

**EC2005-564**

ENVIRONMENTAL PROTECTION ACT  
 ENVIRONMENTAL ADVISORY COUNCIL  
 APPOINTMENTS

Pursuant to section 4 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Patrick Birtwistle Stratford (vice Ann Kells, resigned)	31 October 2005 to 31 October 2008
Leslie Hartling Stratford (reappointed)	15 October 2005 to 15 October 2008
Alan Hicken South Pinette (vice Pierre Daoust, term expired)	29 March 2005 to 29 March 2008
Joanne LeBlanc-Arsenault Union Corner (vice Ron Perry, resigned)	31 October 2005 to 31 October 2008
Jeanne Maki Charlottetown (vice Terry Perry, resigned)	31 October 2005 to 31 October 2008

Further, in accordance with clause 4(4)(a) of the said Act, Council designated Sherra Profit as chair for the duration of her term as a member, expiring 31 August 2007.

**EC2005-565**

NATURAL PRODUCTS MARKETING ACT  
 PRINCE EDWARD ISLAND MARKETING COUNCIL  
 APPOINTMENT

Pursuant to section 2 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Rodney Dingwell Morell (vice Gordon Ching, deceased)	18 October 2005 to 18 October 2008

**EC2005-566**

**PLEBISCITES ACT  
PROVINCIAL PLEBISCITE  
RE  
PRINCE EDWARD ISLAND'S ELECTORAL FUTURE**

Pursuant to subsection 1(2) of the *Plebiscites Act* R.S.P.E.I. 1988, Cap. P-10, Council determined that an expression of opinion of the voters is desirable on Prince Edward Island's electoral future and hereby directs that a provincial plebiscite be had and taken on 28 November 2005 of persons qualified to vote under the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1 on the question "Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission on PEI's Electoral Future?", and the Chief Electoral Officer shall issue a writ dated 31 October 2005 for each electoral district.

**EC2005-567**

**PLEBISCITES ACT  
PROPORTIONAL SYSTEM REGULATIONS**

Pursuant to section 5 of the *Plebiscites Act* R.S.P.E.I. 1988, Cap. P-10, Council made the following regulations:

1. This regulation applies to the plebiscite, to be held on November 28, 2005, concerning a mixed member proportional system for the election of the members of the Legislative Assembly. Application
2. An elector shall indicate his or her approval or disapproval in respect of the plebiscite by answering the following question:  
 "Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission on PEI's Electoral Future?"
3. The ballot paper for the plebiscite shall be in the form set out in the Schedule to these regulations. Ballot paper
4. The Chief Electoral Officer shall have the conduct and supervision of the plebiscite and shall have the power and duties of the Chief Electoral Officer under the *Election Act* R.S.P.E.I. 1988, Cap. E-1.1. Chief Electoral Officer
5. Confirmation of electors shall not be carried out for the purpose of the plebiscite. Confirmation of electors
6. (1) There shall be no official list of electors for the plebiscite. No official list of electors  
 (2) A person is an elector in respect of the plebiscite, and subject to these regulations, is entitled to vote at the plebiscite, if the person
  - (a) is 18 years of age, or will attain that age on or before November 28, 2005;
  - (b) is a Canadian citizen; and
  - (c) has been ordinarily resident in the province since April 30, 2005.Electors
- (3) The following persons are not electors in respect of the plebiscite and are not entitled to vote at the plebiscite: Persons not eligible as electors
  - (a) the Chief Electoral Officer;
  - (b) the returning officer for each electoral district.
7. (1) A deputy returning officer at a polling station shall ensure that an elector is asked the following questions, and an elector shall answer the following questions, before the elector is given a ballot paper: Poll Procedure
  - (a) "Are you 18 years of age, or will you attain that age on or before November 28, 2005?";
  - (b) "Are you a Canadian citizen?";
  - (c) "Have you been ordinarily resident in the province since April 30, 2005?";

- (d) "Have you voted in any other poll in this plebiscite?";  
 (e) "What is your full name and full civic address?".

(2) If the elector answers "yes" to subsection (1)(a), (b) and (c), and "no" to subsection (1)(d), the deputy returning officer at a polling station shall ensure that a poll clerk

Entry of answers in the poll book

- (a) enters the full name and full civic address of the elector in the poll book; and  
 (b) asks the elector to sign the poll book to indicate that the information given is true and accurate.

(3) Where an elector refuses to sign the poll book, he or she shall not be permitted to vote and the deputy returning officer shall ensure that the refusal is noted in the poll book opposite the name of the elector.

Refusal to sign poll book

8. (1) There shall be

Polling stations

- (a) two polling stations in electoral districts 1, 4, 7, 9, 10, 12, 13, 14, 15, 16, 19, 20, 21, 22, 24, 25, 26 and 27; and  
 (b) three polling stations in electoral districts 2, 3, 5, 6, 8, 11, 17, 18 and 23.

(2) One of the polling stations in electoral district 11 shall be established at the University of Prince Edward Island.

