

## EC2004-208

**ELECTRICAL INSPECTION ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 5 of the *Electrical Inspection Act* R.S.P.E.I. 1988, Cap. E-3, Council made the following regulations:

**1. Section 1 of the *Electrical Inspection Act* Regulations (Aug. 1/40) is amended**

**(a) in clause (j), by the deletion of the words “to perform either for his or its own use or benefit or that of another, and with or without” and the substitution of the words “to perform, with or without”; and**

**(b) by the addition of the following after clause (p):**

- (p.1) “registered technician” means an individual who holds a registered technician’s permit; registered technician
- (p.2) “registered technician’s permit” means a permit issued under section 6.2; registered technician’s permit
- (p.3) “Senior Electrical Inspector” means a Senior Electrical Inspector appointed under section 3 of the Act; Senior Electrical Inspector

**2. Subsection 2(2) of the regulations is amended by the deletion of the words “in his opinion” and the substitution of the words “in his or her opinion”.**

**3. Subsection 4(1) of the regulations is revoked and the following substituted:**

**4. (1) Where, after inspecting an electrical installation under section 4 of the Act, an inspector considers that the electrical installation is defective or dangerous, the inspector shall order the owner of the electrical installation to complete, within the time specified by the inspector, such repairs or make such alterations as the inspector considers necessary to comply with the Act or these regulations, or to put the electrical installation in a safe condition.** Inspector may order repairs

(1.1) Any person who contravenes an order made under subsection (1) commits an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$5,000. Offence

(1.2) Where an owner of an electrical installation does not comply with an order made under subsection (1) within the time specified, the inspector may order the supply authority to disconnect the power supply to the electrical installation. Disconnection order

(1.3) Where an inspector issues an order under subsection (1.2), the inspector shall state in the order the reasons for disconnecting the power supply to the electrical installation, and shall serve a copy of the order on the supply authority and the owner of the electrical installation. Service of copy of order

(1.4) Service of an order made under subsection (1.2) may be effected Idem  
(a) by delivering a copy of the order to the supply authority and to the owner of the electrical installation; or

(b) by forwarding a copy of the order by registered mail to the local office of the supply authority and to the owner of the electrical installation.

(1.5) On receipt of a copy of an order made under subsection (1.2), a supply authority Disconnection by supply authority

(a) shall disconnect the power supply to the electrical installation subject to the order; and

(b) shall not connect or reconnect the power supply to the electrical installation until notified by an inspector that the electrical installation has been approved for service.

#### 4. Section 5 of the regulations is amended

**(a) in subsection (1), by the addition of the words “authorizing the contractor” after the words “having secured a license”;**

**(b) in subsection (4), by the deletion of the words “may in his discretion see fit” and the substitution of the words “considers appropriate”; and**

**(c) by the addition of the following after subsection (10):**

(11) A contractor’s license issued under this section authorizes a contractor to contract for, or to engage to perform, in accordance with the Act or these regulations, any electrical work respecting the installing, extending, changing or repairing of electrical installations. Scope of authorized work

**5. Subsection 6(2) of the regulations is amended by the deletion of the word “he” and the substitution of the words “he or she”.**

**6. The regulations are amended by the addition of the following after section 6:**

**6.1** (1) A Senior Electrical Inspector may, on application, issue a contractor’s restricted license to an applicant if the applicant provides evidence satisfactory to the Senior Electrical Inspector that Contractor’s restricted license

(a) the applicant employs a registered technician, where the applicant is a corporation or partnership; or

(b) the applicant is a registered technician, where the applicant is an individual.

(2) A license issued under subsection (1), License

(a) shall be clearly labelled as a contractor’s restricted license; and

(b) shall identify the registered technician referred to in clause (1)(a) or (b), who shall perform or supervise the electrical work authorized by the license.

(3) A license issued under subsection (1) authorizes the license holder to contract for, or to engage to perform, in accordance with the Act and these regulations, electrical work in the restricted area of electrical work indicated on the permit of the registered technician identified on the license if the work is performed by the registered technician or by an assistant who is under the direct supervision of the registered technician at the job site for the duration of the work. Scope of authorized work

**6.2** (1) A Senior Electrical Inspector may, on application by an individual, register the individual and issue a registered technician’s permit to the individual if the Senior Electrical Inspector is satisfied that the individual Registered technician’s permit

(a) has at least one year of experience

(i) in a restricted area of electrical work that is prescribed in Schedule 5 of these regulations, or

(ii) in such other restricted area of electrical work that the Senior Electrical Inspector considers appropriate; and

(b) either

(i) has successfully completed a formal training program provided by either the manufacturer of the electrical system or equipment to be installed or by a recognized organization that is acceptable to the Senior Electrical Inspector, or

(ii) has attained a mark of not less than sixty-five per cent in an examination approved by the Minister.

(2) Notwithstanding subsection (1), a Senior Electrical Inspector shall register a individual and issue a registered technician's permit to an individual who proves to the satisfaction of the Senior Electrical Inspector that the individual was working, on or before July 30, 2002, in a restricted area of electrical work that is prescribed in Schedule 5 of these regulations.

Individuals  
previously working  
in a restricted area

(3) A permit issued under this section authorizes the registered technician who holds the permit to perform or supervise electrical work within the restricted area of electrical work indicated on the permit only while the registered technician is employed by a contractor who

(a) is responsible for the work site at which the electrical work is performed or supervised; and

(b) holds a license issued under section 5 or 6.1 that authorizes the contractor to contract for, or to engage to perform, such electrical work.

Effect of permit

(4) Section 7 does not apply to work carried out by a registered technician in accordance with a permit issued under this section.

Section 7 not  
applicable

**7. Subsection 7(1) of the regulations is amended by the deletion of the word "he" and the substitution of the words "the person".**

**8. Subsection 8(3) of the regulations is revoked.**

**9. Section 9 of the regulations is amended**

(a) by the deletion of the word "license" and the substitution of the words "license or permit"; and

(b) by the deletion of the words "sections 5, 6 7 or 8" and the substitution of the words "sections 5, 6, 6.1, 6.2, 7 and 8".

