

EC2006-124**AN ACT TO AMEND THE CIVIL SERVICE SUPERANNUATION ACT
DECLARATION RE**

Under authority of subsection 16(2) of *An Act to Amend the Civil Service Superannuation Act* Stats. P.E.I. 2004, 1st Session, c. 28 Council ordered that a Proclamation do issue proclaiming section 12 of the said "An Act to Amend the Civil Service Superannuation Act" to come into force effective 18 March 2006.

EC2006-125**CIVIL SERVICE SUPERANNUATION ACT
PARTICIPATING EMPLOYER REGULATIONS
AMENDMENT**

Pursuant to section 28 of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, Council made the following regulations:

1. Subsection 1(2) of the *Civil Service Superannuation Act* Participating Employer Regulations (EC414/01) is amended

(a) in clause (p), by the deletion of the word "and";

(b) in clause (q), by the deletion of the period and the substitution of the words "; and"; and

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

(r) Chief Executive Officer of the Island Waste Management Corporation.

2. These regulations come into force on March 18, 2006.**EXPLANATORY NOTES**

The amendment adds the Chief Executive Officer of Island Waste Management Corporation to the list of employers who participate in the Fund as contributors to the Fund .

EC2006-126**CIVIL SERVICE SUPERANNUATION ACT
RECLASSIFICATION (PART-TIME EMPLOYMENT)
REGULATIONS
REVOCATION**

Pursuant to section 28 of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, Council made the following regulations:

1. The *Civil Service Superannuation Act* Reclassification (Part-Time Employment) Regulations (EC237/89) are revoked.**2. These regulations come into force on March 18, 2006.****EXPLANATORY NOTES**

SECTION 1 revokes the *Civil Service Superannuation Act* Reclassification (Part-Time Employment) Regulations.

SECTION 2 provides for the commencement of these regulations.

EC2006-127

**CIVIL SERVICE SUPERANNUATION ACT
TEMPORARY EXEMPTION FROM PENSION SUSPENSION
REGULATIONS
REVOCATION**

Pursuant to section 28 of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, Council made the following regulations:

- 1. The *Civil Service Superannuation Act* Temporary Exemption From Pension Suspension Regulations (EC412/01) are revoked.**
- 2. These regulations come into force on March 18, 2006.**

EXPLANATORY NOTES

SECTION 1 revokes the *Civil Service Superannuation Act* Temporary Exemption From Pension Suspension Regulations.

SECTION 2 provides for the commencement of these regulations.

EC2006-128

**EXECUTIVE COUNCIL ACT
MINISTER OF ENVIRONMENT, ENERGY AND FORESTRY
AUTHORITY TO ENTER INTO AN AGREEMENT
(40 MW WIND POWER PURCHASE AGREEMENT)
WITH THE
PRINCE EDWARD ISLAND ENERGY CORPORATION
AND
MARITIME ELECTRIC COMPANY, LIMITED**

Pursuant to clause 10(d) 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 an agreement with the Prince Edward Island Energy Corporation, and Maritime Electric Company, Limited, to set out terms and conditions by which Maritime Electric Company, Limited will purchase from the Prince Edward Island Energy Corporation all wind power produced at the East Point and Norway wind power generation facilities, such as more particularly described in the draft agreement.

EC2006-129

FINANCIAL ADMINISTRATION ACT
PRINCE EDWARD ISLAND ENERGY CORPORATION
GUARANTEE BY LETTER OF CREDIT

Having under consideration the recommendation of Treasury Board (reference Minute TB480/05 of March 7, 2005), pursuant to subsection 32(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council agreed to guarantee the payments of Prince Edward Island Energy Corporation (hereinafter referred to as the "Account Party") owing to Vestas-Canadian Wind Technology, Inc. (hereinafter referred to as "the Beneficiary") under a Wind Turbine Supply Agreement dated February 13, 2006 (the "Turbine Agreement"), by authorizing the issuance of an Irrevocable Standby Letter of Credit in the amount not to exceed Thirty-two Million Seven Hundred Seventy One Thousand One Hundred and Eight and 30/100 (\$32, 771,108.30) Dollars in lawful money of Canada (hereinafter referred to as the "Stated Amount"), the said letter of credit to be subject to and conditional upon the following terms and conditions:

1. The Beneficiary is only entitled to make a draw on the said Letter of Credit in the event the Account Party (a) has failed to pay Beneficiary as provided under the Turbine Agreement or (b) has failed to renew the said Letter of Credit or to provide an alternate letter of credit in accordance with the terms of the Turbine Agreement at least thirty (30) days prior to the Letter of Credit Expiration Date (defined below).
2. The said Letter of Credit shall automatically terminate at the earlier of (a) 12 p.m. on October 31, 2006 (the "Letter of Credit Expiration Date"), or (b) the date that the entire Stated Amount has been drawn in full.
3. Either the Provincial Treasurer or the Deputy Provincial Treasurer is designated and authorized to determine the form of the Letter of Credit as considered appropriate and to sign the Letter of Credit on behalf of the Province, together with such other documents as they may determine to be necessary or desirable in connection with the issuance of the said letter of credit, such determination to be exclusively and absolutely evidenced by their signature.

