

At a Meeting of the Executive Council in Committee, Present:

**HONOURABLE MEMBERS**

Binns	Gillan	MacFadyen
Currie	Ballem	MacAdam
Murphy	Shea	Brown

**EC2004-421**

**ELECTRIC POWER ACT  
CITY OF SUMMERSIDE ELECTRIC UTILITY  
ANNUAL ASSESSMENT  
DETERMINED**

Pursuant to clause 46(2)(a) of the *Electric Power Act* R.S.P.E.I. 1988, Cap. E-4 Council determined the assessment to be paid by the City of Summerside Electric Utility to the Island Regulatory and Appeals Commission for the 2004-2005 fiscal year to be twenty thousand dollars (\$20,000.00).

**EC2004-422**

**EMPLOYMENT STANDARDS ACT  
EMPLOYMENT STANDARDS BOARD  
APPOINTMENTS**

Pursuant to section 4 of the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-1 Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
as chairperson	
Albert M. (Ab) Ferris Charlottetown (reappointed)	29 June 2004 to 29 June 2005
as vice-chairperson	
Don MacCormac Charlottetown (vice George Cantelo, term expired)	27 July 2004 to 27 July 2007
as employee representatives	
June Glover Guernsey Cove (reappointed)	29 June 2004 to 29 June 2005
Mary Jane Hackett Tignish (reappointed)	29 June 2004 to 29 June 2005

Harry Kennedy 27 July 2004  
 Charlottetown to  
 (vice Wayne Vessey, term expired) 27 July 2007

as employer representatives

Glenda Burt 29 June 2004  
 Kensington to  
 (reappointed) 29 June 2005

Deborah Matthews 29 June 2004  
 Charlottetown to  
 (reappointed) 29 June 2005

Don Pendergast 27 July 2004  
 Charlottetown to  
 (vice George Beck, term expired) 27 July 2007

#### EC2004-423

### ENVIRONMENTAL PROTECTION ACT AIR QUALITY REGULATIONS AMENDMENT

Pursuant to subsection 25(1) of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

#### 1. Section 4.1 of the *Environmental Protection Act* Air Quality Regulations (EC377/92) is amended

(a) by the revocation of clause (1)(c) and the substitution of the following:

(c) in the amount as set out in Schedule D; and

(b) by the revocation of subsection (2) and the substitution of the following:

(2) The application fee for a permit or a renewal of a permit shall be in Fees for permit the amount as set out in Schedule D.

#### 2. The regulations are amended by the addition of Schedule D as set out in the Schedule to these regulations.

#### 3. These regulations come into force on August 7, 2004.

### SCHEDULE

#### SCHEDULE D

#### FEE STRUCTURE

##### Part 1 Fuel-Burning Equipment (Heavy Fuel Oil Users)

**Class 1A** source, if the source has a permitted rate of release of one or more of the following:

- (a) sulphur dioxide > 1,000 tonnes per year, or
- (b) particulate matter > 1,000 tonnes per year

\$42,000 per year

**Class 1B** source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 500 tonnes per year, but ≤ 1,000 tonnes per year  
 (b) particulate matter > 500 tonnes per year, but ≤ 1,000 tonnes per year

\$15,000 per year

**Class 2** source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 250 tonnes per year, but ≤ 500 tonnes per year  
 (b) particulate matter > 250 tonnes per year, but ≤ 500 tonnes per year

\$5,000 per year

**Class 3** source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 100 tonnes per year, but ≤ 250 tonnes per year  
 (b) particulate matter > 100 tonnes per year, but ≤ 250 tonnes per year

\$2,000 per year

**Class 4** source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide > 10 tonnes per year, but ≤ 100 tonnes per year  
 (b) particulate matter > 10 tonnes per year, but ≤ 100 tonnes per year

\$500 per year

**Class 5** source, if the source has a permitted rate of release of one or more of the following:

(a) sulphur dioxide ≤ 10 tonnes per year  
 (b) particulate matter ≤ 10 tonnes per year