**10. Section 10 of the regulations is amended**

(a) by the deletion of the word "license" wherever it occurs and the substitution of the words "license or permit";

(b) by the deletion of the words "5, 6, 7 and 8" and the substitution of the words "5, 6, 6.1, 6.2, 7 and 8"; and

(c) by the deletion of the words "in his absolute discretion".

**11. Section 11 of the regulations is amended**

(a) by the deletion of the word "licenses" and the substitution of the words "licenses or permits"; and

(b) by the deletion of the words "5, 6, 7 and 8" and the substitution of the words "5, 6, 6.1, 6.2, 7 and 8".

**12. Section 12 of the regulations is amended by the deletion of the word "he" wherever it occurs and the substitution of the words "he or she".**

**13. Section 13 of the regulations is revoked and the following substituted:**

**13. (1)** No person shall contract for the work of installing, extending or repairing electrical installations in the province until he or she holds a contractor's license issued under section 5 or a contractor's restricted license issued under subsection 6.1(1).

Restriction

(2) No licensed apprentice shall engage in electrical work unless he or she does the work under the direct supervision of a licensed journeyman or an individual contractor who holds either a contractor's license issued under section 5 or a contractor's restricted license issued under subsection 6.1(1).

Apprentice

**14. Section 14 of the regulations is revoked and the following substituted:**

**14. (1)** A Senior Electrical Inspector may, on application of an individual, issue a special electrician's license to an applicant authorizing the applicant to operate or maintain electrical installations, electrical motors and other related equipment on his or her employer's premises only.

Special electrician's license

(2) Before issuing a special electrician's license, the Senior Electrical Inspector shall first be satisfied that the person to whom the license is to be granted is qualified to perform the electrical work to which the license applies.

Person qualified

(3) Notwithstanding section 7, a person who holds a license issued under this section may perform work within the scope of the license only on the premises identified on the license.

License valid only for premises stated

**15. (1) Subsection 15(1) is revoked and the following substituted:**

**15. (1)** Any license issued under these regulations, and any registered technician's permit, expires on the date indicated on the license or permit, as the case may be.

Expiry of license, registered technician's permit

**(2) Subsections 15(2) and (3) are amended by the addition of the words "or registered technician's permit" after the word "license" wherever it occurs.**

**16. Schedule 4 of the regulations is amended by the revocation of section 4.1 and the substitution of the following:**

**4.1 LICENSE AND PERMIT FEES**

1. Contractor	per annum	\$80
2. Contractor (Temporary)	per annum	\$80
3. Contractor (Restricted)	per annum	\$200
4. Journeyman	per annum	\$15
5. Registered technician	per annum	\$15
6. Special license	per annum	\$13
7. Apprentice	per annum	\$8

**17. The regulations are amended by the addition of Schedule 5 as set out in the Schedule to these regulations.**

**18. These regulations come into force on April 17, 2004.**

**SCHEDULE**

**SCHEDULE 5**

**RESTRICTED AREAS OF ELECTRICAL WORK**

The prescribed areas of restricted electrical work for the purposes of these regulations are the following:

- (a) the installation, maintenance and repair of electrical signs;
- (b) the installation, maintenance, testing and repair of alarm systems, nurses call systems and similar systems;
- (c) the maintenance and repair of the electrical components of gas or oil burning equipment;
- (d) the maintenance, repair and replacement of the electrical components of refrigeration equipment;

- (e) the installation, maintenance, testing, and repair of communication systems, and the electrical components thereof, that have a capacity of 50 volts or less;
- (f) the installation, maintenance and testing of the electrical components and wiring that are required for HVAC systems, or similar systems, and that have a capacity of 50 volts or less;
- (g) the installation of a swimming pool grounding system;
- (h) the installation of the set-up wiring and grounding systems for travelling shows and fairs, including such wiring and systems for any amusement rides and concessions operated at such shows and fairs;
- (i) the maintenance and repair of the electrical components of deep well pumps that have a capacity of 240 volts or less and the installation of electrical conduits for such pumps;
- (j) the installation, maintenance, testing and repair of the electrical components of elevators, escalators and lifts;
- (k) the testing for energy efficiency and for the carrying-out of planned maintenance, quality control and trouble shooting of electrical systems and components.

#### **EXPLANATORY NOTES**

**SECTION 1** adds new definitions to the regulations.

**SECTION 2** removes gender-specific language.

**SECTION 3** clarifies the provisions regarding inspector's orders and adds an offence provision for contravening an order.

**SECTIONS 4 and 5** remove gender-specific language.

**SECTION 6** adds provisions for the issuance of a contractor's restricted license or a registered technician's permit by a Senior Electrical Inspector. The license and permit are described and qualifications for the technician are set out.

**SECTION 7** removes gender-specific language.

**SECTION 8** removes a requirement for examinations of radio and television repair operators.

**SECTIONS 9-11** add references to sections 6.1 and 6.2.

**SECTION 12** removes gender-specific language.

**SECTION 13** sets out requirements respecting a licensed journeyman and a licensed apprentice.

**SECTION 14** provides for the issuance of a special electrician's license by a Senior Electrical Inspector.

**SECTION 15** provides for the expiry of a license or a registered technician's permit.

**SECTION 16** amends section 4.1 of Schedule 4 to add contractor's restricted license and registered technician's permit to the list of licenses and permits.

