

EC2006-164**PROVINCE OF PRINCE EDWARD ISLAND
ESTIMATE OF EXPENDITURE
FISCAL YEAR 2006-2007**

This Council in Committee, having under consideration the Estimates of Expenditure required to carry on the public services of the Province for the fiscal year ending March 31, 2007, and amounting in all to the sum of one billion, one hundred and thirty-five million, one hundred and sixty-five thousand and eight hundred dollars (\$1,135,165,800) together with a sum sufficient for similar expenditure, to carry on the public service of the Province from the expiration of the fiscal year ending March 31, 2007 up to and until the final passage of the Estimates for the year ending March 31, 2008, it was and is hereby recommended that the Estimates be approved by His Honour, the Lieutenant Governor of the Province of Prince Edward Island, and be presented to the Legislative Assembly during the present session thereof.

EC2006-165

EXECUTIVE COUNCIL
THE MINISTRY
27 MARCH 2006

**PREMIER, PRESIDENT OF THE EXECUTIVE COUNCIL, and
MINISTER RESPONSIBLE FOR INTERGOVERNMENTAL AFFAIRS**

Honourable Patrick G. Binns

MINISTER OF DEVELOPMENT AND TECHNOLOGY

Honourable Michael F. Currie

PROVINCIAL TREASURER

Honourable P. Mitchell Murphy

**MINISTER OF HEALTH and
MINISTER OF SOCIAL SERVICES AND SENIORS**

Honourable J. Chester Gillan

**MINISTER OF ENVIRONMENT, ENERGY AND
FORESTRY**

Honourable James W. Ballem

MINISTER OF TRANSPORTATION AND PUBLIC WORKS

Honourable Gail A. Shea

MINISTER OF COMMUNITY AND CULTURAL AFFAIRS

Honourable Elmer E. MacFadyen

MINISTER OF EDUCATION and ATTORNEY GENERAL

Honourable Mildred A. Dover

MINISTER OF TOURISM

Honourable Philip W. Brown

MINISTER OF AGRICULTURE, FISHERIES AND AQUACULTURE

James D. Bagnall

EC2006-166

EXECUTIVE COUNCIL ACT
 PREMIER
 AND
 MINISTER OF COMMUNITY AND CULTURAL AFFAIRS
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (CANADA-PRINCE EDWARD-ISLAND-CITY OF CHARLOTTETOWN
 CANADA STRATEGIC INFRASTRUCTURE FUND AGREEMENT
 FOR THE CHARLOTTETOWN COMPONENT OF THE
 PROVINCIAL SLUDGE MANAGEMENT STRATEGY)
 WITH THE
 GOVERNMENT OF CANADA
 AND THE
 CITY OF CHARLOTTETOWN

Pursuant to clauses 10(a) and (c) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Premier and the Minister of Community and Cultural Affairs to enter into an agreement with the Government of Canada, as represented by the Minister of State (Infrastructure and Communities), and the City of Charlottetown, as represented by the Mayor and the Chief Administrative Officer, to set out terms and conditions of funding an expansion/upgrade of sewage sludge management services at the City of Charlottetown's Wastewater Treatment Plant in support of the Province's Sludge Management Strategy, such as more particularly described in the draft agreement.

EC2006-167

EXECUTIVE COUNCIL ACT
 PREMIER
 AND
 MINISTER OF COMMUNITY AND CULTURAL AFFAIRS
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (CANADA-PRINCE EDWARD-ISLAND-CITY OF CHARLOTTETOWN
 CANADA STRATEGIC INFRASTRUCTURE FUND
 AGREEMENT FOR THE
 MUNICIPAL WASTEWATER TREATMENT UPGRADE PROJECT)
 WITH THE
 GOVERNMENT OF CANADA
 AND THE
 CITY OF CHARLOTTETOWN

Pursuant to clause 10(a) and (c) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Premier and the Minister of Community and Cultural Affairs to enter into an agreement with the Government of Canada, as represented by the Minister of State (Infrastructure and Communities), and the City of Charlottetown, as represented by the Mayor and the Chief Administrative Officer, to set out terms and conditions of funding an expansion/upgrade of the City of Charlottetown's existing wastewater treatment system, such as more particularly described in the draft agreement.

