

**EC2007-23**

EXECUTIVE COUNCIL ACT  
ATTORNEY GENERAL  
AUTHORITY TO ENTER INTO AN AGREEMENT  
(PROJECT FUNDING AGREEMENT  
CHILD-CENTRED FAMILY JUSTICE FUND)  
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 Attorney General to enter into an agreement with the Government of Canada, as represented by the Minister of Justice and Attorney General, to set out terms and conditions of funding some of the costs associated with Prince Edward Island's family justice activities for the fiscal year 2006-2007, such as more particularly described in the draft agreement.

**EC2007-24**

**FISHERIES ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 9 of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01, Council made the following regulations:

**1. The *Fisheries Act* Regulations (EC873/95) are amended by the revocation of section 1 and the substitution of the following:**

1. In these regulations	Definitions
(a) "Act" means the <i>Fisheries Act</i> R.S.P.E.I. 1988, Cap. F-13.01;	Act
(b) "buying station" means a facility used for the purposes of purchasing fish from fishers;	buying station
(c) "fish processing license" means a fish processing license of a type described in subsection 3(1);	fish processing license
(d) "fisher-packer" means a person who dresses, packs, salts or ices fresh fish, except molluscs and crustaceans, from that person's own catch;	fisher-packer
(e) "inspector" means an inspector appointed under the <i>Fish Inspection Act</i> R.S.P.E.I. 1988, Cap. F-13;	inspector
(f) "lobster cookroom" means a building or portion of a building operated in conjunction with a lobster pound, used for cooking lobster;	lobster cookroom
(g) "lobster cookroom processing" means the cooking of raw whole lobster in the shell for sale as fresh cooked whole lobster in the shell;	lobster cookroom processing
(h) "operator" means the person who has the charge, management and control of a processing establishment;	operator
(i) "primary processing" means cleaning, filleting, splitting, shucking, extracting, dividing into portions, salting, icing, freezing, cooking, pickling, drying, canning, bottling or reducing fish but does not include lobster cookroom processing or groundfish processing room processing;	primary processing
(j) "processing establishment" means a building, portion of a building or a complex of buildings, located at a single site, used for the purposes of processing fish and includes lobster cookrooms and groundfish processing rooms;	processing establishment
(k) "product form" means the end product resulting from processing;	product form

(l) “secondary processing” means any processing stage beyond primary processing, whereby further value is added to a fish product by transforming the taste or texture of the fish product by adding ingredients, other than salt or water. secondary processing

**2. Subsection 2(1) of the regulations is revoked and the following substituted:**

2. (1) No person who is the operator of a processing establishment shall Valid processing license
- (a) undertake or permit the primary processing of fish at the processing establishment unless the operator of the processing establishment holds a valid primary processing license;
  - (b) undertake or permit the secondary processing of fish at the processing establishment unless the operator of the processing establishment holds a valid primary processing license or a valid secondary processing license;
  - (c) undertake or permit lobster cookroom processing of lobster at the processing establishment unless the operator of the processing establishment holds a valid lobster cookroom processing license;
  - (d) undertake or permit groundfish processing room processing of groundfish at the processing establishment unless the operator of the processing establishment holds a valid groundfish processing license.

**3. Section 3 of the regulations is amended**

**(a) in subsection (1), by the addition of the words “types of” after the words “The Minister may issue the following”;**

**(b) by the addition of the word “processing” after the words “lobster cookroom” wherever they occur; and**

**(c) in subsection (3), by the addition of the words “but does not authorize the holder to undertake primary processing” after the words “undertake secondary processing”.**

**4. Section 4 of the regulations is amended**

**(a) in subsection (5), by the deletion of the words “Notwithstanding section 6, a lobster cookroom license applies to lobster cookrooms that do not exceed 144 square feet or, where in relation to a cookroom” and the substitution of the words “A lobster cookroom processing license may be issued to an operator of a lobster cookroom only if the operator has a lobster cookroom that does not exceed 144 square feet or, where in relation to a lobster cookroom”;**

**(b) by the revocation of subsection (5.1) and the substitution of the following:**

(5.1) A groundfish processing license may be issued to an operator of a processing establishment only if the operator has a groundfish processing room that does not exceed 750 square feet. Groundfish processing room, dimensions

**(c) by the revocation of subsection (6) and the substitution of the following:**

(6) Where an operator operates two or more processing establishments, the operator shall have a fish processing license of a type described in subsection 3(1) for each processing establishment operated by the operator. Separate license for each processing establishment

**5. Section 5 of the regulations is revoked and the following substituted:**

5. (1) No person who is the operator of a processing establishment shall process a species of fish unless the operator holds a valid fish processing license of a type described in subsection 3(1) that authorizes the processing of that species of fish. Specific license required

(2) No person who is the operator of a processing establishment shall process a product form unless the operator of the processing Idem

establishment holds a valid fish processing license of a type described in subsection 3(1) that authorizes the processing of that product form.