\$100 per year

**Part 2 Incinerators**

1. Quantity of material incinerated ≤ 500 tonnes per year: \$100 per year
2. Quantity of material incinerated > 500 tonnes per year: \$100 per year plus \$10 for each additional 100 tonnes (or fraction thereof) of material incinerated

**Part 3 Industrial Sources (Asphalt Plants and Used Oil Burners)**

1. ≤ 15,000 litres fuel burned per year, \$100 per year
2. > 15,000 litres fuel burned per year, \$100 per year plus \$10 for each additional 15,000 litres (or fraction thereof) of fuel burned

**EXPLANATORY NOTES**

The amendments add Schedule D to the regulations in order to provide a fee structure for an application for a permit or a renewal of a permit.

**EC2004-424**

**FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT  
 DECLARATION RE**

Under authority of section 12 of the *Farm Registration and Farm Organizations Funding Act* Stats. P.E.I. 2002, 4th Session, c. 10 Council ordered that a Proclamation do issue proclaiming subsections 10(4) and 10(5) of the said "*Farm Registration and Farm Organizations Funding Act*" to come into force effective 27 July 2004.

**EC2004-425**

FINANCIAL ADMINISTRATION ACT  
SPECIAL WARRANT  
(SUPPLEMENTARY EXPENDITURE FOR FISCAL YEAR 2004/05)  
DEPARTMENT OF ENVIRONMENT AND ENERGY

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 Environment and Energy as follows:

Account Class	Account Name	Amount
<b>CONSERVATION AND MANAGEMENT DIVISION</b>		
0095-02805	Computer Equipment	\$34,700.00
0095-02901	Field Supplies	1,000.00
0095-03125	Wages - Casual Payroll	53,000.00
0095-03201	In-province Travel	<u>6,400.00</u>
		<u>\$95,100.00</u>

Further, Council noted that this amount will be fully offset by revenue from the federal government under the terms of the Canada-Prince Edward Island National Water Program.

**EC2004-426**

FINANCIAL ADMINISTRATION ACT  
ADVISORY COUNCIL ON THE STATUS OF WOMEN  
DECLARATION TO RETAIN PROFIT  
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#110/04 of 21 July 2004) and pursuant to section 72 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council declared that the profit of the Advisory Council on the Status of Women for the year ended 31 March 2004 in the amount of \$835.00 be retained by the Corporation.

**EC2004-427**

FINANCIAL ADMINISTRATION ACT  
PEI AGRICULTURE RESEARCH INVESTMENT FUND INC.  
DECLARATION TO RECOUP LOSS  
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#111/04 of 21 July 2004) and pursuant to section 72 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the PEI Agriculture Research Investment Fund Inc. in the amount of \$88,812.00 be recouped from existing surpluses or from future operations of the Corporation.

**EC2004-428**

FINANCIAL ADMINISTRATION ACT  
PEI AQUACULTURE AND FISHERIES RESEARCH INITIATIVE INC.  
DECLARATION TO RECOUP LOSS  
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#114/04 of 21 July 2004) and pursuant to section 72 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the PEI Aquaculture and Fisheries Research Initiative Inc. in the amount of \$75,443.00 be recouped from existing surpluses or from future operations of the Corporation.

**EC2004-429**

FINANCIAL ADMINISTRATION ACT  
PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION  
DECLARATION TO RECOUP LOSS  
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#113/04 of 21 July 2004) and pursuant to section 72 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the Prince Edward Island Human Rights Commission in the amount of \$2,434.00 be recouped from existing surpluses or from future operations of the Corporation.

**EC2004-430**

FINANCIAL ADMINISTRATION ACT  
PRINCE EDWARD ISLAND SELF-INSURANCE  
AND RISK MANAGEMENT FUND  
DECLARATION TO RETAIN PROFIT  
(FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#120/04 of 21 July 2004) and pursuant to section 72 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council declared that the profit of the Prince Edward Island Self-Insurance and Risk Management Fund for the year ended 31 March 2004 in the amount of \$49,393.00 be retained by the Corporation.