EC2006-168

EXECUTIVE COUNCIL ACT
MINISTER OF EDUCATION
AUTHORITY TO ENTER INTO AN AGREEMENT
(CANADA-PRINCE EDWARD ISLAND
OFFICIAL LANGUAGES IN EDUCATION AGREEMENT)
WITH THE
GOVERNMENT OF CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Education to enter into an agreement with the Government of Canada, as represented by the Minister of Canadian Heritage, to set out terms and conditions of funding minority language education and second language instruction in Prince Edward Island for the fiscal years 2005-2006 to 2008-2009, such as more particularly described in the draft agreement.

EC2006-169

FARM REGISTRATION AND
FARM ORGANIZATIONS FUNDING ACT
REGISTRATION FEES REGULATIONS
AMENDMENT

Pursuant to section 10 of the *Farm Registration and Farm Organizations Funding Act* R.S.P.E.I. 1988, Cap. F-4.2, Council made the following regulations:

1. Clause 2(a) of the *Farm Registration and Farm Organizations Funding Act* Registration Fees Regulations (EC90/03) is amended by the deletion of the words “\$10,000” and the substitution of the words “\$0.00”.

2. These regulations come into force on April 8, 2006.

EXPLANATORY NOTES

This amendment will clarify what the registration fee is for a farm business that had less than \$10,000 in annual gross income in the immediately preceding taxation year and that wishes to register under the Act.

EC2006-170

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2004/05)
EMPLOYEE BENEFITS

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 Employee Benefits as follows:

Account Class	Account Name	Amount
	EMPLOYEES' FUTURE BENEFITS	
0146-02724	Interest on Unfunded Pensions and Benefits	\$ 4,951,600.00
0146-03132	Early Retirement Pay	<u>14,113,100.00</u>
	Sub-total	\$19,064,700.00
	GOVERNMENT PENSION CONTRIBUTION	
0147-02724	Interest on Unfunded Pensions and Benefits	<u>\$11,108,600.00</u>
	Total	<u>\$30,173,300.00</u>

EC2006-171

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
OFFICE OF THE ATTORNEY GENERAL

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 Office of the Attorney General as follows:

Account Class	Account Name	Amount
	LEGAL AND JUDICIAL SERVICES	
	JUDICIAL SERVICES	
	Administration	
0246-02805	Computer Equipment	\$ 63,400.00
	Family Law	
0704-03124	Salary (Salary Payroll)	<u>54,200.00</u>
	Total	<u>\$117,600.00</u>

EC2006-172

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
PRINCE EDWARD ISLAND BUSINESS DEVELOPMENT INC.

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 Prince Edward Island Business Development Inc. as follows:

Account Class	Account Name	Amount
	BUSINESS DEVELOPMENT Programs	
0194-04252	Strategic Infrastructure Assistance Development Assistance – Provincial Contributions	\$ 200,000.00
0197-04252	Tax Incentives (Slemon Park) Development Assistance – Provincial Contributions	<u>1,158,000.00</u>
		<u>\$1,358,000.00</u>

EC2006-173

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
DEPARTMENT OF COMMUNITY AND CULTURAL AFFAIRS

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 Community and Cultural Affairs as follows:

Account Class	Account Name	Amount
	CULTURE AND HERITAGE Cultural Affairs	
0066-02699	Administration Miscellaneous	\$ 5,000.00
0066-02805	Computer Equipment	20,000.00
0066-02901	Field Supplies	15,000.00
0066-03010	Contract Services (Other)	28,000.00
0066-03100	Salaries	60,000.00
0066-03201	In-Province Travel	3,000.00
0066-03202	Out-of-Province Travel	9,000.00
0066-04128	Grants – Heritage Archaeology	<u>180,000.00</u>
	Sub-total	\$320,000.00
	PLANNING AND INSPECTION SERVICES Joint Emergency Preparedness Projects	
0241-03010	Contract Services (Other)	<u>13,200.00</u>
	Total	<u>\$333,200.00</u>

EC2006-174

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
EXECUTIVE COUNCIL

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 Executive Council as follows:

Account Class	Account Name	Amount
ACADIAN AND FRANCOPHONE AFFAIRS		
	Administration	
0232-02905	Printing	\$ 2,200.00
	Professional and Contract Services	
0232-03001	Consultant	127,600.00
0232-03005	Computer Services	2,500.00
	Travel	
0232-03202	Out-of-Province Travel	<u>4,100.00</u>
		<u>\$136,400.00</u>

Further, Council noted that this amount will be fully offset by revenue from the Governments of Canada and New Brunswick.

