

EC2005-502

EXECUTIVE COUNCIL ACT
MINISTER OF ENVIRONMENT, ENERGY AND FORESTRY
AUTHORITY TO ENTER INTO AN AGREEMENT
(CANADA WILDLAND FIRE STRATEGY DECLARATION)
WITH
THE GOVERNMENTS OF CANADA,
THE PROVINCES AND THE
PARTICIPATING TERRITORIES

Pursuant to clauses 10(a) and (b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Environment, Energy and Forestry to enter into the Canada Wildland Fire Strategy Declaration with the Government of Canada, as represented by the Minister of Natural Resources, and the Governments of the other Provinces and the participating Territories, as represented by their respective Ministers responsible for forests, to address emerging wildland fire issues and renew and upgrade fire management and protection practices in Canada, through increased cooperation and information sharing in such areas as standards, training and resources, such as more particularly described in the draft agreement.

EC2005-503

EXECUTIVE COUNCIL ACT
MINISTER OF HEALTH AND SOCIAL SERVICES
AUTHORITY TO ENTER INTO AN AGREEMENT
(TOBACCO CONTROL PROGRAMME - CONTRIBUTION 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 Health and Social Services to enter into an agreement with the Government of Canada, as represented by the Minister of Health, to set out terms and conditions of project funding under the Tobacco Control Programme, such as more particularly described in the draft agreement.

EC2005-504

EXECUTIVE COUNCIL ACT
 PROVINCIAL TREASURER
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (RE: DELIVERY OF FRENCH LANGUAGE TRAINING)
 WITH THE
 CANADA SCHOOL OF PUBLIC SERVICE

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap.E-12 Council authorized the Provincial Treasurer to enter into an agreement with the Canada School of Public Service, to provide for delivery of French language training to federal government employees working in the Province for the period 20 September 2005 to 13 September 2006, such as more particularly described in the draft agreement.

EC2005-505

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

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 and Social Services as follows:

Account Class	Account Name	Amount
	HEALTH POLICY DEVELOPMENT Public Health Policy	
0727-03010	Contract Services	\$98,300.00

Further, Council noted that this amount will be fully offset by revenue from the federal government under the terms of the Tobacco Control Programme.

EC2005-506

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 230342, LOT 23, QUEENS COUNTY
 SUBDIVISION RESTRICTION
 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 preventing subdivision made in respect of approximately twelve decimal two (12.2) acres of land, being Provincial Property No. 230342 located in Lot 23, Queens County, Prince Edward Island and currently owned by the P.E.I. Preserve Co. Ltd. of Hunter River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately zero decimal four (0.4) acres, and determined that the subdivision restriction shall continue to apply to the remaining land.

This Order-in-Council comes into force on 20 September 2005.

EC2005-507

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
P.E.I. PRESERVE CO. 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.E.I. Preserve Co. Ltd. of Hunter River, Prince Edward Island to acquire a land holding of approximately zero decimal two three two (0.232) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Kenneth Stevenson and Debbie Stevenson, both of New Glasgow, Prince Edward Island.

EC2005-508

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 691261, LOT 21, 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 made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty-eight (28) acres of land, being Provincial Property No. 691261 located in Lot 21, Queens County, Prince Edward Island and currently owned by Recton Holdings Ltd. of Kensington, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately zero decimal five (0.5) 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 20 September 2005.

EC2005-509

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RECTON HOLDINGS INC.
(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 Recton Holdings Inc. of Kensington, Prince Edward Island to acquire a land holding of approximately zero decimal five (0.5) acres of land in Lot 21, Queens County, Province of Prince Edward Island, being acquired from Jesper Rosenmeier and Rosamond Rosenmeier, both of French River, Prince Edward Island PROVIDED THAT the said real property is consolidated with the adjacent Provincial Property No. 691261 and the resulting property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2005-510

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 30:

31. The following properties, as indicated, being acquired by The Nature Conservancy of Canada La Société Canadienne pour la Conservation de la Nature, located on Boughton Island, an off-shore Island under provincial jurisdiction and at Launching Point, and totalling approximately 393.75 acres, are exempt from the application of section 5 of the Act:

- (a) property owned by Panmure Corporation, approximately 244.3 acres, being Provincial Property Number 159095;
- (b) property owned by Panmure Corporation, approximately 2.33 acres, being Provincial Property Number 738187;
- (c) property owned by Boughton Island Homeowners Association Inc., approximately 147.12 acres, being Provincial Property Number 159111.