**EC2004-431**

FINANCIAL ADMINISTRATION ACT  
 PRINCE EDWARD ISLAND SPECIAL PROJECTS FUND  
 DECLARATION TO RECOUP LOSS  
 (FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#112/04 of 21 July 2004) and pursuant to section 72 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of the Prince Edward Island Special Projects Fund in the amount of \$2,094,488.00 be recouped from existing surpluses or from future operations of the Fund.

Council noted a remaining accumulated balance in the Prince Edward Island Special Projects Fund of \$1,286,827.00 as at 31 March 2004.

**EC2004-432**

FINANCIAL ADMINISTRATION ACT  
 TOURISM PEI  
 DECLARATION TO RECOUP LOSS  
 (FISCAL YEAR 2003/2004)

Having under consideration the recommendation of the Treasury Board (reference TB#119/04 of 21 July 2004) and pursuant to section 72 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council declared that the operating deficit for the year ended 31 March 2004 of Tourism PEI in the amount of \$291,294.00 be recouped from existing surpluses or from future operations of the Corporation.

**EC2004-433**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 BRENDDEL FARMS 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 Brendel Farms Ltd. of North Bedeque, Prince Edward Island to acquire a land holding of approximately ten (10) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from Kent Marchbank and Paul Marchbank, both of Lower New Annan, Prince Edward Island.

Further, Council noted that the said land holding, being part of Provincial Property No. 454843, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2004-434**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PROPERTY NO. 164202, GEORGETOWN ROYALTY, KINGS COUNTY  
IDENTIFICATION FOR NON-DEVELOPMENT USE  
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately twenty-five decimal one (25.1) acres of land, being Provincial Property No. 164202 located in Georgetown Royalty, Kings County, Prince Edward Island and currently owned by Marwood Properties Inc. of Georgetown, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately two decimal five (2.5) 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 27 July 2004.

**EC2004-435**

MARRIAGE ACT  
DEPUTY ISSUERS OF MARRIAGE LICENSES  
APPOINTMENTS  
(TO AMEND)

Council, having under consideration Order-in-Council EC1999-243 of 11 May 1999, amended the said Order by deleting therefrom the name of Darla Bonita Gill.

**EC2004-436**

MARRIAGE ACT  
DEPUTY ISSUERS OF MARRIAGE LICENSES  
APPOINTMENTS  
(TO AMEND)

Council, having under consideration Order-in-Council EC1999-247 of 11 May 1999, amended the said Order by deleting therefrom the name of Susan Millington.

**EC2004-437**

MARRIAGE ACT  
DEPUTY ISSUERS OF MARRIAGE LICENSES  
APPOINTMENTS  
(TO AMEND)

Council, having under consideration Order-in-Council EC2002-384 of 16 July 2002, amended the said Order by deleting therefrom the name of Sandra MacNeill.

**EC2004-438**

MARRIAGE ACT  
DEPUTY ISSUERS OF MARRIAGE LICENSES  
APPOINTMENTS  
(TO AMEND)

Council, having under consideration Order-in-Council EC2002-387 of 16 July 2002, amended the said Order by deleting therefrom the name of Karen MacInnis.

**EC2004-439**

MARRIAGE ACT  
DEPUTY ISSUER OF MARRIAGE LICENSES  
APPOINTMENT

Pursuant to subsection 12(1) of the *Marriage Act* R.S.P.E.I. 1988, Cap. M-3 Council appointed Joanne Larsen, an employee in the Office of Vital Statistics, Montague, Prince Edward Island to be a deputy issuer of marriage licenses effective 27 July 2004.