EC2006-175

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
DEPARTMENT OF HEALTH

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 Health as follows:

Account Class	Account Name	Amount
HEALTH INFORMATICS		
	General	
	Professional and Contract Services	
0546-03005	Computer Services	\$2,400,000.00
CORPORATE SERVICES		
	Human Resources	
0555-04199	Grants – Miscellaneous	408,800.00
		<u>\$2,808,800.00</u>

Further, Council noted that the amount of \$2,400,000.00 will be offset by revenue from the Government of Canada (Medical Equipment Fund) and the Queen Elizabeth Hospital Foundation.

EC2006-176

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
DEPARTMENT OF SOCIAL SERVICES AND SENIORS

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 Social Services and Seniors as follows:

Account Class	Account Name	Amount
	CHILDREN AND YOUTH SERVICES	
	General	
0580-04099	Grants – Miscellaneous	<u>\$1,850,000.00</u>

EC2006-177

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
TOURISM PEI

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 Tourism PEI as follows:

Account Class	Account Name	Amount
	TOURISM MARKETING	
	Marketing	
0183-04252	Tourism Advisory Council	<u>\$200,000.00</u>

EC2006-178

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2005/06)
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

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 Transportation and Public Works Capital Expenditure as follows:

Account Class	Account Name	Amount
	HIGHWAYS	
0368-05001	Highway Reconstruction Capital – Development Costs	<u>\$1,318,100.00</u>

EC2006-179

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 JAMES FRANCIS AQUILANI AND RUTH J. WELLS AQUILANI
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to James Francis Aquilani and Ruth J. Wells Aquilani, both of Lansdale, Pennsylvania to acquire a land holding of approximately forty-five (45) acres of land in Lot 64, Kings County, Province of Prince Edward Island, being acquired from the Estate of Irvin H. Bond of Damariscotta, Maine SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said James Francis Aquilani and Ruth J. Wells Aquilani and on all successors in title.

EC2006-180

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 RONAN EUGENE CAHILL
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ronan Eugene Cahill of Sherwood Park, Alberta to acquire a land holding of approximately eighty-one (81) acres of land in Lot 42, Kings County, Province of Prince Edward Island, being acquired from Rundell Seaman of Little York, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2006-181

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MARK CHILDS AND DOLORES MACNEIL
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Mark Childs and Dolores MacNeil, both of Coquitlam, British Columbia to acquire a land holding of approximately zero decimal two three (0.23) acres of land in Lot 28, Prince County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island as represented by the Minister of Transportation and Public Works of Charlottetown, Prince Edward Island.

EC2006-182

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
NOA WAKAN DOSSANTOS AND NOA MIRANDA DOSSANTOS
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Noa Wakan DosSantos and Noa Miranda DosSantos, both of Breadalbane, Prince Edward Island to acquire a land holding of approximately zero decimal five five (0.55) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Nealcam Enterprises Ltd. of Charlottetown, Prince Edward Island.

EC2006-183

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
COMMUNITY OF VICTORIA
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to the Community of Victoria, Prince Edward Island to acquire a land holding of approximately twenty-six decimal eight two (26.82) acres of land in Lot 28, Prince County, Province of Prince Edward Island, being acquired from Ruth Schiller of Riverview, New Brunswick PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2006-184

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
COMPLEX INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Complex Inc. of Souris, Prince Edward Island to acquire an interest in a land holding of approximately zero decimal four seven (0.47) acres of land in Lot 47, Kings County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island as represented by the Minister of Transportation and Public Works of Charlottetown, Prince Edward Island.

EC2006-185

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 ELLEN INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ellen Inc. of Souris, Prince Edward Island to acquire an interest in a land holding of approximately zero decimal four seven (0.47) acres of land in Lot 47, Kings County, Province of Prince Edward Island, being acquired from Complex Inc. of Souris, Prince Edward Island.