**6. Section 6 of the regulations is revoked and the following substituted:**

6. (1) The Minister shall not, in any year, issue in excess of 19 primary processing licenses for lobster.

Moratorium on primary processing licenses for lobster

(2) The Minister shall not, in any year, issue in excess of 17 primary processing licenses for groundfish.

Moratorium on primary processing licenses for groundfish

(3) The Minister shall not, on application, issue a primary processing license for lobster or groundfish in any year unless the applicant is eligible to be issued such a license.

Eligible applicant

(4) An applicant for a license referred to in subsection (3) is eligible to be issued such a license if

*Idem*

(a) the applicant either

(i) held in 1995 a license of the type applied for, or

(ii) held in 2005 a license of the type applied for; and

(b) the 1995 or 2005 license held by the applicant, and any subsequent license of that type held by the applicant, was not or has not been cancelled or revoked by the Minister.

(5) No person shall construct, expand or replace a processing establishment, and no operator of a processing establishment shall construct, expand or replace a processing establishment without the prior approval of the Minister for the plans, specifications and location of the establishment.

Construct, expand or replace processing establishment

(6) The Minister shall not issue a primary processing license for lobster and groundfish to a person who constructs a new processing establishment.

Primary processing license

(7) Notwithstanding subsection (6), the Minister may issue a primary processing license for lobster or groundfish to a person who constructs a replacement processing establishment as long as the replacement processing establishment is constructed at the same location as the processing establishment being replaced.

Replacement processing establishment

**7. Section 11 of the regulations is amended by the deletion of the words “6(4)” wherever they occur and the substitution of the words “6(5)”.**

**8. Schedules 1 to 6 of the regulations are amended by the deletion of the words “DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT” and the substitution of the words “DEPARTMENT OF AGRICULTURE, FISHERIES AND AQUACULTURE”.**

**9. Schedule 2 of the regulations is amended by the deletion of the words “\*Includes secondary processing.”.**

**10. Schedule 3 of the regulations is amended by the addition of the word “PROCESSING” after the words “LOBSTER COOKROOM”.**

**11. These regulations come into force on January 27, 2007.**

### EXPLANATORY NOTES

**SECTION 1** reorders the definitions in alphabetical order; adds new definitions for “license” and “lobster cookroom processing”, and amends the definitions for “primary processing” and “secondary processing”.

**SECTION 2** provides a clear description of the type of processing being conducted at a processing establishment and the type of license needed to support the processing. The provision clarifies that it is the operator of a processing establishment who authorizes the processing of fish as opposed to an employee of the processing establishment.

**SECTIONS 3 and 4** correct the references from lobster cookroom license to lobster cookroom processing license. The provision clarifies that a secondary processing license does not authorize the holder to undertake primary processing.

**SECTION 5** specifies that the person referred to in the provision is the operator of a processing establishment and confirms that the operator of the processing establishment must hold a valid fish processing license that specifies the species of fish that may be processed by the operator.

**SECTION 6** places a limit on the number of primary processing licenses the Minister may issue for lobster and groundfish. The amendment requires that the applicants for primary processing licenses are eligible to be issued such licenses only if they held such licenses in 1995 or 2005 and those licenses or any subsequent licenses have not been cancelled or revoked by the Minister. The provision clarifies that a person who constructs a replacement processing establishment must do so at the same location as the processing establishment being replaced.

**SECTION 7** changes the references from subsection 6(4) to subsection 6(5) since the provision is being renumbered.

**SECTION 8** corrects the name of the Department in the six Schedules.

**SECTION 9** deletes, in Schedule 2, an unnecessary reference to the words “\* Includes secondary processing”.

**SECTION 10** corrects the reference from lobster cookroom license to lobster cookroom processing license in Schedule 3 to the regulations.