**EC2004-440**

MARRIAGE ACT  
DEPUTY ISSUERS OF MARRIAGE LICENSES  
APPOINTMENTS

Pursuant to subsection 12(1) of the *Marriage Act* R.S.P.E.I. 1988, Cap. M-3 Council appointed the following employees of Access PEI in Summerside, Prince Edward Island to be deputy issuers of marriage licenses effective 27 July 2004:

Wendy May Collett  
Colleen Rose Gallant  
Michelle Loraine Poirier

**EC2004-441**

PETROLEUM PRODUCTS ACT  
PERMIT TO STORE MOTOR FUELS  
IN ABOVE-GROUND TANKS  
TIGNISH CO-OPERATIVE ASSOCIATION, LIMITED

Pursuant to section 21.1 of the *Petroleum Products Act* Council authorized Tignish Co-operative Association, Limited to store motor fuels in above-ground tanks at its retail outlet at 285 Mall Street, Tignish, Prince Edward Island effective 27 July 2004 for a period of up to one year, provided that the above-ground tanks meet requirements of the *Environmental Protection Act* Petroleum Storage Tanks Regulations (EC322/01).



**EC2004-442**

**ROADS ACT  
HIGHWAY ACCESS REGULATIONS  
COMMERCIAL OPERATION  
INDUSTRIAL/COMMERCIAL OPERATION  
DETERMINATION**

Pursuant to clause 20(1)(c) of the *Roads Act* Highway Access Regulations (EC580/95) Council determined that

1. a shopping centre to be established on the west side of Route 2, on Provincial Property No. 388280 at Charlottetown, Queens County, is a new commercial operation, constituting a change of use of this property, and establishment of this operation adjacent to Route 2 at Charlottetown is in the best interest of the province;
2. an industrial/commercial development to be established on the east side of Route 2, on Provincial Property No. 388264 at Charlottetown, Queens County, is a new industrial/commercial operation, constituting a change of use of this property, and establishment of this operation adjacent to Route 2 at Charlottetown is in the best interest of the province.

**EC2004-443**

**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 revocation of the table entitled the “LIQUOR CONTROL ACT R.S.P.E.I. 1988, Cap. L-14” and the substitution of the following:**

**LIQUOR CONTROL ACT  
R.S.P.E.I. 1988, Cap. L-14**

1	Exposing or keeping liquor for sale .....	32(a)	\$2,000 (1st offence) \$4,000 (2nd or subsequent offence)
2	Selling or offering to sell liquor either directly or indirectly or upon any pretence or device .....	32(b)	\$2,000 (1st offence) \$4,000 (2nd or subsequent offence)
3	Giving liquor to any person in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property .....	32(c)	\$2,000 (1st offence) \$4,000 (2nd or subsequent offence)

4	Having in possession or keeping within the province any liquor not purchased from a vendor .....	33(1)	\$500 (1st offence) \$1,250 (2nd or subsequent offence)
5	Unlawfully consuming liquor in public place.....	39(1)	100
6	Being intoxicated in public place.....	39(2)	100
7	Consuming liquor in or about a motor vehicle.....	39(3)	100
8	Selling, giving, supplying liquor to a minor.....	40(1)	500
9	Minor illegally being in a licensed premises.....	40(2)	50
10	Permitting minor to enter and remain on licensed premises.....	40(3)	500
11	Minor failing to leave licensed premises on request.....	40(4)	50
12	Minor possessing or consuming liquor.....	40(5)(a),(b)	50
13	Minor entering any liquor store.....	43	50
14	Permitting drunkenness on premises.....	47(1)(a)	50
15	Supplying liquor to person who is intoxicated.....	47(1)(c)	50
16	Illegal possession of liquor.....	48(1)	100

**2. These regulations come into force on August 7, 2004.**

**EXPLANATORY NOTES**

The amendment updates the offence provisions in the *Summary Proceedings Act Ticket Regulations* to include offence provisions contained in the *Liquor Control Act*, and renumbers existing offence provisions for the *Liquor Control Act* outlined in the *Summary Proceedings Act Ticket Regulations*.

Lieutenant Governor

President of the Executive Council