EC2006-130

FINANCIAL ADMINISTRATION ACT
SPECIAL WARRANT
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2004/05)
DEPARTMENT OF AGRICULTURE, FISHERIES AND AQUACULTURE

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 Agriculture, Fisheries and Aquaculture as follows:

Account Class	Account Name	Amount
	AGRICULTURE POLICY AND REGULATORY DIVISION Division Management	
0694-04299	Grants - Miscellaneous	<u>\$377,700.00</u>

EC2006-131

**PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 176883, LOT 57, 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 sixty-nine (69) acres of land, being Provincial Property No. 176883 located in Lot 57, Queens County, Prince Edward Island and currently owned by Hilltop Farm Ltd. of Orwell Cove, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately two (2) acres SUBJECT TO the subdivided parcel being consolidated with the adjacent Provincial Property Nos. 682948 and 763201. 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 March 7, 2006.

EC2006-132

**NATURAL AREAS PROTECTION ACT
GENERAL REGULATIONS
AMENDMENT**

Pursuant to section 7 of the *Natural Areas Protection Act* R.S.P.E.I. 1988, Cap. N-2 Council made the following regulations:

1. Subsection 3(2) of the *Natural Areas Protection Act* Regulations (EC54/89) is amended by the deletion of the words “Notwithstanding subsection (1), the” and the substitution of the word “The”.

2. The regulations are amended by the addition of the following after section 3:

3.1 (1) The Lieutenant Governor in Council may, in writing, authorize the person responsible for the management of any natural area to engage in an activity prohibited by subsection 3(1) if the Lieutenant Governor in Council is satisfied that such activity is necessary in the public interest. Exception, activity pursuant to authorization

(2) Terms and conditions may be attached Terms and conditions
 (a) by the Minister to an authorization issued under subsection 3(2);
 and
 (b) by the Lieutenant Governor in Council to an authorization issued under subsection (1).

(3) This section is repealed on April 1, 2006. Repeal

3.2 (1) Notwithstanding subsection 3(1) and subject to subsection (3) and (4), a person may engage in an activity prohibited by subsection 3(1) in respect of a natural area, or permit such an activity, if Permit such an activity

(a) a valid authorization, issued under subsection 3(2) or 3.1(1), is held by the person responsible for the management of the natural area; and

(b) the activity is carried out in accordance with the terms and conditions, if any, set out in the authorization.

(2) For greater certainty, the repeal of section 3.1 does not effect the validity of an authorization issued under that section or the continued Effect of repeal

application of the terms and conditions attached to an authorization under that section.

(3) The Minister may revoke an authorization issued to a person under subsection 3(2) where the Minister is satisfied that the person has contravened a condition attached to the authorization. *Revocation*

(4) The Lieutenant Governor in Council may revoke an authorization to a person issued under subsection 3.1(1) where the Lieutenant Governor in Council is satisfied that the person has contravened a condition attached to the authorization. *Idem*

3. These regulations come into force on March 18, 2006.

EXPLANATORY NOTES

The amendment authorizes the Lieutenant Governor in Council to allow a person responsible for management of any natural area to engage in an activity otherwise prohibited by the regulations where the Lieutenant Governor in Council considers it necessary to do so in the public interest. The amendment also clarifies that a person who acts under an authorization of the Minister or the Lieutenant Governor in Council does not contravene subsection 3(1) of the regulations.

EC2006-133

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 in the appropriate columns after the table entitled “ENVIRONMENTAL PROTECTION ACT Drinking Water and Wastewater Facility Operating Regulations (EC710/04)”:

ENVIRONMENTAL PROTECTION ACT Waste Resource Management Regulations (EC691/00)