**SECTION 17** adds Schedule 5, which lists areas of restricted electrical work for the purposes of these regulations.

**SECTION 18** provides for the commencement of these regulations.

**EC2004-209**

ENVIRONMENTAL PROTECTION ACT  
 ENVIRONMENTAL ADVISORY COUNCIL  
 APPOINTMENT

Pursuant to section 4 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Council made the following appointment:

NAME	TERM OF APPOINTMENT
Emmerson McMillan Ascension (vice Leon Loucks, deceased)	6 April 2004 to 15 March 2007

**EC2004-210**

EXECUTIVE COUNCIL ACT  
 DEPUTY MINISTER TO THE PREMIER AND CHIEF OF STAFF  
 APPOINTMENT  
 PETER A. MCQUAID  
 (TO RESCIND)

Council, having under consideration Order-in-Council EC2000-408 of 11 July 2000 rescinded the said Order, thus rescinding the appointment of Peter A. McQuaid, who resigned from the position of Deputy Minister to the Premier and Chief of Staff, effective 6 April 2004.

**EC2004-211**

EXECUTIVE COUNCIL ACT  
 DEPUTY MINISTER TO THE PREMIER AND CHIEF OF STAFF  
 ACTING APPOINTMENT  
 PATRICK J. DORSEY  
 (APPROVED)

Pursuant to section 6 of the *Executive Council Act*, R.S.P.E.I. 1988, Cap. E-12 and having under consideration clause 20(e) of the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8, Council appointed Patrick J. Dorsey to act in the capacity of Deputy Minister to the Premier and Chief of Staff (vice Peter McQuaid, resigned) effective 6 April 2004.

**EC2004-212**

EXECUTIVE COUNCIL ACT  
 MINISTER OF AGRICULTURE, FISHERIES, AQUACULTURE  
 AND FORESTRY  
 AUTHORITY TO ENTER INTO AN AGREEMENT  
 (AMENDING AGREEMENT NO. 2A  
 CANADA-PRINCE EDWARD ISLAND AGREEMENT  
 ESTABLISHING THE BSE RECOVERY PROGRAM)  
 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 Agriculture, Fisheries, Aquaculture and Forestry to enter into an agreement with the Government of Canada, as represented by the Minister of Agriculture and Agri-Food, to amend the Canada-Prince Edward Island Agreement Establishing the BSE Recovery Program to change payment provisions for the cull animal program, such as more particularly described in the draft agreement.

**EC2004-213**

FINANCIAL ADMINISTRATION ACT  
 AUTHORIZATION FOR  
 TEMPORARY BORROWING

Pursuant to section 46 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council authorized the Provincial Treasurer to borrow a maximum of twenty million dollars (\$20,000,000.00) from the Royal Bank of Canada, Charlottetown, Prince Edward Island by way of an overdraft on the government general account for the period 31 December 2003 through 31 December 2004.

**EC2004-214**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PROPERTY NO. 240044, LOT 23, QUEENS COUNTY  
 IDENTIFICATION FOR NON-DEVELOPMENT USE  
 CANCELLATION

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council cancelled the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty-five (25) acres of land, being Provincial Property No. 240044 located in Lot 23, Queens County, Prince Edward Island and currently owned by Allan Ling and Melvin Ling, both of Hunter River, Prince Edward Island.

This Order-in-Council comes into force on April 6, 2004.

## EC2004-215

**NATURAL PRODUCTS MARKETING ACT  
DAIRY FARMERS OF PRINCE EDWARD ISLAND  
REGULATIONS**

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

- 1. (1)** In these regulations and the Board orders made under them Definitions
- (a) “Act” means the *Natural Products Marketing Act* R.S.P.E.I. 1988, Cap. N-3; Act
- (b) “Board” means the Dairy Farmers of Prince Edward Island as continued under section 2; Board
- (c) “Marketing Council” means the Prince Edward Island Marketing Council confirmed under subsection 2(1) of the Act; Marketing Council
- (d) “quota holder” means quota holder
- (i) a producer of milk to whom a quota for the marketing of milk has been fixed and allotted by the Board, or
- (ii) a producer of cream who markets all cream produced in the form of cream separated on the producer’s farm, and to whom a quota for the marketing of cream has been fixed and allotted by the Board,
- but does not include a producer of milk or cream whose quota has been suspended or cancelled by the Board.
- (2) The definitions found in the Act, the *Dairy Industry Act*, and the *Dairy Industry Act* Regulations (EC735/88) apply to these regulations with necessary modifications. Adoption of definitions
- (3) The Board may define any term used in a Board order if the term is not defined in the Act, the *Dairy Industry Act*, or the *Dairy Industry Act* Regulations. Additional definitions

**DAIRY FARMERS OF PRINCE EDWARD ISLAND**

- 2. (1)** The Prince Edward Island Milk Marketing Board established under the Prince Edward Island Milk Marketing Regulations (EC48/85) is renamed and continued as the Dairy Farmers of Prince Edward Island. Board continued
- (2) The Board Purposes
- (a) is constituted as a commodity board under the Act for the promotion, control, and regulation of the marketing of milk in the province; and
- (b) shall represent and protect the interests of the province’s quota holders at the provincial and national levels.
- (3) The Board shall, after consultation with the province’s quota holders, create policies respecting the roles and responsibilities of the Board and its committees, including a process to be followed by the Board for responding to resolutions passed at annual and special meetings of quota holders. Policies and process
- (4) The Board has all the powers contained in subsection 4(3) of the Act, except that the powers vested in the Board under clause 4(3)(o) of the Act shall apply only to classes of industrial milk. Powers
- (5) The assets and liabilities of the Prince Edward Island Milk Marketing Board as constituted immediately before the coming into force of these regulations are hereby transferred to and become the assets and liabilities of the Board. Transfer of assets and liabilities
- 3. (1)** The Board shall maintain a head office in the province. Head office