Idem

9. These regulations come into force on October 29, 2005.

Commencement

#### SCHEDULE Form of Ballot Paper

<p>Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission on PEI's Electoral Future?</p>
<p>NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/></p>

#### EXPLANATORY NOTES

These regulations provide for the form of the ballot paper to be used at the plebiscite, confirm the powers and responsibilities of the Chief Electoral Officer in respect of the plebiscite and clarify that no confirmation will be conducted, and that no official list of electors will be used, in respect of the plebiscite. In addition, these regulations clarify who is an elector for the purposes of the plebiscite, the procedures to be used at polling stations and the number of polling stations that are to be established for electoral districts.

**EC2005-568**

POLICE ACT  
PROVINCIAL POLICE CONSTABLE  
APPOINTMENT

Pursuant to section 6 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11 Council authorized the following person to exercise the powers of a provincial police constable:

NAME	TERM OF APPOINTMENT
Raymond Michael Aikens	18 October 2005 at pleasure

Further, Council ordered that, should the aforementioned person cease to be employed as a police officer with the Borden-Carleton Police Service, his appointment as a provincial police constable shall terminate coincident with the date his employment as a police officer with the Borden-Carleton Police Service is terminated.

**EC2005-569**

POLICE ACT  
PROVINCIAL POLICE CONSTABLE  
APPOINTMENT

Pursuant to section 6 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11 Council authorized the following person to exercise the powers of a provincial police constable:

NAME	TERM OF APPOINTMENT
Charlotte Madelene Kratchmer	18 October 2005 at pleasure

Further, Council ordered that, should the aforementioned person cease to be employed as an officer with the Atlantic Police Academy, her appointment as a provincial police constable shall terminate coincident with the date her employment as an officer with the Atlantic Police Academy is terminated.

**EC2005-570**

REVENUE TAX ACT  
REGULATIONS  
AMENDMENT

Pursuant to clause 57(2)(f) of the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14, Council made the following regulations:

**1. Subsection 1(1) of the *Revenue Tax Act* Regulations (EC262/60) is amended by the addition of the following:**

- (q.2) “renewable energy equipment” means
- (i) a wind power energy generating system with a name plate rating of 100 kilowatts or less, and includes the goods incorporated into the tower, turbine, turbine blades, transformers, switch gear, capacitors and circuit breakers of such a system, but
- renewable energy  
equipment

does not include the electrical cables from the turbine, the distribution cables, any below ground components of the tower or any anchoring system,

(ii) a biogas energy generating system with a name plate rating of 100 kilowatts or less, and includes the generator and valves, the fittings and piping that transport the biogas to the generator, the bladder or cover for the digester, the power converter, control system, transformers, switch gear, capacitors and circuit breakers of the system but does not include manure storage systems, digesters or structures that house any component of the biogas energy generating system,

(iii) a geothermal heat pump energy generating system with a name plate rating of 100 kilowatts or less, and includes the dump well that receives the outflow water from the system, the piping, refrigerant solutions within the closed-loop heat pump system, the heat pump thermostat, and the heat pump (evaporator, compressor, condenser, coils, heat exchanger, valves, fans, blowers) that

(A) hold a rating of “Energy Star Qualified” by Natural Resources Canada or the US Environmental Protection Agency (EPA), and

(B) comply with Canadian Standards Association (CSA) C448 Series-02,

(iv) a solar thermal energy collection system with a name plate rating of 100 kilowatts or less, and includes solar thermal collector panels, pumps, tubing, heat exchanger, duct work, fans, insulated storage tanks and all major components that comply with

(A) the Canadian Standards Association (CSA) F379.1-88 for solar domestic hot water systems intended for year-round use or (CSA) F379.2-M89 for solar domestic hot water systems intended for seasonal use,

(B) Canadian Standards Association (CSA) F383-87, or

(C) Canadian Standards Association (CSA) F378-87 (R2004) for solar air heating systems,

(v) a solar photovoltaic energy collection system with a name plate rating greater than 0.1 kilowatt and equal to or less than 100 kilowatts that

(A) complies with Canadian Standards Association (CSA) C61215-01, and

(B) includes solar photovoltaic collector panels, controllers and devices that convert direct current into alternating current and all major components,

(vi) a drain water heat recovery energy collection device that

(A) conforms to American Society for Testing Materials (ASTM) B306 for the drain pipe design,

(B) complies with American Society for Testing Materials (ASTM) B88 for the tubing design, and

(C) is, in its entirety, approved for use in Canada with potable water consistent with Underwriter’s Laboratories of Canada (ULC) file #MH26850, and

(vii) an organic combustion system that

(A) has a name plate rating of 100 kilowatts or less, and

(B) complies with Canadian Standards Association (CSA) B415 or holds a US Environmental Protection Agency (EPA) certification,

and includes the combustion appliance, stoking and fuel delivery system of such appliance, and blowers and fans connected to the appliance, but does not include the breaching, exhaust or chimney structure of the system or any materials or services necessary to house the system;

## 2. (1) Clause 1(1)(q.2) of the regulations is amended

**(a) in paragraph (v)(B), by the addition of the word “and” after the word “components”;**

**(b) in subclause (vi), by the deletion of the words “MH26850, and” and the substitution of the words “MH26850;”;** and

**(c) by the revocation of subclause (vii).**

**(2) This section comes into force on March 31, 2006.**

**3. These regulations, except section 2, are deemed to have come into force on April 8, 2005.**

#### **EXPLANATORY NOTES**

These regulations add a definition of renewable energy equipment and revoke the clause respecting organic combustion systems as of March 31, 2006.