1	Improper disposal of remaining waste, compostable material, recyclables or special waste	2(1)	\$200 (individual) 1000 (corporation)
2	Improper disposal of C&D debris	2(2)	200 (individual) 1000 (corporation)
3	Owning, constructing, managing, operating, altering or modifying a landfill, ash disposal site or composting facility without a permit and approval	2(3)	200 (individual) 1000 (corporation)
4	Owning, constructing, managing, operating, altering or modifying a C&D disposal site without a permit and approval	2(4)	200 (individual) 1000 (corporation)
5	Improper disposal of waste incinerator fly ash	2(6)	200 (individual) 1000 (corporation)
6	Transporting hazardous waste without being registered, issued a provincial registration number and completing a manifest form	2.1(1)	200 (individual) 1000 (corporation)
7	Failing to retain a copy of the manifest form for at least two years.....	2.1(5)(a)	200 (individual) 1000 (corporation)
8	Failing to send a copy of a manifest form to the proper department	2.1(5)(b)	200 (individual) 1000 (corporation)
9	Failing to ensure that any copies of a manifest form are complete and show all information contained in the original manifest form.....	2.1(5)(c)	200 (individual) 1000 (corporation)
10	Failing to ensure that records are completed daily and available for inspection	32(1)	200 (individual) 1000 (corporation)
11	Failing to submit annual report to the Minister.....	32(2)	200 (individual) 1000 (corporation)
12	Failing to ensure that a C&D disposal site is constructed and operated in a manner that protects the environment	61(1)	200 (individual) 1000 (corporation)

13 Failing to employ all reasonable and practical means in order to divert C&D debris from being disposed of at a C&D disposal site.....	61(2)	200 (individual) 1000 (corporation)
14 Failing to ensure that a C&D disposal site incorporates the required design requirements	62(1)	200 (individual) 1000 (corporation)
15 Failing to follow the required operational requirements for a C&D disposal site	63(1)	200 (individual) 1000 (corporation)
16 Failing to conduct a groundwater and surface water monitoring program at a C&D disposal site	63(2)	200 (individual) 1000 (corporation)
17 Failing to submit an annual report for a C&D disposal site	63(3)	200 (individual) 1000 (corporation)
18 Failing to submit an annual water monitoring report for a C&D disposal site	63(5)	200 (individual) 1000 (corporation)
19 Constructing or operating a recycling plant without approval of the Minister	65	200 (individual) 1000 (corporation)
20 Failing to record the weight of recyclables processed	66(a)	200 (individual) 1000 (corporation)
21 Failing to submit a written annual report for a recycling plant	66(b)	200 (individual) 1000 (corporation)

2. These regulations come into force on March 18, 2006.

EXPLANATORY NOTES

The amendment adds offence provisions in the *Summary Proceedings Act Ticket Regulations* for the *Environmental Protection Act Waste Resource Management Regulations*.

EC2006-134

UNIVERSITY ACT
BOARD OF GOVERNORS OF THE
UNIVERSITY OF PRINCE EDWARD ISLAND
APPOINTMENT

Pursuant to clause 8(1)(a) of the *University Act* R.S.P.E.I. 1988, Cap. U-4 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Debbie Myers Charlottetown (vice Mary MacInnis, term expired)	7 March 2006 to 31 May 2009

EC2006-135

WORKERS COMPENSATION ACT
WORKERS COMPENSATION BOARD
APPOINTMENT

Pursuant to section 19 of the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7 Council made the following appointment:

NAME	TERM OF APPOINTMENT
as an employer representative	
Harvey Larkin New Glasgow (vice Blake Craig, term expired)	21 February 2006 to 21 February 2009

EC2006-136**LEGAL PROFESSION ACT
COUNCIL OF THE LAW SOCIETY OF PRINCE EDWARD ISLAND
APPOINTMENTS**

Pursuant to clause 7(1)(c) of the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1 Council made the following appointments:

NAME	TERM OF APPOINTMENT
George Cantelo Stratford (reappointed)	7 March 2006 to 7 March 2009
Lorraine Robinson Tyne Valley (reappointed)	7 March 2006 to 7 March 2009

EXECUTIVE COUNCIL _____ 7 MARCH 2006

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 subsection 16(2) of Chapter 28 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 Civil
Service Superannuation Act" it is enacted as follows:

“Section 12 of 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 section 12 of the said Act, Stats.
P.E.I. 2004, 1st Session, c. 28 should come into force on the 18th day of March,
2006,

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 section 12 of the said Act being "An Act to
Amend the Civil Service Superannuation Act" passed in the fifty-third year of
Our Reign shall come into force on the eighteenth day of March, two thousand
and six 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 seventh day of March in
the year of Our Lord two thousand and six and in the fifty-fifth year of Our Reign.

By Command,

Clerk of the Executive Council

Number: SW04/05 - 12

SPECIAL

WARRANT

pursuant to the

FINANCIAL ADMINISTRATION ACT

Lieutenant Governor

On recommendation of the Lieutenant Governor in Council by its Order-in-Council EC2006-130, and pursuant to subsection 37(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 the following supplementary payment is authorized out of the Operating Fund for the Fiscal Year 2004/05:

Department of Agriculture, Fisheries and Aquaculture.....	\$377,700.00
(Agriculture Policy and Regulatory Division)	

Clerk of the Executive Council