2. These regulations come into force on September 20, 2005.

EXPLANATORY NOTES

These regulations exempt the properties listed from section 5 of the *Prince Edward Island Lands Protection Act*. The exemption is granted to permit purchase of the private land on Boughton Island for the long term protection of its fragile environment.

EC2005-511

PRINCE EDWARD ISLAND LANDS PROTECTION ACT
STATEMENT OF REASONS
FOR AN EXEMPTION
IN RESPECT OF
THE ACQUISITION OF LAND BY
THE NATURE CONSERVANCY OF CANADA
LA SOCIÉTÉ CANADIENNE
POUR LA CONSERVATION DE LA NATURE

Pursuant to subsection 17(2) of the *Prince Edward Island Lands Protection Act*, R.S.P.E.I., 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 393.75 acres located in:

Boughton Island - Lot 55, Provincial Property Nos. 159095 and 159111

Launching Point - Lot 55, Provincial Property No. 738187

2. Reasons for exemption:

The exemption was granted to enable The Nature Conservancy of Canada La Société Canadienne pour la Conservation de la Nature to acquire the above noted lands. Approval of the acquisitions was based on the following factors:

(a) the granting of the exemption will enable the applicant corporation to complete the land transactions within the time frame established by the parties involved;

(b) the granting of the exemption will permit the purchase of private land on Boughton Island for the long term protection of its fragile environment.

The exemption was granted by way of an amendment to the *Prince Edward Island Land Protection Act Exemption Regulations*, issued as Order-in-Council EC2005-510 on the 20th day of September 2005, a copy of which is attached to this statement.

EC2005-512

**WILDLIFE CONSERVATION ACT
HUNTING GUIDE 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) "Department" means the Department of Environment, Energy and Forestry; | Department |
| (c) "guide" means a person who accompanies or assists another person hunting or attempting to hunt; | guide |
| (d) "licensed resident hunter" means a resident of Prince Edward Island who holds a valid hunting license issued pursuant to the Act; | licensed resident hunter |
| (e) "Minister" means the Minister of Environment, Energy and Forestry; | Minister |
| (f) "outfitter" means a person who provides services, equipment, guides or guiding services in relation to hunting; | outfitter |
| (g) "registered guide" means a person who holds a valid hunting license issued pursuant to the Act and a valid registered hunting guide license; | registered guide |
| (h) "registered hunting guide license" means a registered hunting guide license issued pursuant to section 2; | registered hunting guide license |
| (i) "registered hunting outfitter license" means a registered hunting outfitter license issued pursuant to section 3; | registered hunting outfitter license |
| (j) "registered outfitter" means a person who holds a valid hunting license issued pursuant to the Act and a valid registered hunting outfitter license. | registered outfitter |
| 2. The Minister may issue a registered hunting guide license to a person who | Registered hunting guide license |
| (a) applies for a license on a form approved by the Minister; | |
| (b) is not less than 19 years of age at the date of application; | |
| (c) holds a valid firearm safety certificate issued by the Department; | |
| (d) has paid the fee prescribed in section 4 for a registered hunting guide license; and | |
| (e) is not prohibited from owning or possessing firearms. | |
| 3. The Minister may issue a registered hunting outfitter license to a person who | Registered hunting outfitter license |
| (a) applies for a license on a form approved by the Minister; and | |
| (b) has paid the fee prescribed in section 4 for a registered hunting outfitter license. | |
| 4. (1) The following fees are prescribed for a registered hunting guide license or a registered hunting outfitter license: | License fee |
| (a) registered hunting guide license for resident \$30; | |
| (b) registered hunting guide license for non-resident 50; | |
| (c) registered hunting outfitter license for resident 50; | |
| (d) registered hunting outfitter license for non-resident.....50. | |
| (2) The Minister may impose any terms or conditions on a registered hunting guide license or a registered hunting outfitter license that the Minister considers necessary. | Terms or conditions |
| (3) A registered hunting guide license or a registered hunting outfitter license is not transferable and expires on March 31st of the year following the date of issue unless the date of expiry of the license is | License not transferable, expiry |

otherwise specified in the terms or conditions of the registered hunting guide license or the registered hunting outfitter license.

