am Jus 2d, Governor § 2.

CASE NOTES

Inhabitants.—The words “inhabitants” Opinion of Justices, 260 Mass. 660; 151 and “inhabitants” mean citizens or citizens. NR 173.

Massachusetts Constitution as originally enacted

CHAPTER II

Executive Power

SECTION 1

Governor

[§ 57] Art. I: Governor; His Title.

There shall be a supreme executive Magistrate, who shall be stiled, THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—His Excellency.

[§ 58] Art. II: When Chosen; Qualifications.

The Governor shall be chosen annually. And no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall at the same time, be seized in his own right, of a freehold within the Commonwealth of the value of one thousand Pounds; and unless he shall declare himself to be of the Christian religion.
CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PREAMBLE

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

The body politic is formed by a voluntary association of individuals; it is a social compact, by which the whole people covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them, that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peacefully, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of framing a new constitution of civil government, for ourselves and posterity, and devoutly imploring His direction in so interesting a design, do agree upon, ordain and establish the following Declaration of Rights, and Frame of Government, as the Constitution of the Commonwealth of Massachusetts.

Chapter II.
EXECUTIVE POWER.
SECTION I.
The Governor.

Article I. There shall be a supreme executive magistrate, who shall be styled, The Governor of the Commonwealth of Massachusetts, and whose title shall be -- His Excellency.

Article II. The governor shall be chosen [annually], and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding, and unless he shall at the same time, be seated in his own right, of a freehold within the commonwealth of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion. [See Amendments, Acts VIII., XXXIV., LXXII., and XXXX.]

Article III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth, shall, at a meeting to be called for that purpose, on the last Monday in April annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerks, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name, and shall make a fair record of the same in the town books; and a public declaration thereof in the said meeting; and shall, in the presence of the selectmen, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county thirty days at least before the last Wednesday in May, and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May, or the selectmen may cause return of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day, and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be considered, and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published. But if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for, but, if otherwise, out of the number voted for, and make return to the senate of the two persons so elected, on which the senate shall proceed, by ballot, to elect one, who shall be the governor. [See Amendments, Acts VIII., XXXIV., LXXII., and XXXX.]
Article VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article and the oath of office, shall be required of the governor, lieutenant governor, councilors, senators or representatives, to qualify them to perform the duties of their respective offices.

Article VIII. No judge of any court of this commonwealth (except the court of sessions) and no person holding any office under the authority of the United States (postmasters excepted) shall, at the same time, hold the office of governor, lieutenant governor, or councilor, or have a seat in the senate or house of representatives of this commonwealth, and no judge of any court in this commonwealth (except the court of sessions) nor the attorney general, solicitor general, county attorney, clerk of any court, sheriff, treasurer and receiver general, register of probates, nor register of deeds, shall continue to hold his said office after being elected a member of Congress of the United States, and accepting that trust, but the acceptance of such trust by any of the officers aforesaid shall be deemed and taken to be a resignation of his said office, and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia officers excepted. [See Amendments, Art. LXXXI]

Article IX. [II, as any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the year and days taken thereon, and referred to the general court then next to be chosen, and shall be published; and if in the general court so chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters voting thereon, at meetings legally warned and held for that purpose, they shall become part of the constitution of this commonwealth.] [Amended by Amendments, Art. XLVIII, General Provisions, VIII]

Article X. The political year shall begin on the first Wednesday of January instead of the last Wednesday of May, and the general court shall assemble every year on the said first Wednesday of January, and shall proceed at that session to make
Art. II. When Chosen; Qualifications.

The governor shall be chosen (annually:) and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall declare himself to be of the Christian religion.]

NOTE: Editorial Note

By virtue of Amend. Art. 64, § 1, as amended by Amend. Art. 82, the Governor is now elected quadrennially. Amend. Art. 64, § 1, as originally enacted and as amended by Amend. Art. 80, provided that the Governor should be elected biennially.

The property qualification was annulled by Amend. Art. 34.

Cross References

As to time of electing Governor, see Amend. Art. 64, § 3, as amended.