EC2006-186

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 ELLEN INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ellen Inc. of Souris, Prince Edward Island to acquire a land holding of approximately two decimal four seven (2.47) acres of land in Lot 47, Kings County, Province of Prince Edward Island, being acquired from Complex Inc. of Souris, Prince Edward Island.

EC2006-187

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 ELLEN INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Ellen Inc. of Souris, Prince Edward Island to acquire a land holding of approximately one decimal zero eight (1.08) acres of land in Lot 47, Kings County, Province of Prince Edward Island, being acquired from Alan E. MacPhee of Souris, Prince Edward Island.

EC2006-188

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 APPLICATION TO LEASE LAND
 MONAGHAN FARMS LTD.
 (APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Monaghan Farms Ltd. of Grahams Road, Prince Edward Island to acquire, by

lease, an interest in a land holding or land holdings of up to five hundred and fifty (550) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Monaghan Farms Ltd. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2006-189

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
APPLICATION TO LEASE LAND
WALLACE PROPERTIES LTD.
(APPROVAL)

Pursuant to section 5 and clause 5.3(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Wallace Properties Ltd. of Elmsdale, Prince Edward Island to acquire, by lease, an interest in a land holding or land holdings of up to four hundred (400) acres of land as part of the said corporation's aggregate land holdings PROVIDED THAT the said Wallace Properties Ltd. files a statement with the Island Regulatory and Appeals Commission within one year of the date of this Order and prior to 31 December in every subsequent year disclosing the parcel number, the acreage and the term of lease for each parcel leased during the reporting period covered by the statement.

EC2006-190

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 053736, LOT 14, 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 one hundred and twenty-two decimal zero one (122.01) acres of land, being Provincial Property No. 053736 located in Lot 14, Prince County, Prince Edward Island and currently owned by Cackleberry Farms Ltd. of Grand River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately twenty decimal four (20.4) acres into a maximum of ten lots for residential purposes, 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 28 March 2006.

EC2006-191**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
EXEMPTION REGULATIONS
AMENDMENT**

Pursuant to section 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

1. The *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* are amended by the addition of the following after section 31:

32. The acquisition by Cavendish Agri Services Limited from the Department of Transportation and Public Works of approximately 3,457 square metres of land, being part of Provincial Property Number 76885, located at or near the intersection of Route 2 and the Old Summerside Road in Kensington in Lot 19, Prince County, is exempt from the application of section 5 of the Act.

Cavendish Agri
Services

2. These regulations come into force on April 8, 2006.

EXPLANTORY NOTES

These regulations exempt the described property from section 5 of the *Prince Edward Island Lands Protection Act*. The exemption is granted to enable Cavendish Agri Services Limited to exchange very small parcels of land with the Department of Transportation and Public Works, at that Department's request, to resolve ownership issues that arose with the realignment of the old Summerside Road.

EC2006-192**PRINCE EDWARD ISLAND LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN EXEMPTION
IN RESPECT OF THE ACQUISITION OF LAND
BY
CAVENDISH AGRI SERVICES LIMITED**

Pursuant to section 17(2) of the *Prince Edward Island Lands Protection Act*, R.S.P.E.I. 1988, Cap. L-5, Council authorized the following statement to be tabled in the Legislative Assembly.

STATEMENT

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

The exemption from the application of section 5 of the Act was granted in respect of the acquisition of lands totalling approximately 3,457 square metres, being a portion of provincial property #76885, located at Kensington, Lot 19, Prince County.

2. Reason for the exemption:

The exemption was granted to enable Cavendish Agri Services Limited to accept the conveyance of the above noted lands as requested by the Government of Prince Edward Island based on the following factors:

(a) the exchange of lands was at the request of, and was initiated by, the Department of Transportation and Public Works on behalf of the Province; and

(b) the resulting land exchange will rectify and resolve a long outstanding land ownership issue which occurred with the realignment of the Old Summerside Road.

