

EC2004-137

EXECUTIVE COUNCIL ACT
MINISTER OF AGRICULTURE, FISHERIES,
AQUACULTURE AND FORESTRY
AUTHORITY TO ENTER INTO A REVISED AGREEMENT
(RE COMPREHENSIVE AGREEMENT ON POOLING OF MILK
REVENUES)
WITH
SIGNATORIES TO THE NATIONAL MILK MARKETING PLAN

Pursuant to clauses 10(b) and (d) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Agriculture, Fisheries, Aquaculture and Forestry to enter into an agreement with the other signatories to the National Milk Marketing Plan (NMMP) including officials of the Canadian Dairy Commission, provincial Ministers responsible for agriculture in other participating provinces, and representatives of provincial milk marketing boards or commissions or their equivalents. Council noted that the revision follows a World Trade Organization dispute settlement and that in addition to updating terminology and improving bilingual translation, the revision removes all references to commercial export milk, thus ensuring that all milk production and dairy product exports fall within the regulated quota system.

EC2004-138

FINANCIAL ADMINISTRATION ACT
POWNAI SPORTS CENTRE
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB394/03 of 3 March 2004), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a term loan by the Pownal Sports Centre (hereinafter referred to as "the borrower") in an amount not exceeding nine hundred and fifty-five thousand dollars (\$955,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with interest thereon at the Government of Canada ten year bond rate plus one decimal five percent per annum to the Pacific & Western Bank of Canada of London, Ontario (hereinafter referred to as "the lender"), from the 9th day of March, 2004 through to and including 1700 hours on the 31st day of March 2024, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of March 2024.

2. Any advances made by the lender after the 31st day of March 2024 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of March 2024 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of March 2024, notice has been given to the Government of Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.
4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.

EC2004-139

FINANCIAL ADMINISTRATION ACT
POWNAI SPORTS CENTRE
GUARANTEE OF LOAN

Having under consideration the recommendation of Treasury Board (reference Minute TB394/03 of 3 March 2004), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council agreed to guarantee payment of a term loan by the Pownal Sports Centre (hereinafter referred to as "the borrower") in an amount not exceeding four hundred thousand dollars (\$400,000.00) (hereinafter referred to as the "guaranteed indebtedness") together with floating interest thereon at the Canadian Imperial Bank of Commerce prime rate minus zero decimal five percent per annum to the Pacific & Western Bank of Canada of London, Ontario (hereinafter referred to as "the lender"), from the 9th day of March 2004 through to and including 1700 hours on the 31st day of March 2009, the said guarantee to be subject to and conditional upon the following terms and conditions:

1. The guaranteed indebtedness, including interest, shall be due and payable in full by the borrower no later than the 31st day of March 2009.
2. Any advances made by the lender after the 31st day of March 2009 shall not form part of the guaranteed indebtedness.
3. The guarantee shall absolutely expire and be null and void without notice to the lender at 1700 hours on the 31st day of March 2009 regardless of any advances that may have been made by the lender to the borrower unless on or before the 31st day of March 2009, notice has been given to the Government of

Prince Edward Island, as represented by the Provincial Treasurer that the borrower has defaulted in repayment of the guaranteed indebtedness to the lender, and calling upon the Provincial Treasurer to pay the lender pursuant to the guarantee. The written notice shall include a copy of the written demand given by the lender to the borrower calling upon the borrower to pay the balance in full.

4. Government shall be entitled at any time to terminate the guarantee by paying to the lender such amount of the guaranteed indebtedness as may be owing by the borrower to the lender and the lender shall assign to the government all security the lender holds in connection with the guaranteed indebtedness.
5. The Provincial Treasurer may add such further terms and conditions to the guarantee as he considers appropriate.
6. The guarantee shall not become effective until the lender has agreed in writing to the terms and conditions herein contained and those imposed by the Provincial Treasurer pursuant to paragraph 5 above. The guaranteed indebtedness shall not include any advances made by the lender prior to the agreement by the lender with the terms and conditions herein contained and those imposed by the Provincial Treasurer.

EC2004-140

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2003/2004)
DEPARTMENT OF EDUCATION

Pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council ordered that a Special Warrant do issue authorizing a supplementary payment out of the Operating Fund for the Department of Education as follows:

Account Class	Account Name	Amount
<u>ADMINISTRATION AND CORPORATE SERVICES BRANCH</u>		
FINANCE AND SCHOOL BOARD OPERATIONS		
Grants to School Boards		
0068-04111	Administration	\$ 885,100.00
0068-04175	School Construction and Capital Repair	<u>1,700,000.00</u>
	Sub-total	\$2,585,100.00
<u>PUBLIC EDUCATION BRANCH</u>		
CONTINUING EDUCATION AND TRAINING		
Post Secondary Grants		
0441-04114	Grants - Maritime Provinces Higher Education Commission	\$ <u>148,700.00</u>
		<u>\$2,733,800.00</u>

Further, Council noted that \$148,700.00 of this amount will be offset by revenue from Heritage Canada.