Jurisprudence

38 Am Jur 2d, Governor § 2.

CASE NOTES


Initiative petition approved by people at 1994 election limiting number of consecutive terms for which certain officers could be listed on primary and general election ballots to serve in same public office and to eliminate pay and other privileges of certain officers if reelected after serving specified number of terms changed qualifications for public office prescribed by the Constitution and was therefore unconstitutional. League of Women Voters v. Secretary of the Commonwealth (1997) 433 Mass. 434, 741 N.E.2d 842.
Massachusetts Constitutions Online

Electronic versions as separate databases

State Website URL
http://www.state.ma.us/legis/const.htm

Lexis database MA-Constitution
short name (MASS:MACNST)

Social Law Library - Constitution of Massachusetts

Casemaker - Constitution

Electronic versions part of state code database

Westlaw and Loislaw

Session Laws Start as Slip Laws

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Individual laws
Session Laws

All the laws enacted in a legislative session in enactment order
Acts and Resolves

Acts and Resolves

Acts and Resolves

Acts and Resolves
Chapter 766 Acts of 1972


"Although this legislation is found in Chapter 71B of the Massachusetts General Laws, it was Chapter 766 of the statutes enacted in 1972, and is therefore often referred to as Chapter 766."

RESOLVES

Chapter 1. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Chapter 2. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Chapter 3. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Chapter 4. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Chapter 5. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Chapter 6. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Chapter 7. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Chapter 8. Resolves providing for the examination of students in the public schools, and for the establishment of a system for the protection of the rights of parents, guardians, and children in the schools.

Resolves

Not incorporated into the code.
Acts of 2007 (Session Laws)

Search the 2007 Session Laws

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Search for:  

Tips for Searching

Chapter 1
An Act further revising the membership of the Public Health Council (see House, No. 2011). Approved by the Governor, January 22, 2007

Chapter 2
An Act authorizing the assessment of certain property tax assessments in the town of Danvers (see printed in House, No. 2012). Approved by the Governor, January 29, 2007

Chapter 3
An Act prohibiting certain dumping in the city of Brockton (see Senate, No. 5). Approved by the Governor, February 8, 2007

Chapter 4
An Act authorizing the town of Rockland to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 10). Approved by the Governor, February 8, 2007

Chapter 5
An Act relative to the acceptance of Chapter 407 of the General Laws in the town of Marblehead (see Senate, No. 10). Approved by the Governor, February 8, 2007

Chapter 6
An Act providing the terms of certain bonds to be issued by the Commonwealth (see House, No. 2977). Approved by the Governor, April 24, 2007

Chapter 35
An Act establishing a sick leave bank for Janice Brown, an employee of the Appellate Tax Board (see House, No. 41). Approved by the Governor, April 25, 2007

Chapter 36
An Act establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (see House, No. 3940, amended). Approved by the Governor, May 1, 2007

Chapter 37
An Act authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Shrewsbury (see Senate, No. 2212). Approved by the Governor, May 7, 2007

Chapter 38
An Act authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Foxborough (see Senate, No. 2213). Approved by the Governor, May 7, 2007

Chapter 39
An Act further regulating the Massachusetts Commission Against Discrimination (see House, No. 3767, changed and amended). Approved by the Governor, May 7, 2007

Chapter 40

Chapter 41
An Act authorizing the city known as the town of Franklin to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 3962, amended). Approved by the Governor, May 16, 2007

Chapter 42
An Act making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4022). Approved by the Governor, May 16, 2007

Go to:
2006 Session Laws, or General Court home page, or Commonwealth of Massachusetts home page.
Possible Effects of Session Laws on the Code

- Amend
- Add New Section
- Repeal
- No Effect

Whether print or online - all codes must be updated!