EC2006-193

SUMMARY PROCEEDINGS ACT TICKET REGULATIONS AMENDMENT

Pursuant to subsection 10(3) of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, Council made the following regulations:

1. Schedule 2 of the *Summary Proceedings Act Ticket Regulations (EC321/01)* is amended by the addition of the following to the table entitled "HIGHWAY TRAFFIC ACT R.S.P.E.I. 1988, Cap. H-5" in the appropriate columns:

186.1 Failing to wear bicycle safety helmet and failing to have chin strap securely fastened.....	194(2)(a.1)	50
195.1 Parent or guardian permitting person under 16 years of age to ride or operate bicycle on a highway without wearing bicycle safety helmet and without having chin strap securely fastened.....	194.1	50

2. These regulations come into force on April 8, 2006.

EXPLANATORY NOTES

The amendment updates the offence provisions in the *Summary Proceedings Act Ticket Regulations* for the *Highway Traffic Act*.

EC2006-194

WILDLIFE CONSERVATION ACT GROUND HEMLOCK REGULATIONS

Pursuant to section 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

1. In these regulations	Definitions
(a) "Act" means the <i>Wildlife Conservation Act</i> R.S.P.E.I. 1988, Cap. W-4.1;	Act
(b) "buying station" means a site or facility where harvested ground hemlock is brought to be weighed and purchased;	buying station
(c) "Department" means the Department of Environment, Energy and Forestry;	Department
(d) "ground hemlock" means the evergreen shrub commonly known as the Canada Yew and identified scientifically as <i>Taxus canadensis</i> Marsh and includes both fresh and dried material;	ground hemlock
(e) "ground hemlock buying license" means a ground hemlock buying license issued by the Minister pursuant to section 4;	ground hemlock buying license
(f) "ground hemlock harvesting license" means a ground hemlock harvesting license issued by the Minister pursuant to section 2;	ground hemlock harvesting license

- (g) “harvesting” means searching for, clipping or otherwise removing or attempting to clip or otherwise remove, foliage, stems, branches, roots, fruit or flowers from a ground hemlock plant; harvesting
- (h) “licensed ground hemlock buyer” means a person who holds a valid ground hemlock buying license; licensed ground hemlock buyer
- (i) “licensed ground hemlock harvester” means a person who holds a valid ground hemlock harvesting license. licensed ground hemlock harvester

GROUND HEMLOCK HARVESTING LICENSE

2. (1) The Minister may issue a ground hemlock harvesting license to a person who applies for a harvesting license on a form approved by the Minister and who Ground hemlock harvesting license
- (a) has successfully completed a ground hemlock harvester education program approved by the Minister;
- (b) has paid the fee prescribed in the Schedule to these regulations; and
- (c) is not precluded from making an application for a ground hemlock harvesting license under subsection (4).
- (2) The Department shall, in respect of each person who is issued a harvesting license, assign to the person a permanent ground hemlock harvester identification number that is unique to each licensed ground hemlock harvester. Permanent ground hemlock harvester identification number
- (3) The Minister may, at any time, cancel or suspend a person’s harvesting license for a period specified by the Minister where the Minister has reason to believe that Cancellation or suspension of harvesting license
- (a) the person has provided false or misleading information in respect of the person’s harvesting license;
- (b) the person who holds a harvesting license has contravened the Act, these regulations or a condition of the person’s harvesting license; or
- (c) the person who holds a ground hemlock harvesting license has outstanding fees payable to the Department.
- (4) A person whose harvesting license is suspended or cancelled under subsection (3) may not make an application for another harvesting license unless Prohibition
- (a) if the license was suspended, the suspension has expired;
- (b) the applicant has successfully completed a ground hemlock harvester education program approved by the Minister after the cancellation or the expiry of the applicant’s license suspension; and
- (c) the applicant has no outstanding fees payable to the Department.
- (5) A harvesting license issued under these regulations expires on March 31st of the third year following the date of issue, unless the license is sooner cancelled under subsection (3) or the date of the expiry of the license is otherwise specified in the terms and conditions of the harvesting license. License expiry

GROUND HEMLOCK HARVESTER EDUCATION PROGRAM

3. (1) A ground hemlock harvester education program, approved by the Minister, shall be offered by the Department, or on behalf of the Department, by instructors approved by the Minister, at least once annually for the purposes of training people in relevant legislation, record-keeping, harvesting techniques and other related topics identified by the Minister. Ground hemlock harvester education program
- (2) A fee, approved by the Minister, may be charged for the harvester education program. Fee
- (3) A person who wishes to apply for the harvester education program shall apply for the program on a form approved by the Minister. Application form

