

EC2004-498**AN ACT TO AMEND THE ADOPTION ACT
DECLARATION RE**

Under authority of section 3 of *An Act to Amend the Adoption Act* Stats. P.E.I. 2004, 1st Session, c. 25 Council ordered that a Proclamation do issue proclaiming the said "*An Act to Amend the Adoption Act*" to come into force effective September 14, 2004.

EC2004-499**ADOPTION ACT
REGULATIONS
AMENDMENT**

Pursuant to section 57 of the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, Council made the following regulations:

- 1. Clause 1(h) of the *Adoption Act* Regulations (EC526/93) is revoked.**
- 2. The regulations are amended by the revocation of the heading before section 21 and section 21.**
- 3. The heading before section 22 of the regulations is amended by the addition of the word "PLACEMENT" before the word "COUNSELLING".**
- 4. Section 25 of the regulations is amended by the deletion of the words "*Family and Child Services Act*" and the substitution of the words "*Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1".**
- 5. Clause 27(c) of the regulations is amended by the deletion of the words "*Family and Child Services Act*" and the substitution of the words "*Child Protection Act*".**
- 6. Section 33 of the regulations is amended by the deletion of the words "*Family and Child Services Act*" and the substitution of the words "*Child Protection Act*".**
- 7. The regulations are amended by the addition of the heading "SCHEDULE" immediately before Form 1.**
- 8. The Schedule to the regulations is amended**
 - (a) in Form 2, by the deletion of the words "Adoption Act, STATS P.E.I. 1992, cap. 1" and the substitution of the words "Adoption Act";**
 - (b) in Form 5, by the deletion of the words "family agency,";**
 - (c) by the revocation of Form 8 and the substitution of Form 8 in the Schedule to these regulations;**
 - (d) in Form 9,**
 - (i) by the deletion of the words "ADOPTION ACT, STATS P.E.I. 1992, cap. 1" and the substitution of the words "Adoption Act", and**
 - (ii) by the deletion of the words "_____ an employee of a family service agency";**

(e) in Form 11, by the deletion of the words “____ AGENCY”;

(f) in Form 12(b), by the deletion of the words

“ I am the legal guardian pursuant to the *Family and Child Services Act*

There is no other person entitled to give or withhold consent [Adoption Act paragraph 22(e)(i)]

The applicant for adoption resides out-of-province [Adoption Act paragraph 22(e)(ii)]”

and the substitution of the following:

“ I am the legal guardian of the child pursuant to an agreement made under the *Adoption Act*, or an agreement or order made under the *Child Protection Act*.

There is no other person entitled to give or withhold consent. [Adoption Act subclause 22(e)(i), or *Child Protection Act* subsection 20(1) or clause 38(2)(d)]

The applicant for adoption resides out-of-province. [Adoption Act subclause 22(e)(ii)]”

(g) by the addition of Forms 15 and 16 in the Schedule to these regulations.

9. These regulations come into force on September 25, 2004.

SCHEDULE

FORM 8

[Section 40 of the Regulations]

ASSESSMENT OF PLACEMENT RISK

I have conducted an assessment of placement risk on

_____ (Applicants)

of _____ (Address)

and report as follows:

_____ consistent availability of resources to provide for the child’s basic living needs including adequate food, clothing and shelter
Comments: _____

_____ consistent availability or planning of appropriate child care
Comments: _____

_____ no serious physical or psychiatric health problems or disabilities of a life-threatening nature or which might otherwise significantly impede the applicant’s ability to parent a child
Comments: _____

_____ no active addiction to alcohol or any drug on the part of any member of the household. Where there is a history of any such addiction, the person must have maintained freedom from abuse or dependency with clear indications that the addiction or risk of abuse is satisfactorily under control
Comments: _____

_____ no evidence of domestic violence or abuse of any kind; no substantiated report of domestic violence or abuse within the previous three years
Comments: _____

_____ no conviction of any member of the household for a criminal offence that indicates a likely inability to provide properly for the best interests of the child
Comments: _____

_____ no member of the household is a parent or primary caretaker of a child who was found to be in need of protection under the child welfare laws of any jurisdiction
Comments: _____

_____ no evidence that the motives of the prospective parents are likely to cause results contrary to the best interests of the child
Comments: _____

_____ I have determined that there are risks in the proposed placement. A description of the placement risk and the evidence on which I base this determination are as follows:

_____ Date

_____ Signature of Authorized Social Worker

Original to the person arranging the placement
Copy to the Director of Child Welfare

FORM 15

[Section 21 of the Regulations]

AGREEMENT FOR TEMPORARY CUSTODY OR TEMPORARY CUSTODY AND
GUARDIANSHIP

Full Name of Child: _____ Sex: _____

Date of Birth: _____ Place of Birth: _____

Birth Registration Number: _____

I, _____, of
(name of person consenting)_____
(city/town, province)

agree to transfer the temporary
 _____ custody
 _____ custody and guardianship
 of the child to the Director of Child Welfare for the Province of Prince Edward Island

Initials

_____ I understand that custody refers to the physical possession of this child and the provision of daily requirements, while guardianship refers to the authority and responsibility for making decisions concerning this child, including such matters as education, non-routine health care and legal proceedings.