- (2) The Board shall adopt a common seal, the use of which shall be authenticated by the signature of the chairperson or other person as the Board may authorize by resolution. Seal
- (3) The fiscal year of the Board shall commence on December 1 of each year and end on November 30 of the following year. Fiscal year
- (4) The Board shall keep books of account, in accordance with generally accepted Canadian accounting principles, which shall be audited for each fiscal year by an auditor approved by the Board. Records and annual audit
- (5) A copy of the audited financial statement accompanied by a report of the operations of the Board shall be presented to the Board within 90 days of the close of the fiscal year at a regularly scheduled meeting or a special meeting called by the chairperson to consider the report. Audited financial statement, report
- 4. The Board shall file with the Marketing Council** Filing of information
- (a) a certified copy of the audited financial statement of the Board accompanied by the report of operations of the Board within 120 days of the close of the Board's fiscal year;
- (b) a certified copy of all agendas, agreements, appointments, awards, minutes, orders, reports, resolutions and rules of the Board within seven days of the Board's approval of them; and
- (c) where the Board appoints an agent, the agent shall file with the Marketing Council a certified copy of the audited financial statement and the annual report of the agent within 120 days of the close of the year of the agent.
- 5. (1) The Board shall establish and maintain the following committees:** Committees
- (a) an Executive Committee composed of at least three Board members;
- (b) a Farm Practices Committee composed of at least two Board members and at least three quota holders from more than one district;
- (c) a Research Committee composed of at least two Board members and at least three quota holders from more than one district;
- (d) a Producer Relations Committee composed of at least two Board members and at least three quota holders from more than one district;
- (e) a Promotion Committee composed of at least four Board members;
- (f) a Dairy Industry Planning Committee composed of at least four Board members and at least six members from dairy industry stakeholders.
- (2) The Board may establish and maintain other committees as it considers necessary to advise or assist it in its work. Other committees
- (3) The Board shall not delegate any of its powers to any committees established No sub-delegation
- (a) by the Board; or
- (b) under these regulations.
- (4) Members of committees established under subsection (2) are not required to be Board members. Membership
- (5) The Board Term; re-appointment
- (a) shall make appointments of members to committees for one-year terms; and
- (b) may re-appoint members to the same or different committees.

#### REGISTER OF QUOTA HOLDERS

- 6. (1) The Board shall maintain a current register, by district, listing quota holders and quota holder registration numbers.** Register
- (2) The register maintained under subsection (1) shall be available for inspection by quota holders without charge during normal business hours of the Board. Inspection
- (3) Where the Board allots a quota to a corporation, partnership, syndicate or business group, the corporation, partnership, syndicate or Individual responsible

business group shall notify the Board in writing of the name of, and any other details required by the Board regarding, the individual responsible, on behalf of the corporation or other entity, for the exercise of rights and responsibilities of a quota holder under the Act and these regulations.

(4) The Board shall remove from the register the name of every person who has ceased to hold a quota for a period of three months, either as a result of the person's own action or inaction.

Removal of name  
from register

#### ELECTIONS TO THE BOARD

7. (1) The Board shall be composed of nine members:

Composition of  
board of directors

(a) two members shall be quota holders in the West Prince District;

(b) two members shall be quota holders in the Summerside District;

(c) three members shall be quota holders in the Charlottetown District;

(d) two members shall be quota holders in the Montague-Souris District.

(2) The boundaries of the districts referred to in subsection (1) are those described in the Schedule.

Boundaries of  
districts

(3) A quota holder residing within fifteen kilometers of a district boundary may apply to the Board to be assigned to an adjacent district.

Adjacent districts

(4) Where the Board has received an application under subsection (3), and is of the opinion that the assignment of the quota holder is appropriate, the Board may assign the quota holder to the adjacent district.

Board may permit  
application

(5) The members of the Board shall be appointed or elected in accordance with sections 9 to 13.

Members

8. (1) A person shall meet the following qualifications to be eligible to become a member of the Board or to vote for a person nominated for the Board:

Eligibility to vote

- (a) the person is listed on the register of quota holders maintained by the Board;
- (b) the person is a resident of the district in which the election will be held;
- (c) the person has been a resident of the province for not less than six months prior to the date of the election.

(2) Where there is a vacancy on the Board, one vote may be cast to fill the vacancy by

Votes

- (a) each individual quota holder; or
- (b) a person designated by the quota holder to cast the vote, where the quota holder is not an individual.

(3) A quota holder who holds the qualifications set out in subsection (1) is eligible to be appointed or elected to the Board.

Eligibility for  
appointment or  
election

9. (1) Where an election to the Board is to be held, the Board shall appoint a returning officer.

Returning officer

(2) The returning officer shall

Duties

- (a) ensure that a notice of the election is published, not later than the second Saturday of January, in at least two daily or weekly newspapers in circulation in each of the districts described in the Schedule; and
- (b) provide a nomination form to each quota holder who requests a nomination form.

(3) Every quota holder submitting a nomination form shall ensure that the nomination form

Nomination form

- (a) is signed by at least five quota holders from the district where the vacancy has occurred; and
- (b) is received by the returning officer not later than January 31 of the election year.

(4) Nominations for Board members shall

Nominations

- (a) be in writing on a form prescribed by the Board;