GROUND HEMLOCK BUYING LICENSE

4. (1) The Minister may issue a ground hemlock buying license to a person who applies for a buying license on a form approved by the Minister and who Ground hemlock buying license

- (a) provides the names and addresses of all persons in the province who are eligible to act as an agent and operate one or more buying stations on behalf of the applicant;
- (b) provides the location of warehouses, shops or other buildings in which ground hemlock will be stored;
- (c) has successfully completed a ground hemlock buyer education program approved by the Minister;
- (d) can show that every person who is eligible to act as an agent and operate one or more buying stations on behalf of the applicant has successfully completed a ground hemlock buyer education program approved by the Minister;
- (e) is in compliance with the Act and these regulations;
- (f) has paid the fee prescribed in the Schedule to these regulations; and
- (g) is not precluded from making an application for a ground hemlock buying license under subsection (4).
- (2) Where a change occurs in the information provided under subsection (1), the holder of the buying license shall immediately file with the Minister the necessary changes to the information previously filed. Changes in information
- (3) The Minister may, at any time, cancel or suspend a buying license where the Minister has reason to believe that Cancellation or suspension of buying license
- (a) the person has provided false or misleading information in respect of the person's buying license;
- (b) the person who holds a buying license has contravened the Act, these regulations or a condition of the person's buying license; or
- (c) the person who holds a ground hemlock buying license has outstanding fees payable to the Department.
- (4) A person whose buying license is suspended or cancelled under subsection (3) may not make an application for another buying license unless Prohibition
- (a) if the license was suspended, the suspension has expired;
- (b) the applicant has successfully completed a ground hemlock buyer education program approved by the Minister after the cancellation or the expiry of the applicant's license suspension; and
- (c) the applicant has no outstanding fees payable to the Department.
- (5) The Department shall, in respect of each person who is issued a buying license, assign to the person a permanent ground hemlock buyer identification number that is unique to each licensed ground hemlock buyer and person operating a buying station on behalf of the licensed ground hemlock buyer. Permanent ground hemlock buyer identification number
- (6) A buying license issued under these regulations expires on March 31st of the third year following the date of issue, unless the license is sooner cancelled or suspended under subsection (3) or the date of the expiry of the license is otherwise specified in the terms and conditions of the buying license. License expiry

GROUND HEMLOCK BUYER EDUCATION PROGRAM

5. (1) A ground hemlock buyer education program, approved by the Minister, shall be offered by the Department, or on behalf of the Department, by instructors approved by the Minister, at least once annually for the purposes of training people in relevant legislation, record-keeping, harvesting techniques and other related topics identified by the Minister. Ground hemlock buyer education program
- (2) A fee, approved by the Minister, may be charged for the buyer education program. Fee
- (3) A person who wishes to apply for the buyer education program shall apply for the program on a form approved by the Minister. Application form

HARVEST AND TRANSPORT OF GROUND HEMLOCK GENERAL RESTRICTIONS AND DUTIES

6. (1) No person shall harvest ground hemlock on land owned by another person unless the person Prohibition