An Act providing the terms of certain bonds to be issued by the Commonwealth (see House, No. 3977). Approved by the Governor, April 24, 2007

Chapter 35
An Act establishing a sick leave bank for Janice Brown, an employee of the Appellate Tax Board (see House, No. 44). Approved by the Governor, April 25, 2007

Chapter 36
An Act establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (see House, No. 3940, amended). Approved by the Governor, May 1, 2007

Chapter 37
An Act authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to a certain property in the town of Sharon (see Senate, No. 2212). Approved by the Governor, May 7, 2007

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Chapter 39
An Act further regulating the Massachusetts Commission Against Discrimination (see House, No. 3967, amended). Approved by the Governor, May 7, 2007

Chapter 40
An Act establishing the Marlborough 2010 Corporation (see House, No. 2029). Approved by the Governor, May 16, 2007

Chapter 41
An Act authorizing the city known as the town of Franklin to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 3962, amended). Approved by the Governor, May 16, 2007

Chapter 42
An Act making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4022). Approved by the Governor, May 16, 2007

Go to:
2006 Session Laws, or General Court home page, or Commonwealth of Massachusetts home page.
Chapter 39 of the Acts of 2007

AN ACT FURTHER REGULATING THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate the operation of the Massachusetts Commission Against Discrimination, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 56 of chapter 6 of the General Laws is hereby further amended by striking out the first paragraph, as amended by section 2 of chapter 19 of the acts of 2007, and inserting in place thereof the following paragraph:-

There shall be a commission to be known as the Massachusetts Commission Against Discrimination.

SECTION 2. Said section 56 of said chapter 6 is hereby further amended by striking out the fifth paragraph, as appearing in the 2004 Official Edition, and inserting in place thereof the following paragraph:-

There shall be regional offices in the cities of New Bedford, Springfield and Worcester.

SECTION 3. Section 1 of chapter 23 of the General Laws, as amended by section 15 of said chapter 19, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: - In the executive office shall be the department of labor and the department of workforce development.

SECTION 4. This act shall take effect on April 10, 2007.

Approved May 7, 2007.

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE II. EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH

CHAPTER 6. THE GOVERNOR, LIEUTENANT GOVERNOR AND COUNCIL, CERTAIN OFFICERS UNDER THE GOVERNOR AND COUNCIL, AND STATE LIBRARY

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

Chapter 6. Section 56. Massachusetts commission against discrimination; appointment; responsibilities; employees; regional offices; advisory board

[First paragraph effective until April 10, 2007. For text effective April 10, 2007, see below.]

Section 56. There shall be a commission to be known as the Massachusetts Commission Against Discrimination.

[First paragraph as amended by 2007, 10, Sec. 2 effective April 10, 2007. See 2007, 10, Sec. 54. For text effective until April 10, 2007, see above.]

There shall be in the executive office of labor and workforce development a commission to be known as the Massachusetts Commission Against Discrimination.

Such commission shall consist of three members, to be known as commissioners, who shall be appointed by the
Contents

The MA-SL database contains the Massachusetts statutes, Constitution, and court rules. A document is an unannotated section of the statutes, section of an article of the Constitution, or a court rule. Related print publications include the official General Laws of Massachusetts, Massachusetts General Laws Annotated, and West's Massachusetts Rules of Court State Pamphlet and Federal Pamphlet.

The Constitution is current through amendments approved May 1, 2007. The statutes are current through Chapter 42, except for section 5, of the 2007 1st Annual Session of the General Court. Massachusetts annotated court rules are current with amendments received through January 15, 2007. Massachusetts unannotated court rules are current with amendments received through January 15, 2007.

Local federal district and Bankruptcy court rules are current with amendments received through January 15, 2007.

Citation Formats

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Use ma st 166a s 22 for M.G.L.A. 166a § 22.

Use ma st 94 s 10d 1/2 for M.G.L.A. 94 § 100 1/2.

Use ma const pt ii cli s art iii for M.G.L.A. Const. Pt. II, C. II, S 1, Art III.

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The MA-LEGIS database contains documents passed by the Massachusetts General Court. A document is a chapter.

Coverage
Coverage includes documents passed during the 2007 First Annual Session of the General Court. The statutes are current through Chapter 39 of the 2007 First Annual Session of the General Court.

Effective dates: No law passed by the general court shall take effect earlier than ninety days after it has become a law, excepting laws declared to be emergency laws and laws which may not be made the subject of a referendum petition, as herein provided. Const. and Amend. Art. 49, Ref. Pt. 1.