(4) A person who is a registered guide shall, when acting as a registered guide, be in possession of the person's registered hunting guide license at all times. License on person

5. (1) The Minister may renew a registered hunting guide license or a registered hunting outfitter license where an applicant
 (a) applies for renewal on a form approved by the Minister; and
 (b) meets the requirements outlined in sections 2 or 3. Renewal of license

(2) An applicant who applies for renewal of a registered hunting guide license is not required to complete a competency test under section 6 if the applicant has previously held a registered hunting guide license. *Idem*

(3) The Minister may refuse to renew the registered hunting guide license or the registered hunting outfitter license of a person who has failed to comply with the Act, these regulations, the *Migratory Birds Convention Act, 1994* (Canada), the *Wild Animal and Plant Protection and Regulations of International and Interprovincial Trade Act* (Canada) or a regulation made under those Acts, or a term or condition of the person's registered hunting guide license or registered hunting outfitter license. Refusal

6. (1) The Minister shall issue a competency test to a person who applies for a registered hunting guide license for the purpose of testing the person in relevant legislation, hunting practices, firearm safety, first aid, CPR and other related topics. Competency test

(2) The Minister may designate persons to determine, subject to the approval of the Minister, the content of the competency test and to administer the competency test for the purposes of subsection (1). Designation

(3) An applicant may take the competency test verbally or in writing. Verbal or written test

(4) The Minister shall establish the pass mark for the competency test. Pass mark

(5) An applicant who has failed the competency test may not reapply to re-take the competency test or reapply for a registered hunting guide license for a period of ninety days from the date of the initial competency test failure. Restrictions on reapplication

7. (1) A licensed resident hunter shall not hunt with, or act as a guide for, more than two non-resident hunters at the same time. Licensed resident hunter

(2) A registered guide shall not act as a guide for more than four non-resident hunters at the same time. Registered guide

(3) A registered guide shall not hunt while acting as a guide, but may kill wounded wildlife. *Idem*

(4) For greater certainty, where a registered guide kills wildlife for a non-resident hunter while acting as a guide, the wildlife is counted as part of the daily bag and possession limit of the non-resident hunter. *Idem*

(5) A registered outfitter shall ensure that a registered guide employed by the registered outfitter does not act as a guide for more than four non-resident hunters at the same time. Registered outfitter

8. (1) A registered guide who acts as a guide for a non-resident hunter shall collect from the non-resident hunter and submit to the Minister such information returns and biological parts of wildlife that are required to be submitted to the Minister pursuant to the terms or conditions of the non-resident hunter's hunting license. Information returns, biological parts

(2) Every non-resident hunter who hunts, takes or kills wildlife or attempts to hunt, take or kill wildlife without being in the company of a licensed resident hunter or a registered guide is guilty of an offence. Offence

9. (1) Every person who contravenes the terms or conditions contained in the person's registered hunting guide license or registered hunting outfitter license is guilty of an offence. Offence

(2) The Minister may cancel or revoke a registered hunting guide license or a registered hunting outfitter license where the Minister believes it is in the public interest to do so. Revocation of license

10. (1) No person shall, for profit, act as a guide unless the person holds Guide
 (a) a valid hunting license issued pursuant to the Act; and
 (b) a valid registered hunting guide license.

(2) No person shall hold himself or herself out as a guide unless the person holds Idem
 (a) a valid hunting license issued pursuant to the Act; and
 (b) a valid registered hunting guide license.

11. (1) No person shall, for profit, act as an outfitter unless the person holds Outfitter
 (a) a valid hunting license issued pursuant to the Act; and
 (b) a valid registered hunting outfitter license.

(2) No person shall hold himself or herself out as an outfitter unless the person holds Idem
 (a) a valid hunting license issued pursuant to the Act; and
 (b) a valid registered hunting outfitter license.

12. No person who is a non-resident shall hunt unless the person Prohibition
 (a) holds a valid non-resident hunting license issued pursuant to the Act; and
 (b) is accompanied by a licensed resident hunter or a registered guide.

13. (1) 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
 (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.

(2) Every person who is guilty of an offence under subsection 8(2) is liable, on summary conviction, to a fine of not less than \$200 and not more than \$2,000. Idem

(3) Every person who is guilty of an offence under subsection 9(1) is liable, on summary conviction, Idem
 (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.

14. (1) Section 2 of these regulations is amended

(a) by the renumbering of clauses (d) and (e) as (f) and (g); and

(b) by the addition of the following after clause (c):

(d) holds a valid emergency first aid and CPR certificate;
 (e) has successfully passed a competency test as prescribed by the Minister under subsection 6(1);

(2) Subsection (1) and this subsection are revoked on January 2, 2006.

15. (1) Subject to subsections (2) and (3), these regulations come into force on October 1, 2005. Commencement

(2) Section 14 and section 6 of these regulations come into force on January 1, 2006.