- (a) holds a valid ground hemlock harvesting license; and
 - (b) is in possession of written permission
 - (i) in the case of Crown land, from the Minister, or
 - (ii) from the registered owner of any other land.
- (2) No person who has been issued a ground hemlock harvesting license shall *Idem*
- (a) harvest ground hemlock on a date during a year other than on a date falling between August 15 and April 30, inclusive; or
 - (b) harvest more than three years of most recent growth from any one branch or stem of ground hemlock.
- (3) Subsection (2) does not apply to *Exemption*
- (a) the owner of the land from which the ground hemlock is harvested;
 - (b) any person harvesting less than five kilograms (5kg) of ground hemlock per season; or
 - (c) any person undertaking land-clearing activities to convert forest land to agricultural, residential, recreational or other non-forest use in compliance with federal, provincial or municipal legislation.
7. (1) No person shall transport ground hemlock unless *Transport*
- (a) the ground hemlock is in a bucket, bag or other container that is clearly marked with
 - (i) the name of the licensed ground hemlock harvester who harvested the ground hemlock,
 - (ii) the ground hemlock harvester's permanent ground hemlock harvester identification number,
 - (iii) the date of harvest,
 - (iv) the property identification number of the harvest site, and
 - (v) the precise position or location in latitude and longitude of the harvest site; and
 - (b) the person transporting the ground hemlock is
 - (i) a licensed ground hemlock harvester,
 - (ii) a licensed ground hemlock buyer,
 - (iii) an agent of the licensed ground hemlock harvester who harvested the ground hemlock, or
 - (iv) an agent of a person who holds a valid ground hemlock buying license.
- (2) Subsection (1) does not apply to *Exemption*
- (a) the owner of the land from which the ground hemlock is harvested; or
 - (b) any person harvesting less than five kilograms (5kg) of ground hemlock per season.
- POSSESSION, PURCHASE AND SALE OF GROUND HEMLOCK**
8. (1) No person shall be in possession of five kilograms (5kg) or more of harvested ground hemlock unless the person *Possession of ground hemlock*
- (a) holds a valid ground hemlock harvesting license;
 - (b) holds a valid ground hemlock buying license;
 - (c) is named on a valid ground hemlock buying license as an agent operating one or more buying stations on behalf of a licensed buyer; or
 - (d) is transporting the ground hemlock as an agent of a person referred to in clause (a) or (b).
- (2) No person shall be in possession of ground hemlock branches or stems that are more than three years of most recent growth. *Idem*
- (3) Subsections (1) and (2) do not apply to the owner of land from which the ground hemlock is harvested. *Exemption*
9. (1) No person shall buy, acquire or deal in ground hemlock unless the person *Prohibition*
- (a) holds a valid ground hemlock buying license; or
 - (b) is named on a valid ground hemlock buying license as an agent operating one or more buying stations on behalf of a licensed buyer.
- (2) Notwithstanding subsection (1), a person who holds a valid ground hemlock harvesting license may *Exemption*

- (a) acquire or deal in ground hemlock from a property owner with the property owner's permission; and
- (b) sell ground hemlock to a licensed ground hemlock buyer or person operating one or more buying stations on behalf of a licensed buyer.
- 10.** (1) No person shall buy or acquire ground hemlock from any other person except from a person who Prohibition
- (a) holds a valid ground hemlock harvesting license;
- (b) holds a valid ground hemlock buying license;
- (c) is named on a valid ground hemlock buying license as a person operating one or more buying stations on behalf of a licensed buyer; or
- (d) is the owner of the land from which the ground hemlock is harvested if the owner presents to the licensed buyer
- (i) a property tax bill issued within the past 12 months that states the landowner's name, property number and acreage of the property; and
- (ii) photographic identification of the landowner.
- (2) No person shall sell ground hemlock to another person unless the other person buying the ground hemlock Idem
- (a) holds a valid ground hemlock buying license; or
- (b) is named on a valid ground hemlock buying license as an agent operating one or more buying stations on behalf of a licensed buyer.
- 11.** (1) The Minister may appoint a Canada Customs and Revenue Agency auditor to inspect the records required to be maintained by a licensed ground hemlock buyer or an agent operating one or more buying stations on behalf of a licensed buyer. Appointment of auditor
- (2) Every licensed ground hemlock buyer or every agent operating one or more buying stations on behalf of a licensed buyer, shall, in respect of every transaction in which the licensed ground hemlock buyer acquires ground hemlock from a licensed ground hemlock harvester, Records
- (a) keep a record of
- (i) the licensed buyer's name,
- (ii) the licensed buyer's permanent ground hemlock buyer identification number,
- (iii) the licensed ground hemlock harvester's name, and where the ground hemlock harvester is the landowner, the landowner's name and address,
- (iv) the licensed ground hemlock harvester's permanent ground hemlock harvester identification number or where the ground hemlock harvester is the landowner, the property number from a property tax bill issued within the past 12 months,
- (v) the date of harvest,
- (vi) the date of acquisition by the licensed ground hemlock buyer,
- (vii) the property identification number of the harvest site,
- (viii) the precise position or location in latitude and longitude of the harvest site, where the licensed ground hemlock harvester is not the landowner,
- (ix) the weight acquired, with green or dry weight specified, and
- (x) the price paid per unit weight (pound or kilogram); and
- (b) provide a duplicate copy of this record to the licensed ground hemlock harvester or, where the ground hemlock harvester is the landowner, to the landowner.
- (3) Every licensed ground hemlock buyer and every licensed ground hemlock harvester shall Idem
- (a) retain copies of the records required to be kept under subsection (1) for a period of not less than seven years; and
- (b) make these records available for inspection, on request, by a conservation officer, peace officer, other employee of the Department or by a Canada Customs and Revenue Agency auditor.
- 12.** (1) Every licensed ground hemlock buyer shall, on or before April 30 of each year and on the last day of every sixth month thereafter, or on request of the Minister, make a report to the Minister stating Report to Minister