- (b) be signed by at least five quota holders of the appropriate district; and
- (c) be postmarked or received by the returning officer not later than January 31 of the election year.
- (5) Acceptance of a nomination by the nominee shall be by notice in writing from the nominee to the returning officer and the notice shall accompany the nomination. Notice of acceptance
- (6) If no nomination is received from a district for which an election is being held, the incumbent is deemed elected. No nomination received
- (7) If not more than one nomination is received from a district for which an election is being held, the nominee shall be deemed elected. Single nominee
- (8) For the purpose of conducting an election, the register of quota holders shall be closed on January 31. Close of register
- 10.** (1) The returning officer shall cause mail-in ballots to be sent to eligible quota holders showing the candidates for the vacancies in the district. Mail-in ballots
- (2) Failure by a quota holder to receive a mail-in ballot shall not invalidate any election. Notice
- (3) The counterfoil of the mail-in ballot shall have the quota holder's name and registration number recorded on it. Counterfoil
- (4) Each candidate in an election is entitled to appoint one scrutineer to represent the candidate at the opening and counting of the mail-in ballots. Scrutineer
- (5) All mail-in ballots shall be returned by mail, with the counterfoil attached, to the returning officer and shall be received by the returning officer or postmarked not later than the last day of February. Return of mail-in ballots
- (6) The returning officer shall set a date for counting the mail-in ballots for the election. Counting mail-in ballots
- 11.** (1) The returning officer may appoint any persons necessary to witness the counting of the mail-in ballots. Witnesses
- (2) The Marketing Council may appoint a witness to represent the Marketing Council at the opening and counting of the mail-in ballots. Marketing Council witness
- (3) The failure of a person appointed under subsection (1) or (2) to witness the counting of the mail-in ballots shall not invalidate an election. Validity
- (4) Mail-in ballots shall only be counted where Valid ballots
- (a) the mail-in ballot is postmarked not later than the last day of February;
- (b) the quota holder's name and registration number are recorded on the counterfoil; and
- (c) the counterfoil is removed by the returning officer before it is placed in the ballot box.
- (5) Mail-in ballots shall be opened and counted by the returning officer in the presence of the persons appointed under subsection (1) or (2). Counting
- (6) A complete report of the results of the counting of the mail-in ballots, bearing the signatures of those present, shall be filed with the Board and the Marketing Council. Valid results
- (7) The candidate receiving the greatest number of votes for each vacancy shall be deemed elected by the returning officer. Declaration
- (8) In the event of two or more candidates for election receiving an equal number of votes, the returning officer shall cast a ballot for one of the candidates to complete the election and that candidate is deemed duly elected. Casting vote

- 12.** (1) Members of the Board shall be elected for a three-year term and shall assume office at the first meeting of the Board following the annual meeting of quota holders. Term of office
- (2) The Board may declare vacant the office of any member of the Board who has been convicted of any offence under the Act or under the *Criminal Code* (Canada), has resigned or become ineligible, or who has failed to attend three consecutive meetings of the Board without reasonable cause. Vacancies
- (3) The Marketing Council, after consultation with the appropriate district milk committee established under subsection 20(1), may appoint a quota holder from a district to fill the unexpired term of a member of the Board from that district whose office has been declared vacant pursuant to subsection (2). Filling vacancy
- 13.** (1) The Board shall, at the first meeting following the annual meeting of quota holders, elect from its members a chairperson, a vice-chairperson and a secretary. Officers
- (2) The Board may also appoint a treasurer and other officers and employees as it deems necessary. Other officers
- 14.** The members of the Board shall represent all quota holders in the district in which the member was elected and act in the best interests of the quota holders in the province. Duties of members

#### MEETINGS

- 15.** (1) The Board shall call an annual meeting of quota holders, which shall be held within four months of the end of the Board's fiscal year. Annual meeting
- (2) At the annual meeting, the Board shall present the audited financial statement for the preceding fiscal year along with the annual report of the Board. Financial statement
- (3) Where the Board receives a request signed by at least 10% of the quota holders requesting that a special meeting of quota holders be held for discussion of matters respecting the operation of the Board, the Board shall call a special meeting of quota holders within 30 days of the receipt of the request. Special meeting
- (4) A request for a special meeting shall include a suggested agenda. Agenda
- (5) The Board shall give notice, including a copy of the agenda, of a special meeting under subsection (3), 14 days prior to the date of the meeting,  
 (a) by written notice to each quota holder sent by ordinary mail; or  
 (b) by publication in at least two daily newspapers in the province. Notice
- (6) At a special meeting, only those matters contained in the agenda may be brought before the meeting. Discussion limited to agenda

#### FINANCE AND MANAGEMENT

- 16.** (1) An order passed by the Board respecting  
 (a) the borrowing of money on the credit of the Board;  
 (b) the issuing, selling or pledging securities of the Board;  
 (c) the charging, mortgaging, hypothecating or pledging real or personal property of the Board; or  
 (d) the negotiating for securities or money borrowed, or other debt, obligation or liability of the Board  
 shall state the purpose for obtaining the money or incurring the debt. Finance
- (2) No order referred to in subsection (1) is effective unless  
 (a) a meeting is held to consider the order; and  
 (b) at least two-thirds of the total members of the Board vote in favour of the order. Two-thirds majority
- 17.** (1) The Board may require the treasurer to provide a bond for the faithful discharge of the duties of treasurer in any form and with any security the Board may determine. Bond for treasurer

(2) The Board may require its other officers, employees and agents to provide bonds for the faithful discharge of their duties in any form and with any security the Board may determine.

Bonds for other officers

(3) The Board shall pay the cost of bonds required under subsection (1) or (2).

Costs

**18.** The Board shall not invest surplus funds of the Board other than in investment certificates of a chartered bank, trust company, credit union, or the provincial or federal government.

Investment

**19.** The Board may make rules governing the calling and conduct of meetings, the procedures for the transaction of its business and matters of management.

Board may make rules

#### DISTRICT MILK COMMITTEES

**20.** (1) The Board shall establish and maintain district milk committees in the West Prince, Summerside, Charlottetown, and Montague-Souris districts, with each district having the boundaries described in the Schedule.

District milk committees

(2) A quota holder residing within fifteen kilometers of a district boundary may apply to the Board to be assigned to the adjacent district.

Adjacent districts

(3) Where the Board has received an application under subsection (2) and is of the opinion that the assignment of the quota holder is appropriate, the Board may assign the quota holder to the adjacent district.

Board may permit application

(4) The West Prince, Summerside, and Montague-Souris milk committees shall each be composed of four quota holders in the district, as follows:

West Prince, Summerside, Montague-Souris

- (a) two members elected at an annual meeting of the district held during the month of February of each year;
- (b) two members of the Board representing that district.

(5) The Charlottetown district milk committee shall be composed of six quota holders in the district, as follows:

Charlottetown

- (a) three members shall be elected at an annual meeting of the district held during the month of February of each year;
- (b) three members shall be members of the Board representing that district.

(6) The members determined by clauses (4)(b) and (5)(b) shall include the chairperson and secretary of the district milk committee.