(3) Subsection 5(2) of these regulations comes into force on January 1, 2007.

EXPLANATORY NOTES

SECTION 1 is the definition section.

SECTION 2 authorizes the Minister to issue a registered hunting guide license to a person who meets the requirements outlined in the section.

SECTION 3 authorizes the Minister to issue a registered hunting outfitter license to a person who meets the requirements outlined in the section.

SECTION 4 prescribes the fees payable for a registered hunting guide license or a registered hunting outfitter license; authorizes the Minister to impose terms or conditions on a registered hunting guide license or a registered hunting outfitter license that the Minister considers necessary; provides the time-frame for expiry of either license; and requires that a registered guide be in possession of the person's registered hunting guide license at all times when acting as a registered guide.

SECTION 5 provides for the renewal of a registered hunting guide license or a registered hunting outfitter license; and authorizes the Minister to refuse to renew a registered hunting guide license or a registered hunting outfitter license where an applicant has contravened the Act, these regulations, various federal Acts or regulations, or a provision of a person's registered hunting guide license or registered hunting outfitter license.

SECTION 6 authorizes the Minister to issue a competency test to an applicant for a registered hunting guide license; provides that the taking of the test by an applicant may be verbally or in writing; authorizes the Minister to establish the pass mark; and outlines the conditions for an applicant to re-take the test where an applicant has failed the test.

SECTION 7 outlines certain conditions placed on a licensed resident hunter, a registered guide and a registered outfitter.

SECTION 8 requires every registered guide to collect from a non-resident hunter such information returns and parts of wildlife that may be required to be submitted to the Minister pursuant to the terms or conditions of the non-resident hunter's hunting license; and outlines that a non-resident hunter who takes, hunts or kills wildlife or attempts to hunt, take or kill wildlife without being in the company of a licensed resident hunter or a registered guide is guilty of an offence.

SECTION 9 is an offence provision and authorizes the Minister to cancel or revoke a registered hunting guide license or a registered hunting outfitter license if the Minister believes it is in the public interest to do so.

SECTION 10 outlines the requirements for a person to act as a guide.

SECTION 11 outlines the requirements for a person to act as an outfitter.

SECTION 12 requires a non-resident person who is hunting to hold a valid non-resident hunting license and be in the company of a licensed resident hunter or a registered guide; and also provides for an exemption from these requirements for an observer who wishes to accompany a hunter but does not hunt.

SECTION 13 is a general offence and penalty provision.

SECTION 14 amends section 2 to include, in the hunting guide license requirements, the successful completion of an emergency first aid and CPR certificate, and the successful completion of a competency test of which these requirements are to come into force at a later date; and also provides for the revocation of this provision on January 2, 2006.

SECTION 15 provides for the commencement of these regulations.

EC2005-513

NATURAL PRODUCTS MARKETING ACT
PRINCE EDWARD ISLAND MARKETING COUNCIL
APPOINTMENT

Pursuant to subsection 2(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
Deanna Curran St. Teresa West (vice Murray Cook, term expired)	20 September 2005 to 20 September 2007

EC2005-514

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 persons to exercise the powers of a provincial police constable:

NAME	TERM OF APPOINTMENT
Alissa Marie Blanchard	9 September 2005 at pleasure
Paul Howard Durdle	23 September 2005 at pleasure

Further, Council ordered that, should either of the aforementioned persons cease to be employed as police officers with the Kensington Police Service, his or her appointment as a provincial police constable shall terminate coincident with the date employment as a police officer with the Kensington Police Service is terminated.

EC2005-515

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 persons to exercise the powers of a provincial police constable, effective 1 May 2005:

**Officers and Members of the
City of Charlottetown Police Department**

Alissa Marie Blanchard

Kasey James Bradley
Stephen Michael Cullen
Robert Irving Edward Larter
Melissa Jean MacCann
Cameron Ian MacPherson
Gregory Mark Power
Bill Alfred Rose
Cynthia Jane Wicks

Further, Council ordered that, should any of the aforementioned persons cease to be employed with the City of Charlottetown Police Department, his or her appointment as a provincial police constable shall terminate coincident with the date of termination of employment.

EC2005-516

PUBLIC DEPARTMENTS ACT
ACTING MINISTER
APPOINTMENT

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

Honourable Philip Brown to be Acting Minister of Agriculture, Fisheries and Aquaculture commencing on the 20th day of September 2005, and continuing for the duration of the absence from the Province of Honourable Kevin MacAdam.