_____ I am the parent of this child within the meaning of the *Adoption Act* because I am:

- _____ the mother of the child
 _____ the father of the child
 _____ married to the mother of the child
 _____ registered as the father of the child under the *Vital Statistics Act*
 _____ the father of the child as established under the *Child Status Act*
 _____ other (explain) _____

_____ My consent to the transfer of custody or custody and guardianship is given freely and voluntarily.

_____ I am or will be receiving professional counselling and psychological support regarding options for my child and I understand the implications of signing this agreement.

_____ I am aware that I may seek independent legal advice with respect to this agreement.

_____ I understand that I may revoke this agreement at any time by giving three working days notice of revocation to the Director of Child Welfare.

_____ I understand that the following conditions apply to this agreement:

1. In the event that I cannot be contacted, I authorize the Director of Child Welfare to make such decisions as the Director may consider necessary respecting non-routine health care or medical treatment.

2. _____

3. _____

_____ I understand that this temporary agreement is in effect from _____ (date)

to _____ unless terminated, and during the term of this agreement I agree to

4. notify the Director of a change in my address or telephone number

5. _____

6. _____

Date _____

Signature of Authorized Social Worker

Signature of Parent

.....
I, _____, hereby revoke this agreement.
(Name of Parent)

Date _____

Witness

Signature of Parent

EXECUTIVE COUNCIL _____ 14 SEPTEMBER 2004

FORM 16

[Section 21 of the Regulations]

AGREEMENT FOR PERMANENT CUSTODY AND GUARDIANSHIP
FOR PURPOSES OF ADOPTION

Full Name of Child: _____ Sex: _____

Date of Birth: _____ Place of Birth: _____

Birth Registration Number: _____

I, _____, of
(name)

(city/town, province)

agree to transfer all rights of custody and guardianship of the child to the Director of Child Welfare for the Province of Prince Edward Island for the purposes of the adoption of the child.

Initials_____ I am the parent of this child within the meaning of the *Adoption Act* by virtue of being:

_____ the mother of the child

_____ the father of the child

_____ married to the mother of the child

_____ registered as the father of the child under the *Vital Statistics Act*_____ the father of the child as established under the *Child Status Act*

_____ other: (explain) _____

_____ I understand that all of my rights and obligations with respect to the child are hereby terminated and that the Director of Child Welfare for the Province of Prince Edward Island has full authority to make a plan of care or adoption for the child.

_____ I have been advised of the options available with respect to the child.

_____ I understand the implications of my entering into this agreement and my rights and obligations under it.

_____ I have received independent legal advice with respect to this agreement.
(certificate or affidavit attached)

_____ I have received professional counselling and psychological support with respect to this agreement.

_____ I understand that I may revoke this agreement within 14 days of having given it by providing notice in writing to the Director of Child Welfare.

EXECUTIVE COUNCIL _____ 14 SEPTEMBER 2004

_____ On the adoption order, I
 _____ authorize
 _____ do not authorize
 the inclusion of my name identifying me as a birth parent of this child.

_____ This agreement supersedes any prior existing agreements respecting the custody or guardianship of the child.

_____ In signing this agreement, I acknowledge that:
 1. I do so freely and voluntarily;
 2. I have not been pressured or coerced in any way; and
 3. I have been offered no payment or reward for signing.

_____ Date _____ Parent _____

 Signature of Authorized Social Worker

Statement of authorized social worker
 I am an authorized social worker pursuant to the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1.
 I have provided or will provide counselling to the parent, have ascertained that the placement is being voluntarily sought, have described options to, and the implications of, placement and have offered psychological support.

Date: _____

 Signature of Authorized Social Worker

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EXPLANATORY NOTES

SECTION 1 removes the definition of Director which is already found in the Act.

SECTION 2 removes spent provisions.

SECTION 3 changes a heading.

SECTIONS 4-6 change a reference to the *Family and Child Services Act* to the *Child Protection Act*.

SECTION 7 renames the forms as a Schedule and adds a heading.

SECTION 8 amends the forms and adds Forms 15 and 16.

SECTION 9 provides for the commencement of these regulations.

EC2004-500

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
LESLEY ANNE MENDES
(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 Lesley Anne Mendes of Devonshire, Bermuda to acquire a land holding of approximately eleven decimal three (11.3) acres of land in Lot 32, Queens County, Province of Prince Edward Island, being acquired from Victoria Barnicke of Toronto, Ontario.