Chairperson, secretary

(7) Members of a district milk committee elected pursuant to clauses (4)(a) and (5)(a) shall serve two-year terms on a staggered term basis.

Terms of office

(8) Each district milk committee shall hold at least two general meetings of its quota holders each year.

General meetings

#### GENERAL

**21.** Notwithstanding any defect or irregularity in the appointment, election or qualifications of any member, the actions of the Board are as valid as if the Board and every member were duly qualified and had been duly appointed or elected.

Validity of actions

**22.** (1) No action shall be brought against any person who acts or purports to act in good faith under the authority of the Act, these regulations or a Board order.

Liability

(2) Members or officers of the Board and their heirs, executors and administrators, and assigns shall be saved harmless, and indemnified out of the funds of the Board, against all costs, charges and expenses the member or officer sustains or incurs with respect to any action, suit or proceeding brought, commenced or prosecuted against the member or officer, in respect of any act performed or authorized by the member or officer, in the performance or intended performance of the duties of the

Indemnity

member's or officer's office; except any costs, charges or expenses that result from the member's or officer's wilful neglect or default.

**23.** (1) Subject to the approval of the Marketing Council, the remuneration to be paid to members of the Board shall be any honoraria and daily allowances as the Board may from time to time determine. Remuneration

(2) The Board shall pay its members travelling or other expenses where the expenses were properly incurred by them in connection with the business of the Board. Expenses

(3) Subject to the approval of the Marketing Council, the Board may by resolution award special remuneration to members undertaking special services on behalf of the Board. Special services

**24.** No person shall produce or market milk contrary to the Act, these regulations, or Board orders. Compliance with Act, regulations, orders

**25.** The Prince Edward Island Milk Marketing Regulations (EC48/85) are revoked. Revocation

**26.** These regulations come into force on April 17, 2004. Commencement

## SCHEDULE

### West Prince District:

Shall be bounded as follows commencing at the intersection of the Bideford River and Bideford Road; thence southwestwardly along said road and Route # 166 to Route # 12; thence southwardly along said route to Port Hill Station Road (Route # 169); thence westwardly along said road to Allen Road (Route # 167); thence southwardly along said road to Canada Road (Route # 178); thence southwestwardly along said road to Northam Road (Route # 132); thence westwardly along said road to Western Road (Route # 2); thence southwardly along said road to Harmony Line Road (Route # 128); thence westwardly along said road and continuing westwardly and southwardly along Route # 11 to Rocky Point Road (St. Chrysostome); thence westwardly along said road to Egmont Bay; thence northwardly along said bay and Northumberland Strait to the Gulf of St. Lawrence at North Point; thence following the gulf southwardly to the eastern boundary of Lennox Island at Bideford River; thence westwardly along said river and Malpeque Bay to the intersection of Bideford River and Bideford Road to the point of commencement.

### Summerside District:

Shall be bounded as follows commencing at the intersection of Bideford River and Bideford Road; thence eastwardly along said river and following the southern boundary of Lennox Island and Malpeque Bay to the Gulf of St. Lawrence; thence eastwardly along said gulf to New London Bay; thence southwardly along said bay and Stanley River to Route # 6 (Stanley Bridge); thence eastwardly along said route to Rattenbury Road (Route # 254); thence southwardly along said road to Route # 2; thence eastwardly along said route to Inkerman Road (Route # 231); thence southwardly along said road to Route # 13; thence westwardly along said route to Westmoreland River; thence southwardly along said river and Victoria Harbour to Northumberland Strait; thence westwardly along said strait and Bedeque Bay to Rocky Point Road (St. Chrysostome); thence eastwardly along said road to Route # 11; thence northwardly and eastwardly along said route and Harmony Line Road (Route # 128) to Western Road (Route # 2); thence northwardly along said road to Northam Road (Route # 132); thence eastwardly along said road to Canada Road (Route # 178); thence northeastwardly along said road to Allen Road (Route # 167); thence northwardly along said road to Port Hill Station Road (Route # 169); thence eastwardly along said road to Route # 12; thence northwardly along said route to (Route # 166); thence northeastwardly along said Route # 166 and Bideford Road to Bideford River to the point of commencement.

**Charlottetown District:**

Shall be bounded as follows commencing on New London Bay at the intersection of Stanley River (Stanley Bridge) and Route # 6; thence northwardly along said river and New London Bay to the Gulf of St. Lawrence; thence eastwardly along said gulf to Savage Harbour; thence southwestwardly along said harbour to Queens and Kings County line; thence southwardly along said county line to the Dunphy Road (Route # 214); thence westwardly along said road to Avondale Road (Route # 216); thence southwestwardly along said road to Route # 3; thence eastwardly along said road to Vernon River; thence southwardly along said river to Orwell Bay; thence southwardly along said bay and Hillsborough Bay to Northumberland Strait; thence westwardly along said strait to Victoria Harbour; thence northwardly along said harbour and Westmoreland River to Route # 13; thence eastwardly along said route to Inkerman Road (Route # 231); thence northwardly along said road to Route # 2; thence westwardly along said route to Rattenbury Road (Route # 254); thence northwardly along said road to Route # 6; thence westwardly along said road to the intersection of Route # 6 and Stanley River (Stanley Bridge) to the point of commencement.

**Montague-Souris District:**

Shall be bounded as follows commencing where the Savage Harbour intersects the Gulf of St. Lawrence; thence eastwardly along the said gulf to the Northumberland Strait at East Point; thence southwardly and westwardly along said strait to Hillsborough Bay; thence northwardly along said bay and Orwell Bay to Vernon River; thence continuing northwardly along said river to Route # 3; thence westwardly along said road to Avondale Road (Route # 216); thence northwardly along said road to Dunphy Road (Route # 214); thence eastwardly along said road to Kings and Queens County line; thence northwardly along said county line to Savage Harbour; thence northeastwardly along said harbour to the Gulf of St. Lawrence to the point of commencement.