**SECTION 11** provides for the commencement of these regulations.

### EC2007-25

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
WILLIAM FOWLER AND MARGARET FOWLER  
(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 William Fowler and Margaret Fowler, both of Lower Sackville, Nova Scotia to acquire a land holding of approximately zero decimal nine eight (0.98) acres of land in Lot 26, Prince County, Province of Prince Edward Island, being acquired from Susan Gail de Belle of Summerside, Prince Edward Island.

**EC2007-26**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ROBERT C. LUTHER AND REKHA J. LUTHER  
 (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 Robert C. Luther and Rekha J. Luther, both of Manchester, New Hampshire to acquire a land holding of approximately fifty (50) acres of land in Lot 15, Prince County, Province of Prince Edward Island, being acquired from D. Edmond Gallant and Marion Fannon, both of Belgrade, Maine 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.

**EC2007-27**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 BARRY & ELLEN CUDMORE 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 Barry & Ellen Cudmore Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately fifty-five (55) acres of land in Lot 33, Queens County, Province of Prince Edward Island, being acquired from Barry Cudmore and Ellen Cudmore, both of Charlottetown, 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.

**EC2007-28**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 CAREWCO HOLDINGS LTD. AND HERONSFIELD MANAGEMENT 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 Carewco Holdings Ltd. of Breadalbane, Prince Edward Island and Heronsfield Management Inc. of Summerside, Prince Edward Island to acquire a land holding of approximately eighty-one (81) acres of land in Lot 39, Kings County, Province of Prince Edward Island, being acquired from Timothy Simpson of York, Prince Edward Island.

**EC2007-29**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CITY OF CHARLOTTETOWN  
(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 the City of Charlottetown, Prince Edward Island to acquire a land holding of approximately zero decimal zero six (0.06) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Avalon Holdings Limited of Summerside, Prince Edward Island.

**EC2007-30**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CITY OF CHARLOTTETOWN  
(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 the City of Charlottetown, Prince Edward Island to acquire a land holding of approximately nine (9) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from A. Douglas Parkman of Charlottetown, Prince Edward Island.

**EC2007-31**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ISLAND COASTAL SERVICES 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 Island Coastal Services Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal nine six (1.96) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Lowell H. MacDonald of Little York, Prince Edward Island.

**EC2007-32**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ROBERTS HOLDINGS 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 Roberts Holdings Inc. of Kinkora, Prince Edward Island to acquire, by lease, an interest in a land holding of approximately two (2) acres of land in Lot 37, Queens County, Province of Prince Edward Island, being acquired from Irving Oil Company Limited of Saint John, New Brunswick.

**EC2007-33**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
RUSTICO DUNES HOMEOWNERS ASSOCIATION 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 Rustico Dunes Homeowners Association Inc. of Rusticoville, Prince Edward Island to acquire a land holding of approximately five decimal five nine (5.59) acres of land in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Wayne Buote of Hunter River, Prince Edward Island.

**EC2007-34**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 447011, LOT 9, 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 pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately sixty (60) acres of land, being Provincial Property No. 447011 located in Lot 9, Prince County, Prince Edward Island and currently owned by 155707 Canada Inc. of Pierrefonds, Quebec.

Council noted that this amendment will enable subdivision of a two (2) acre parcel of land 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 16 January 2007.

**EC2007-35**

**LONG-TERM CARE SUBSIDIZATION ACT  
CATEGORIES AND RATES OF FINANCIAL ASSISTANCE  
(APPROVED)**

Under authority of subsection 5(1) of *the Long-Term Care Subsidization Act*, R.S.P.E.I. 1988, Cap. L-16.1, Council established the following categories and rates of financial assistance:

<b>Category</b>	<b>Rate</b>	<b>Effective Date</b>
Per Diem Accommodation Assistance	\$65.00/day	January 1, 2007
Rate Payable to Private Nursing Home Operators for Subsidized Residents	\$67.00/day	January 1, 2008
	\$69.30/day	January 1, 2009
Health Care Services Rate Payable to Private Nursing Home Operators for All Residents for Basic Health Care Services	\$72.00/day	January 1, 2007
	\$74.30/day	January 1, 2008
	\$76.70/day	January 1, 2009
Per Diem Accommodation Rate for Self-Pay Residents in Public Manors/Facilities	\$65.00/day	January 1, 2007
	\$67.00/day	January 1, 2008
	\$69.30/day	January 1, 2009