- (a) the property identification number of each harvest site from which ground hemlock acquired by the licensed ground hemlock buyer was harvested;
- (b) the date of harvest;
- (c) the area of each property;
- (d) the estimated area of ground hemlock harvested on each property;
- (e) the precise position or location in latitude and longitude of each harvest site;
- (f) the weight of ground hemlock acquired from each property; and
- (g) the permanent ground hemlock harvester identification number of each licensed harvester from which ground hemlock was acquired.
- (2) Where a licensed ground hemlock buyer has not bought or otherwise acquired ground hemlock during the preceding six months, the licensed buyer shall make a report to the Minister stating that no ground hemlock has been bought or acquired. *Idem*
- (3) Every licensed ground hemlock buyer and every licensed ground hemlock harvester who *False statement or report*
- (a) makes a false statement or report; or
- (b) refuses to produce records for inspection, on request, by a conservation officer, peace officer, other employee of the Department or by a Canada Customs and Revenue Agency auditor, is guilty of an offence.

IMPORT AND EXPORT

- 13.** No person shall import ground hemlock to the province unless the person *Import*
- (a) holds a valid ground hemlock buying license issued under these regulations; or
- (b) is named on a valid ground hemlock buying license as a person operating one or more buying stations on behalf of a licensed buyer.
- 14.** No person shall export ground hemlock from the province unless the person *Export*
- (a) holds a valid ground hemlock buying license issued under these regulations; or
- (b) is named on a valid ground hemlock buying license as a person operating one or more buying stations on behalf of a licensed buyer.

OFFENCE AND PENALTY

- 15.** Every person who fails to comply with or contravenes any of the provisions of these regulations is guilty of an offence and is liable, on summary conviction, *Offence and penalty*
- (a) to a fine of not less than \$200 and not more than \$2,000 where the person is a natural person; or
- (b) to a fine of not less than \$2,000 and not more than \$10,000 where the person is a corporation.
- 16.** These regulations come into force on April 8, 2006. *Commencement*

SCHEDULE FEES

1. Resident ground hemlock harvesting license	\$15
2. Non-resident ground hemlock harvesting license	15
3. Resident ground hemlock buying License	15
4. Non-resident ground hemlock buying license	15

EXPLANATORY NOTES

SECTION 1 defines terms used in these regulations.

SECTION 2 outlines the requirements for the issuance of a ground hemlock harvesting license.

SECTION 3 outlines the components of the ground hemlock harvester education program.

SECTION 4 outlines the requirements for the issuance of a ground hemlock buying license.

SECTION 5 outlines the components of the ground hemlock buyer education program.

SECTION 6 outlines the restrictions and duties in the harvest of ground hemlock.

SECTION 7 outlines the restrictions and duties in the transport of ground hemlock.

SECTION 8 outlines the requirements for possession of ground hemlock.

SECTIONS 9 and 10 outline the requirements to buy, acquire or deal in ground hemlock.

SECTION 11 outlines the records to be kept by every holder of a valid ground hemlock buying license or agent operating one or more buying stations on behalf of a licensed buyer; outlines how long the records are to be kept, and mandates that the records are to be made available for inspection, on request.

SECTION 12 outlines the requirements for a report that is to be made to the Minister by every licensed buyer.

SECTION 13 outlines the requirements for importing ground hemlock.

SECTION 14 outlines the requirements for exporting ground hemlock.

SECTION 15 is the offence and penalty provision.

SECTION 16 provides for the commencement of these regulations.