EC2004-141

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 22541, LOT 13, PRINCE COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately three hundred and thirty-four decimal five (334.5) acres of land, being Provincial Property No. 22541 located in Lot 13, Prince County, Prince Edward Island and currently owned by Rural Realty Co. Ltd. of Tyne Valley, Prince Edward Island.

Council noted that this amendment will enable subdivision of two parcels of land totalling approximately one decimal zero eight (1.08) acres SUBJECT TO

(i) the lot of approximately zero decimal three one (0.31) acres being consolidated with the adjacent Provincial Property #595710; and

(ii) the lot of approximately zero decimal seven seven (0.77) acres being conveyed to the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works.

Further, Council determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 9 March 2004.

EC2004-142

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 429845, LOT 54, KINGS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately eighty-one (81) acres of land, being Provincial Property No. 429845 located in Lot 54, Kings County, Prince Edward Island and currently owned by Benedict G. MacPhee and Sylvia A. MacPhee, both of Cardigan, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately zero decimal six nine (0.69) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

This Order-in-Council comes into force on 9 March 2004.

EC2004-143

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN EXEMPTION
IN RESPECT OF THE ACQUISITION OF LAND
BY
MORELL LIONS CLUB INC.

Pursuant to subsection 17(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, the following statement provides reasons for the exemption of land from the provisions of section 5 of the said Act:

STATEMENT

1. Description of the undertaking in respect of which the exemption was granted:

The exemption was granted in respect of the acquisition by the Morell Lions Club Inc. of approximately 13.75 acres of land, being Provincial Property #182956 and Provincial Property #618751, located in Morell in Kings County and intended for use as a club house and community soccer facility.

2. Reasons for the exemption:

The Morell Lions Club Inc. is a non-profit corporation without share capital, incorporated to carry on, without pecuniary gain to its members, objects of a patriotic, philanthropic, charitable, artistic, social, professional or sporting character. The exemption was granted to enable the members of the corporation to acquire the property in question for the use and benefit of their community, without disclosing their private land holdings, without having their private land holdings attributed to the Morell Lions Club Inc. under the "deemed corporation" provisions of the *Prince Edward Island Lands Protection Act*, and without having a *pro rata* percentage of the acreage acquired attributed to their own private aggregate land holdings.

Council determined that it is not the intent of the *Prince Edward Island Lands Protection Act* to interfere with the participation of citizens in non-profit community organizations from which they derive no financial gain, nor does the Act intend to control the structure or size of such community organizations as an unintended consequence of statutory land ownership restrictions.

Therefore, Council determined that the exemption supports rural community development and the enhancement of rural community living without compromise to the objectives of the Act.

EC2004-144

NATURAL PRODUCTS MARKETING ACT
 PRINCE EDWARD ISLAND MARKETING COUNCIL
 AUTHORITY TO ENTER INTO AGREEMENTS
 (RE 2001 FEDERAL-PROVINCIAL AGREEMENT FOR CHICKEN
 AND SCHEDULE B, OPERATING AGREEMENT)
 WITH THE
 GOVERNMENTS OF CANADA AND THE OTHER PROVINCES,
 PROVINCIAL SUPERVISORY BOARDS, PROVINCIAL COMMODITY
 BOARDS, AND CHICKEN FARMERS OF CANADA

Pursuant to section 22 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3 Council authorized the Prince Edward Island Marketing Council to enter into the 2001 Federal Provincial Agreement for Chicken, Schedule “B” - Operating Agreement, and future amendments to Schedule “B” - Operating Agreement with the Government of Canada, as represented by the Minister of Agriculture and Agri-Food; the governments of the other provinces as represented by their respective ministers responsible for agriculture or intergovernmental affairs; participating provincial marketing boards, commissions or councils responsible for chicken; and the Chicken Farmers of Canada; to provide for an orderly marketing system for chicken, to optimize sustainable economic activity in the chicken industry, to pursue opportunities in domestic and international markets, to enhance competitiveness and efficiency in the chicken industry, and to work in the balanced interest of producers, industry stakeholders and consumers, such as more particularly described in the draft agreements.

EC2004-145

PUBLIC DEPARTMENTS ACT
 ACTING MINISTERS
 APPOINTMENTS

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

1. Honourable Mitch Murphy to be Acting Premier and Acting President of the Executive Council on March 12 and 13 and from March 15 through 26, 2004 during absence from the Province of Honourable Pat Binns.
2. Honourable Elmer MacFadyen to be Acting Minister of Health and Social Services from March 11 through 19, 2004 during the absence from the Province of Honourable Chester Gillan.