



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 42

(2006, chapter 44)

**An Act to amend the Act respecting
the marketing of agricultural, food and
fish products as regards the deposit of
guarantees of financial liability**

Introduced 24 October 2006

Passage in principle 16 November 2006

Passage 13 December 2006

Assented to 13 December 2006

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EXPLANATORY NOTES

This bill amends the Act respecting the marketing of agricultural, food and fish products to specify the regulatory powers exercised by the Régie des marchés agricoles et alimentaires du Québec relating to the deposit of a guarantee of financial liability by a person or a partnership involved in the marketing of agricultural products.

Also, the bill includes a provision to protect the validity of guarantees of financial liability deposited before the date of assent according to the terms of an obligation contained in an agreement homologated by the Régie, or an arbitration award or a decision by the Régie made in lieu of an agreement.

As well, the bill contains a provision that will allow matters brought before the Régie to be continued when a member of the Régie is unable to act.

Bill 42

AN ACT TO AMEND THE ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS AS REGARDS THE DEPOSIT OF GUARANTEES OF FINANCIAL LIABILITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by inserting the following section after section 13:

“13.1. If a member of the Régie before whom a matter has been brought is unable to act, disqualifies himself or ceases to be a member of the Régie, the remaining members shall decide the matter. The quorum is reduced to two and the presiding member has a casting vote in the case of a tie.”

2. Section 149 of the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) determine in which cases a person, other than a consumer, or a partnership that buys or receives an agricultural product designated by the Régie from a producer, either directly or through an agent, is required to deposit with the Régie, a marketing board or any other person designated by the Régie a guarantee of financial liability to secure payment of the amounts due to the boards or to the producers for the marketing of their products;”;

(2) by inserting “or a marketing board” after “producer” in paragraph 6, by replacing “a debt owed to him” in that paragraph by “a debt” and by replacing “he” in that paragraph by “the producer or marketing board”;

(3) by adding the following paragraph at the end:

“The powers of the Régie under subparagraphs 1, 2, 3 and 6 of the first paragraph are exercised in the absence of an agreement homologated by the Régie, or of an arbitration award or a decision by the Régie made in lieu of an agreement, providing for the deposit of a guarantee of financial liability.”

3. Section 149.1 of the Act is amended by inserting “or partnership” after “person” in the third line.

4. Section 150 of the Act is amended by inserting “or bound by an agreement homologated by the Régie, or an arbitration award or a decision by the Régie made in lieu of an agreement, providing for the deposit of a guarantee of financial liability,” after “149” in the first line of the first paragraph.

5. Provisions imposing the obligation to deposit a guarantee of financial liability contained in an agreement homologated by the Régie, or in an arbitration award or a decision by the Régie, are validated although they were not established pursuant to regulatory provisions.

6. This Act comes into force on 13 December 2006.