Further, Council noted that the said land holding, being Provincial Property No. 773242, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2004-501

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
GIULIANO FANTILLI AND JULIA FANTILLI
(DENIAL)

Council, having under consideration an application (#N4290) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Giuliano Fantilli and Julia Fantilli, both of Woodbridge, Ontario to acquire a land holding of approximately three decimal six seven (3.67) acres of land in Lot 20, Queens County, currently owned by the Estate of Elsie Craig of Summerside, Prince Edward Island.

EC2004-502

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
ANDREWS OF STRATFORD 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 Andrews of Stratford Inc. to acquire a land holding of approximately five decimal two six (5.26) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Kel-Mac Inc. of Charlottetown, Prince Edward Island.

EC2004-503

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WAYNE JAY LTD.
(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 Wayne Jay Ltd. of South Freetown, Prince Edward Island to acquire a land holding of approximately five decimal seven three (5.73) acres of land in Lot 26, Prince County and Lot 20, Queens County, Province of Prince Edward Island, being acquired from Wayne Jay of South Freetown, Prince Edward Island.

EC2004-504

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
P.T. HOLDINGS LTD.
(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 P.T. Holdings Ltd. of McNeills Mills, Prince Edward Island to acquire a land holding of approximately one decimal six four (1.64) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Leigh MacMillan and Martina MacMillan, both of Cascumpec, Prince Edward Island.

EC2004-505

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
PAN-AMERICAN TRUST COMPANY
(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 Pan-American Trust Company of Charlottetown, Prince Edward Island to acquire a land holding of approximately three decimal six seven (3.67) acres of land in Lot 17, Prince County, Province of Prince Edward Island, being acquired from 100525 P.E.I. Inc. of Summerside, Prince Edward Island.

EC2004-506

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NOS. 162529, 162602, 162701, 162735, 162750, 162768, 162776
LOT 52, 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 pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately five hundred and eighty-two decimal five (582.5) acres of land, being Provincial Property Nos. 162529, 162602, 162701, 162735, 162750, 162768, 162776 located in Lot 52, Kings County, Prince Edward Island and currently owned by Bartow Business Partners, LLC of Canton, Georgia.

Council noted that this amendment will enable subdivision of a parcel of land of approximately one hundred and fifty-four (154) acres into lots PROVIDED THAT Bartow Business Partners, LLC of Canton, Georgia acknowledges the angling public's right to access the pond from the publicly owned dam site and will not restrict fishing by the public in and over Leards Pond. Further, Council noted: (i) that parcel 162735 contains a twenty-five (25) foot wide easement for the purpose of allowing public access at no charge to the water and bank area of Leards Pond for recreational purposes; and (ii) that these lands are part of a Conservation Zone designated pursuant to the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, and relevant provisions of the said Act and its Regulations apply.

Following subdivision, Council determined that identification for non-development use shall continue to apply to the remaining land which was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95 made under the said Act.

This Order-in-Council comes into force on September 14, 2004.

EC2004-507

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 913939, LOT 20, QUEENS 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 pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately nine decimal four (9.4) acres of land, being Provincial Property No. 913939 located in Lot 20, Queens County, Prince Edward Island and currently owned by Jason Reeves and Tammy Reeves, both of Clinton, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately zero decimal seven five (0.75) acres, and is subject to the subdivided parcel being consolidated with the one (1) acre lot approved for subdivision from this parcel via Order-in-Council EC2003-174 of 1 April 2003. 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 14 September 2004.

EC2004-508

NATURAL PRODUCTS MARKETING ACT
POTATO MARKETING PLAN REGULATIONS
AMENDMENT

Pursuant to subsections 4(2) and (3) and section 29 of the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3, and upon the recommendation of the Prince Edward Island Marketing Council, Council made the following regulations:

1. (1) Subsection 15(2) of the *Natural Products Marketing Act* Potato Marketing Plan Regulations (EC 173/90) is amended by the deletion of the word "March" and the substitution of the word "June".

(2) Subsection 15(3) of the regulations is amended by the deletion of the word "April" and the substitution of the word "July".

(3) Subsection 15(9) of the regulations is amended by the deletion of the word "March" and the substitution of the word "June".

2. (1) Subsection 16(1) of the regulations is amended by the deletion of the word "March" and the substitution of the word "June".

(2) Subsection 16(7) of the regulations is amended by the deletion of the word "June" and the substitution of the word "August".

(3) Subsection 16(15) of the regulations is amended by the deletion of the words "July 7" and the substitution of the words "September 15".

3. Sections 17 and 30 of the regulations are amended by the deletion of the word "September" and the substitution of the word "November".

4. Subsection 37(2) of the regulations is amended by the deletion of the words "September 15" and the substitution of the words "November 30".