**EXPLANATORY NOTES**

**SECTION 1** is the definition section.

**SECTION 2** changes the name of the Prince Edward Island Milk Marketing Board to the Dairy Farmers of Prince Edward Island, which continues as a commodity board.

**SECTIONS 3 to 5** deal with administration of the Board and its committees.

**SECTION 6** provides for a register of quota holders.

**SECTIONS 7 to 14** deal with qualifications, appointments, nominations and elections of members and directors of the Board.

**SECTIONS 15 to 19** deal with meetings and the finance and management of the Board.

**SECTION 20** provides for district milk committees.

**SECTIONS 21 to 23** validate actions of the Board, limit the liability of Board members, provide indemnity, and provide for remuneration of Board members.

**SECTION 24** makes it an offence to violate the Act, these regulations, or a Board order.

**SECTION 25** revokes the Prince Edward Island Milk Marketing Regulations.

**SECTION 26** provides for the commencement of these regulations.

**EC2004-216****PROVINCIAL DEBENTURE ISSUES TO CANADA PENSION PLAN  
VARIOUS, MONTHLY  
TOTTALLING \$10,500,000.00**

The Executive Council having under consideration the matter of issuing Provincial Debentures:

WHEREAS by virtue of the *Loan Act* 2003, Stats., P.E.I. 2003, c.41 (the "*Loan Act* 2003"), and the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, as amended (the "*Financial Administration Act*"), the Lieutenant Governor in Council is authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the purposes mentioned in the said Acts, inter alia, for discharging the cost of carrying on public works authorized by the Legislature and the payment of any indebtedness of the Province, provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of these Acts, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole the sum of *Loan Act* 2003 - Eighty Million Dollars (\$80,000,000.00); and

WHEREAS an amount of thirty-three million, nine hundred and seven thousand, five hundred dollars (\$33,907,500.00) authorized by Order-in-Council No. EC2003-293 has been borrowed under the Authority of *Loan Act* 2003 and it is deemed expedient to borrow under the said authority, by the rollover and reissue of new twenty (20) year debentures on a monthly basis, in varying amounts, and at various rates of interest to the Canada Pension Plan for the purpose of discharging the cost of carrying on public works authorized by the Legislature and the payment, in part, of certain indebtedness of the Province;

THE EXECUTIVE COUNCIL THEREFORE ADVISES THAT under the authority of and pursuant to the provisions of *Loan Act* 2003 and the *Financial Administration Act*, the Province may borrow by the issue and sale of Debentures of the Province in the principal amount of ten million five hundred thousand (\$10,500,000.00) over the twelve months commencing April 1, 2004 until March 31, 2005 in various amounts, at various interest rates, with interest payments being payable every six months from the date of issuance.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the Debentures will be represented by certificates issued directly to the Canada Pension Plan on a monthly basis.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the principal amounts totalling Ten Million, Five Hundred Thousand Dollars (\$10,500,000.00) of the Debentures, the issued whereof is hereby provided for, is and is declared to be necessary to realize the net sum required to be raised by way of loan pursuant to the said *Loan Act* 2003 and the *Financial Administration Act*.

THE EXECUTIVE COUNCIL FURTHER ADVISES THAT the said interest shall be payable on the new debentures semi-annually on the issue dates and six months later for each individual debenture and that both the principal and interest payments on each individual debenture shall be payable in lawful money of Canada, in the manner provided in the conditions thereon. The first such interest payment shall be made six months from the date of initial issue.



THE EXECUTIVE COUNCIL FURTHER ADVISES that the said debenture be in substantially the following form:

**No CPP-184-PE04** \$1,493,000.00

**Province of Prince Edward Island**

**THE PROVINCE OF PRINCE EDWARD ISLAND** will pay to the Receiver General for Canada to the credit of the Canada Pension Plan Investment Fund provided for in the *Canada Pension Plan*, R.S.C., c. C-8, as amended, on the 2<sup>nd</sup> day of April 2024 (subject to prior redemption in whole or in part in accordance with the provisions hereinafter contained), on presentation and surrender of this Debenture, the principal sum of One Million and Four Hundred and Ninety-three Thousand Dollars (\$1,493,000.00) in lawful money of Canada, and will pay interest on the said principal sum, or such part thereof as shall from time to time remain outstanding, in like money from the date of this Debenture until the day of maturity or earlier day of redemption hereof at the rate of Five and Seventy-Five Hundredths per cent (5.75%) per annum payable semi-annually on the 2<sup>nd</sup> day of April and on the 2<sup>nd</sup> day of October in each year. Such principal and interest are payable in the City of Ottawa.

At the option of the Minister of Finance of Canada, the Debentures of this issue are redeemable and shall be redeemed and paid by the Province, in whole or in part, from time to time prior to the day of maturity thereof, but only (a) whenever the said Minister of Finance deems it necessary in order to meet any payments that will be required to be made under S.108(3) of the *Canada Pension Plan* and only after notice in writing by the said Minister of Finance to the Provincial Treasurer, on behalf of the Province of Prince Edward Island given not less than six months before the day of such redemption, and (b) after the redemption in full of all securities of or guaranteed by the Province that were issued pursuant to the provisions of the *Canada Pension Plan* before the month of issue of the Debenture or Debentures to be redeemed and on the basis that the amount that shall be realized at any time by the way of redemption in whole or in part of securities of or guaranteed by the Province held to the credit of the Canada Pension Plan Investment Fund is that proportion of the total amount to be realized at that time by way of redemption of securities so held that (i) the aggregate amount then outstanding of the securities of or guaranteed by the Province held to the credit of the Canada Pension Plan Investment Fund is of (ii) the aggregate amount then outstanding of all securities held to credit of the said Fund. In the event of the redemption of a part only of this Debenture, the part to be redeemed will be paid by the Province without surrender or presentation of the Debenture to the Province provided that the Receiver General for Canada will cause a notation of such partial payment to be made on the Debenture and will issue to the Province a certificate confirming such partial payment. Any sum so paid on redemption in whole or part shall include accrued interest to the day of such redemption.