In general, emergency measures take effect on the date of approval. For detailed requirements and limitations, see Const. and Amend. Art. 49, Ref. Pt. 2.

No law that relates to religion, religious practices or religious institutions; or to the appointment, qualification, tenure, removal or compensation of judges; or to the powers, creation or abolition of courts; or the operation of which is restricted to a particular town, city or other political division or to particular districts or localities of the commonwealth; or that appropriates money for the current or ordinary expenses of the commonwealth or for any of its departments, boards, commissions or institutions shall be the subject of a referendum petition. Const. and Amend. Art. 49, Ref. Pt. 3, § 2.

A statute enacted by the general court which may be the subject of a referendum petition and which is declared therein to be an emergency law, unless otherwise expressly provided therein, shall take effect as soon as it has the force of a law conformably to the constitution. A statute so enacted which may not be made the subject of such a petition and for which a different time of taking effect is not therein expressly...
Some Session Laws Are Not Codified

An Act

Not permanent or general.
**2006 Resolves**

**Chapter 1**

*RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO LIQUIFIED NATURAL GAS FACILITY SITING AND USE* (see House, No. 4469) Approved by the Governor, March 10, 2006

**Chapter 2**

*RESOLVE PROVIDING FOR AN INVESTIGATION AND PLAN BY A SPECIAL COMMISSION RELATIVE TO ENDING HOMELESSNESS IN THE COMMONWEALTH* (see House, No. 5266) Approved by the Governor, October 26, 2006.

Return to: General Court home page • Commonwealth of Massachusetts home page
Chapter 1 of the Resolves of 2006

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO LIQUIFIED NATURAL GAS FACILITY SITING AND USE.

RESOLVED, That there shall be a special commission to make an investigation and study of the siting and use of liquefied natural gas facilities in the commonwealth. The commission shall consist of the co-chairs of the joint committee on telecommunication, utilities, and energy, the co-chairs of the joint committee on environment, natural resources and agriculture, the co-chairs of the joint committee on public safety and homeland security, 2 members of the senate to be appointed by the senate president, 1 member of the senate to be appointed by the minority leader, 2 members of the house of representatives to be appointed by the speaker, 1 member of the house of representatives to be appointed by the minority leader, the attorney general or his designee, the commissioner of the division of energy resources or his designee, the chair of the energy facility siting board or his designee, the secretary of the executive office of public safety or his designee and the secretary of the executive office of environmental affairs or his designee.

The commission’s study shall include analysis of the projected increase in natural gas supply needs of the commonwealth related to energy generation, heating and related public safety and security issues. The commission shall consider the need for additional liquefied natural gas import facilities in the commonwealth, the economic, public safety, and environmental impacts of siting a liquefied natural gas import facility in the commonwealth, the respective roles of federal, state and local governments in the siting process, and the effects of any land takings or transfers that might be proposed with siting a liquefied natural gas import facility. The commission shall also make recommendations about what restrictions, if any, should be implemented by the Federal Aviation Administration for any proposal within close proximity to Logan Airport, and about the appropriateness of siting liquefied natural gas import facilities in close proximity to areas with high population density.

The commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing them with the clerk of the
### Shephard's Unincorporated Acts and Resolves

**Massachusetts Acts and Resolves** (Not in General Laws or Charters)

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M.G.L.A. 214 § 18

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CREDIT(S)

Added by St. 1974, c. 193, § 1.

HISTORICAL AND STATUTORY NOTES

2005 Main Volume

St. 1974, c. 193, § 1, was approved May 8, 1974, and by § 2 made effective July 1, 1974.

Prior Laws:

9 L.R.O. 214, § 18, as added by St. 1973, c. 941.

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Citing References

(Showing 207 documents)

1. In general


2. Purpose of law


3. Official conduct

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Uniform Laws
States voluntarily adopting identical or similar laws to improve interstate commerce, law enforcement, etc.
e.g. Uniform Commercial Code
Mass. Gen. L. ch. 106
M.G.L.A. ch. 106 includes U.L.A. notes
A.L.M. ch. 106 out of chapter sequence

Uniform Laws Annotated
Uniform laws with state customizations and interpretive cases