5. These regulations come into force on September 25, 2004.

EXPLANATORY NOTES

These regulations amend various dates for the performance of certain duties concerning the holding of an election of members of the PEI Potato Board. The regulations also amend the dates by which the members of the Board must take office and hold an annual meeting.

EC2004-509

AN ACT TO AMEND THE REGISTRY ACT (NO. 2) DECLARATION RE

Under authority of section 2 of *An Act to Amend the Registry Act (No. 2)*, Stats. P.E.I. 2004, 1st Session, c. 45 Council ordered that a Proclamation do issue proclaiming the said "*An Act to Amend the Registry Act (No. 2)*" to come into force effective September 25, 2004.

EC2004-510

SCHOOL ACT WESTERN SCHOOL BOARD APPOINTMENT

Pursuant to section 35 of the *School Act* R.S.P.E.I. 1988, Cap. S-2.1 Council made the following appointment:

NAME	TERM OF APPOINTMENT
in Zone 2	
Janet Yeo	14 September 2004
Alberton	to
(vice Karen O'Brien, resigned)	30 June 2005

EC2004-511

**WILDLIFE CONSERVATION ACT
HUNTING AND TRAPPING SEASONS REGULATIONS
AMENDMENT**

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. Schedule I of the *Wildlife Conservation Act Hunting and Trapping Seasons Regulations (EC330/99)* is revoked and the following substituted:

SCHEDULE I

HUNTING SEASONS AND LIMITS

Game	Open Season	Daily	Possession
Pheasant	No open season	-	-
Ruffed Grouse	September 27 - December 31	3	6
Hungarian (Grey) Partridge	October 18 - November 6*	3	6
Snowshoe Hare (Rabbit)	October 1 - February 28	5	-
Fox	November 1 - January 31	-	-
Raccoon	October 15 - January 31	-	-
Coyote	October 1 - March 31**	-	-

NOTES:

* There will be no open season for Hungarian (Grey) Partridge in Lots 1-10 inclusive, and in Lots 43-47 inclusive, during the fall and winter seasons of 2004/2005.

** Hunting with hounds is permitted from October 1 - February 28. The running of hounds for training or any other purpose will not be permitted March 1 through March 31, except by permit.

2. These regulations come into force on September 25, 2004.

EXPLANATORY NOTES

These regulations establish season dates and bag limits for the hunting of wildlife during the fall and winter seasons of 2004/2005.

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

ELIZABETH THE SECOND, by the
Grace of God of the United Kingdom,
Canada and Her other Realms and
Territories, QUEEN, Head of the
Commonwealth, Defender of the Faith.

Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any
wise concern:

GREETING

A PROCLAMATION

WHEREAS in and by section 3 of Chapter 25 of the Acts passed by the
Legislature of Prince Edward Island in the 1st Session thereof held in the year
2004 and in the fifty-third year of Our Reign intituled "An Act to Amend the
Adoption Act" it is enacted as follows:

“This Act comes into force on a date that may be fixed by proclamation of the
Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2004,
1st Session, c. 25 should come into force on the 14th day of September, 2004,

NOW KNOW YE that We, by and with the advice and consent of our
Executive Council for Prince Edward Island, do by this Our Proclamation
ORDER AND DECLARE that the said Act being "An Act to Amend the
Adoption Act" passed in the fifty-third year of Our Reign shall come into force on
the fourteenth day of September, two thousand and four of which all persons
concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made
Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the
Province of Prince Edward Island, at Charlottetown this fourteenth day of
September in the year of Our Lord two thousand and four and in the fifty-third
year of Our Reign.

By Command,

Acting Clerk of the Executive Council

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

ELIZABETH THE SECOND, by the
Grace of God of the United Kingdom,
Canada and Her other Realms and
Territories, QUEEN, Head of the
Commonwealth, Defender of the Faith.

Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any
wise concern:

GREETING

A PROCLAMATION

WHEREAS in and by section 2 of Chapter 45 of the Acts passed by the
Legislature of Prince Edward Island in the 1st Session thereof held in the year
2004 and in the fifty-third year of Our Reign intituled "An Act to Amend the
Registry Act (No. 2)" it is enacted as follows:

“This Act comes into force on a date that may be fixed by proclamation of the
Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2004,
1st Session, c. 45 should come into force on the 25th day of September, 2004,

NOW KNOW YE that We, by and with the advice and consent of our
Executive Council for Prince Edward Island, do by this Our Proclamation
ORDER AND DECLARE that the said Act being "An Act to Amend the Registry
Act (No. 2)" passed in the fifty-third year of Our Reign shall come into force on
the twenty-fifth day of September, two thousand and four of which all persons
concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made
Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the
Province of Prince Edward Island, at Charlottetown this fourteenth day of
September in the year of Our Lord two thousand and four and in the fifty-third
year of Our Reign.

By Command,

Acting Clerk of the Executive Council