The principal monies secured by this Debenture are raised upon the credit of the Operating Fund of Prince Edward Island and the said principal monies and the interest thereon are hereby charged on and shall be paid out of the said Fund.

This Debenture is not negotiable, transferable, or assignable.

This Debenture is issued under authority of the *Financial Administration Act*, R.S.P.E.I. 1988, Cap. F-9, as amended, and of an Order of the Lieutenant Governor in Council.

**DATED AT** Charlottetown in the Province of Prince Edward Island this 2<sup>nd</sup> day of April, 2004.

**SIGNED AND SEALED** on behalf of the  
Province of Prince Edward Island

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Michael L. O'Brien, F.C.A.  
Deputy Provincial Treasurer

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Doug Clow, C.A.  
Director of Fiscal Management

### EC2004-217

#### ROLLOVER OF PROVINCIAL DEBENTURE ISSUES

Further to the immediately preceding Order-in-Council No. EC2004-216 dated this date and entitled "Provincial Debenture Issues to Canada Pension Plan" in the matter of the issuance of Ten Million, Five Hundred Thousand Dollars (\$10,500,000.00) in the form of nine Province of Prince Edward Island Debentures in the amounts and at the rates (only insofar as they are now known) listed below, Council agreed to reissue/rollover said debentures.

Present Maturity	Present CPP Principal	Present Interest Rate	Rollover Maturity	Rolled Over Principal	Forecast Interest Rate	Annual Interest Savings
02-Apr-2004	\$1,493,000	12.600%	02-Apr-2024	\$1,493,000	5.750%	\$102,270.50
01-May-2004	\$2,005,000	13.480%	01-May-2024	\$2,005,000	5.750%	\$154,986.50
01-Jun-2004	\$2,101,000	13.700%	01-Jun-2024	\$2,101,000	5.750%	\$167,029.50
03-Jul-2004	\$1,468,000	13.800%	03-Jul-2024	\$1,468,000	5.750%	\$118,174.00
01-Aug-2004	\$952,000	14.060%	01-Aug-2024	\$856,000	5.750%	\$79,111.20
04-Sept-2004	\$827,000	13.200%	04-Sept-2024	\$827,000	5.750%	\$61,611.50
01-Oct-2004	\$407,000	13.050%	01-Oct-2024	\$407,000	5.750%	\$29,711.00
01-Nov-2004	\$951,000	12.960%	01-Nov-2024	\$951,000	5.750%	\$68,567.10
01-Dec-2004	\$0	0.00%	01-Dec-2024	\$0	5.750%	\$0.00
02-Jan-2005	\$296,000	12.080%	02-Jan-2025	\$296,000	5.750%	\$18,736.80
01-Feb-2005	\$0	0.00%	01-Feb-2025	\$0	5.750%	\$0.00
01-Mar-2005	\$0	0.00%	01-Mar-2025	\$0	5.750%	\$0.00
	\$10,500,000			\$10,500,000		\$800,198.10

Delivery of the above-noted debentures will be against delivery of the maturing debentures by the Canada Pension Plan in Ottawa. All future payments of principal and interest will be made at the Canada Pension Plan offices in Ottawa either electronically or in the form of cheques in lawful money of Canada.

**EC2004-218****REAL PROPERTY ASSESSMENT ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 35 of the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4, Council made the following regulations:

**1. (1) Clause 1(1)(d) of the *Real Property Assessment Act* Regulations (EC490/72) is revoked and the following substituted:**

(d) “notice of assessment” means a notice of assessment given pursuant to section 18 of the Act; notice of assessment

**(2) Subsection 1(2) of the regulations is amended by the deletion of the words “Schedule A” and the substitution of the words “Schedule B”.**

**2. Section 2 of the regulations is amended by the addition of the words “of Schedule A” after the words “Form 5”.**

**3. Subsection 6(1) of the regulations is amended by the addition of the words “of Schedule A” after the words “Form 1”.**

**4. Subsection 8(3) and section 9 of the regulations are amended by the deletion of the words “assessment notices” and the substitution of the words “notices of assessment”.**

**5. Schedule A of the regulations is amended by the deletion of the words “SCHEDULE A” and the substitution of the words “SCHEDULE B”.**

**6. The regulations are amended by the addition of the heading “SCHEDULE A” immediately before Form 1.**

**7. Form 2 of Schedule A of the regulations is revoked.**

**8. These regulations come into force on April 17, 2004.**

**EXPLANATORY NOTES**

These regulations recognize the amendments recently made to the Act to refer to notices of assessment that are in such form as is approved by the Minister. Previously, the Act expected such notices to be in the form prescribed by the regulations.

These regulations also add the title “Schedule A” before Form 1 and re-title the Schedule following the Forms as “Schedule B”.

**EC2004-219****SUPREME COURT ACT  
DEPUTY REGISTRAR  
SUPREME COURT OF PRINCE EDWARD ISLAND  
KIM ANN RADANOVICH  
APPOINTMENT**

Pursuant to section 20.2 of the *Supreme Court Act* R.S.P.E.I. 1988, Cap. S-10 Council appointed Kim Ann Radanovich of Charlottetown, in Queens County a deputy registrar of the Supreme Court effective 29 April 2004.

Further, Council ordered that, should the said Kim Ann Radanovich cease to be employed with the Supreme Court of Prince Edward Island, her appointment to the aforementioned position shall terminate coincident with the date of termination of her employment.

**EC2004-220**

**VITAL STATISTICS ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 40 of the *Vital Statistics Act* R.S.P.E.I. 1988, Cap. V-4.1, Council made the following regulations:

**1. Subsection 7(1) of the *Vital Statistics Act* Regulations (EC453/00) is amended by the addition of the following after clause (p):**

(p.1) rush certificate (in province)  
\$7.50

**2. These regulations come into force on May 1, 2004.**

**EXPLANATORY NOTES**

This amendment establishes a new fee for rush certificates in the province.